



Town of Hudson

Planning Board

78 Main Street, Hudson, MA 01749
Tel: (978)562-2989 Fax: (978)568-9641
Email: kjohnson@townofhudson.org

Minutes of Meeting – September 20, 2022

The Hudson Planning Board met in-person in the 2nd Floor Conference Room, 78 Main Street, Hudson, MA. At 7:00 PM, Mr. D'Amelio, Chair, called the meeting to order.

Board Members Participating:

Robert D'Amelio, Chair
David Daigneault
Darryl Filippi
Andrew Massa

Board Members Absent:

Rodney Frias

Staff

Kristina Johnson, AICP, Director of Planning
and Community Development

Other Attendees:

Brian Jacobs, developer Old County Road
Tom DiPersio, Engineer of Record, Old
Country Road
Joseph Peznola, Hancock Associates
Robert D. Bennidetto, Hancock Associates
Manuel Santos, MRS
Melissa Amaral, MRS

Indian Farms LLC, Request to Extend Subdivision Approval

Brian Jacobs, Indian Farms LLC provided an update on the progress of the subdivision and requested an extension of the subdivision approval to complete the remaining work. Chairman D'Amelio questioned how Mr. Jacobs could be issued building permits without having the Planning Board approve lot releases. Mr. Jacobs stated his understanding about the sequencing from the Building Department, but stated his willingness to comply with the appropriate sequencing in the future. Kristina Johnson stated that she would follow up with the Building Commissioner about this process.

Mr. Filippi seconded by David Daigneault moved to grant an extension of the Subdivision Approval for Indian Farms Estate until November 1, 2023 with the following requirements:

- 1) By no later than November 1, 2022, Indian Farms Estates, LLC will initiate a request for a bond with the Planning Department and the Department of Public Works and bring forward to the Planning Board. No more requests for lot releases will be entertained until a bond is in place.
- 2) The Planning Director will seek clarification from the Building Commissioner about whether a building permit can be issued prior to a request for a lot release.



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3) On July 1, 2023, Indian Farms LLC will provide an update to the Planning Board with respect to the completion of the roadway infrastructure with the final completion anticipated for November 1, 2023.

4-0-0. Unanimous

136 Main Street (Continued from 7-19-2022)

Joe Peznola, Hancock Associates noted that the applicant for 136 Main Street will not be withdrawing the application for site plan review and special permit for 136 Main Street. He noted that the team has satisfactorily addressed the issues regarding the existing dam and spillway. Mr. Peznola explained that the dam and spillway are classified as “high hazard” by the Army Corps of Engineers and the Massachusetts Office of Dam Safety, which means the risk to property and life is high, and is not connected to the structural integrity of the dam. If there are redevelopment activities on the site which involved any aspect of the dam, spillway, or the conveyance infrastructure, the spillway must be improved to handle flows under the worst-case scenario (worse than the 100-yr flood condition). Mr. Peznola stated that they have reached a re-design scenario that would not trigger mitigation for the worst case scenario, and requested a continuance to the October 4, 2022 meeting. Chairman D’Amelio noted that this standards for mitigation under the high hazard scenario seem counterintuitive as the structural integrity of the dam if good.

Darryl Filippi seconded by David Daigneault moved to approve the continuance of the public hearing until October 18, 2022. 4-0-0. Unanimous

569 Main Street (Continued from 7-19-2022)

The applicant for the above -referenced project requested a continuance in order to fully respond to the peer review comments. Andrew Massa seconded by David Daigneault moved to approve the continuance of the public hearing for 559 Main Street until Tuesday, October 4, 2022 at 7PM. 4-0-0. Unanimous

Old County Road Definitive Subdivision (Continued from August 30, 2022)

Before Mr. DiPersio provided an overview of the updated plans, Chairman D’Amelio had some questions about the information contained in the response letter to Mike Scott’s peer review letter. Ms. Johnson noted that Mike Scott is in the process of providing a response to the latest response letter from the applicant. Chairman D’Amelio noted that the term “conceptual” was listed many times in the response letter, and that he has concerns about many items being stated as “conceptual” given the environmental sensitivity of the site with the septic systems, underground leaching systems, underground utilities, and the homes. Chairman D’Amelio noted that five areas as shown on the plan are conceptual and expressed his opinion that this is problematic.

