



# Town of Hudson

## Planning Board

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

### Minutes of Meeting – October 4, 2022

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At 7:01 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, Vice Chair

Staff Members Participating: Kristina Johnson, AICP, Director

#### **569 Main Street- Request for Continuance of Public Hearing**

Chairman D'Amelio explained that the applicant for the above-referenced project has requested that the Board request a continuance of the public hearing. Mr. Daigneault seconded by Mr. Massa approved the request of the applicant to continue the public hearing until October 18, 2022. 4-0-0. Unanimous.

#### **4 Fox Road- Appointment to Discuss Waiving Site Plan Review**

Chairman D'Amelio explained that the owners of 4 Fox Road requested an appointment to discuss the feasibility of waiving site plan review; however, the owner was unable to attend tonight's meeting. Chairman D'Amelio stated that the owner would be appearing before the Board on October 18, 2022.

#### **ANR Plan Endorsement- River Road and Dudley Road**

Wayne Belec, Land Design Collaborative presented an overview of the Approval Not Required (ANR) plan for the above-referenced location, and noted that a ANR was plan for this location with a four-lot configuration was endorsed by the Board back in June of 2021. Mr. Belec explained why the property owner has decided to move forward with a three-lot configuration and noted that the three-lot configuration has received a Notice of Intent from the Conservation Commission. Mr. Belec further noted that the revised ANR plan respects the 25 -foot no touch zone and would supersede the previously endorsed plan.

Chairman D'Amelio seconded by Mr. Filippi moved to endorse the ANR Plan for River Road and Dudley Road as presented. 4-0-0. Unanimous.

#### **Public Hearing Old County Road Definitive Subdivision**

Chairman D'Amelio reconvened the public hearing for Old County Road subdivision. Chairman D'Amelio noted the latest peer review letter from Land Design Collaborative and asked if the Tom DiPersio, the site engineer had received a copy, to which Mr. DiPersio stated that he had received a copy and that the current revisions address the comments stated in the peer review letter.

Mr. DiPersio stated that the comments are minor in nature, and noted that the discussion at the



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last meeting focused on lot grading. Mr. DiPersio pointed out the updated elements that had been added to the definitive subdivision plan as outlined in the comment letter furnished by Land Design Collaborative. Chairman D'Amelio inquired if the easements still need to be furnished by Brian Jacob's attorney. Mr. DiPersio noted that some of the existing brush within the Town's right-of-way on the eastern side of Old County Road may have to be trimmed back as it impedes site distance.

Chairman D'Amelio highlighted the last comment in the Land Design Collaborative peer review letter regarding common driveways greater than 200 feet, eliminating the cul-de-sac, and allowing three lots on one common driveways. Mr. DiPersio stated that the plans have not been revised to show the elimination of the second cul-de-sac, and noted that he prepares an illustrative sketch as depicting three