Mr. DiPersio explained that final design of those areas is under the jurisdiction of the Conservation Commission and they will review and permit accordingly. He explained that final home configurations are never noted on a definitive subdivision plan. Chairman D’Amelio wondered



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how these elements are still conceptual at this time, and how the Planning Board can review the drainage elements without grades on a plan., to which Mr. DiPersio stated that the grades are shown on the plan but they are conceptual to the extent that the house lot may change pending permitting from the Conservation Commission. Mr. DiPersio asked if the Planning Board would be comfortable with the plans once Mike Scott has stated all elements have been satisfactorily addressed, to which Chairman D'Amelio stated that would fine provided that word "conceptual" is removed from any subsequent response.

Chairman D'Amelio expressed concern that what is being shown on the definitive plans is not final and whether the PB could approve plans that are not finalized. Mr. DiPersio noted that the purview of the Planning Board in the Subdivision Control process is the roadway and public utilities, not the positioning of houses on the lot. He stated that what is presented on the definitive plans relative to the structures placed on each individual is the best engineering judgement based on the topography and the buffer zones. Mr. DiPersio provided an overview of the grading plan and pointed out the location of where the grading exceeds 15%. Chairman D'Amelio inquired about the private easements crossing some of the lots, and Mr. DiPersio explained that it is for water service and electric and cable service.

Chairman D'Amelio inquired about the deed restrictions for the lakefront lots. Ms. Johnson stated that she engaged Town Counsel to review what was prepared by Mr. Jacob's attorney, and that he prepared draft restrictive covenant. The restrictive covenant has been furnished to Mr. Jacob's attorney. Mr. D'Amelio noted that there is language regarding the 50-foot buffer in the draft restrictive covenant

David Gray, Vice Chair of the Lake Boone Commission noted that they have been working very closely with the Conservation Commission. Mr. Gray stated that he reviewed the draft deed restriction, which he thought was not in full legal form. He expressed the desire to have a prohibition of docks on the lakefront properties given the shallow basin in that area of the lake. Chairman D'Amelio stated that it was his understanding that the process to obtain a permit to construct a dock is so onerous and would act as a deterrent.

Mr. DiPersio provided an overview of the plan elements that had been updated/revised since July, and what has been discussed with the Conversation Commission. He also re-iterated the understanding of how the 50-foot construction buffer is being interpreted for the purpose of this project. Chairman D'Amelio stated that he wanted to obtain further feedback from the Conservation Agent on the 50 foot buffer and relative to the jurisdiction of the Commission. A discussion between Chairman D'Amelio and Mr. DiPersio ensued regarding the jurisdictional boundaries of the Planning Board and the Conservation Commission relative to a subdivision.

Dirk Underwood inquired who would be responsible for enforcing the provisions of the restrictive covenant, to which Chairman D'Amelio stated that it would be the Conservation Commission and the Building Commissioner.

Chairman D'Amelio directed a comment at Mr. Gray that many of the Lake Boone Association questions would be addressed at the next Conservation Commission meeting.



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Andrew Massa expressed his opinion that notwithstanding any restrictions placed on the property with respect to docks or the placement of other structures within the 30-foot no touch zone future homeowners will add structures to their property. Mr. Massa also inquired if future homeowners would be able to access the waterfront, to which Mr. DiPersio stated yes. Mr. Gray also added to this discussion by stating the 4th basin of Lake Boone is the shallowest around the lake and that ensuring docks are prohibited will help protect the fragile area.

Richard Gelpke noted his historical knowledge of Lake Boone, and stated his belief that many of the docks around the Lake do not have a MassDEP Chapter 91 License.

Darryl Filippi expressed two concerns: work within 100-foot buffer and the need to have a second cul-de-sac. Mr. DiPersio stated that there should be some consideration given to waive the construction of the 2nd cul-de-sac and have three common lots on one driveway.

Mr. Massa seconded by Mr. Filippi moved to continue the public hearing for the Old County Road Definitive Subdivision to October 4, 2022 at 7PM. 4-0-0. Unanimous.

17 School Street/17 A School Street

Chairman D'Amelio opened the public hearing for 17 School Street. Joe Peznola noted that the prior application was withdrawn without prejudice and that this application will be starting afresh. Ms. Johnson noted that the proposed project will require action from the Zoning Board of Appeals: a special permit for multifamily in a commercial district and a variance for the number of dwelling units per acre.

17 A School Street

Joe Peznola provided an overview of the application for site plan review for 17 A School Street, and noted that it is an existing, vacant paved lot on the north side of School Street. Mr. Peznola discussed the proposal to construct 1,500 -foot contractor garage and office building that will serve the property owner's (Manuel Santos) commercial cleaning business, and that the remainder of the site will be maintained as paved. Mr. Peznola also pointed out some landscaped areas that have been added to the revised site plans, and noted that there will be no grade changes within the floodplain portion of the site. He further stated that Mr. Santos is committed to sprinkling the building, provided an overview of the improved drainage and stormwater management system, noted that the C-1 Zoning District does not have parking requirements but will have one handicap space in front with the appropriate grades, and that separate water service for domestic and fire will be provided.

Mr. Peznola stated that a portion of the 17 A lot will be carved out via an Approval Not Required Plan (ANR) and deeded over to provide parking for the proposed multifamily development across the street.

Chairman D'Amelio noted that the proposed project at 17A will be a vast upgrade to the existing site, and that Conservation Commission will weigh-in accordingly.

Chief Johannes noted that both him and Mr. Ryder requested another municipal hydrant be installed on School Street, and Mr. Peznola stated Mr. Santos disagrees with this request as the



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building is being sprinkled and adequate access for fire apparatus is being provided. Chief Johannes noted his concern with the residential use of the building at 17 School Street without having another municipal hydrant. Melissa Amaral of MRS expressed her objection to the ask, as the current use of the building at School Street does not necessitate a hydrant, to which Chief Johannes stated that people will be living and sleeping in the building. Chairman D'Amelio expressed his opinion that this request is a small ask.

David Daigneault inquired about the location of the dumpster, to which Mr. Peznola pointed out the proposed storage container, and noted they will work out a location. Mr. Santos noted that the storage container will not contain any combustible materials and will only contain tools.

Brandon Drake, 35 A School Street inquired about the operation of the site and whether trucks would be coming and going all hours of the night. Mr. Santos and Ms. Amaral noted that there will be no heavy trucks or tractor trailers and that the company vehicles are vans with no back up beepers. Ms. Amaral further clarified the operational aspects of the business.

Mr. Filippi stated his desire to see the proposed building oriented to activate and respect the continuity of the streetscape, to which Mr. Peznola stated that the location of the building is constrained by the existing grades and that the design of the building will be non-descript and "plain vanilla."

Chairman D'Amelio seconded by David Daigneault moved to continue the public hearing until October 4, 2022 at 7PM. 4-0-0 Unanimous.

17 School Street

Mr. Peznola provided an overview of the proposed repurposing of the Old Schoolhouse Restaurant to create six (6) condominium units. Mr. Peznola noted that they are re-doing the existing parking lot that it will be pulled 10 feet from the street to develop a landscaping strip, and that the parking spaces on site will be compliant with Zoning with the 30 feet internal drive area. He noted that with the revision to the parking spaces the site is still deficient in the number of spaces, and stated that more spaces will be developed across the street at 17A. Mr. Peznola stated the existing lot is nonconforming with respect to lot size, setbacks, and frontage, as well as the grades at the driveway entrance Mr. Peznola then discussed the fire suppression system and the drainage and stormwater management system.

Joanna Drake, 35A School Street inquired about the covering and screening of the proposed trash totes, to which Mr. Santos stated that he would commit to providing adequate covering of the trash totes.

Chief Johannes re-iterated his concern about not having an additional hydrant on School Street and recalled a fatal fire incident where fire personnel had to go 150 feet away from the incident to access a hydrant.

Mr. Daigneault seconded by Mr. Filippi moved to continue the public hearing for 17 School Street until October 4, 2022. 4-0-0. Unanimous.



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Adjournment

Mr. D'Amelio seconded by Mr. Filippi moved to adjourn the meeting at 9:10 PM. 4-0-0. Unanimous.

Cc: Town Clerk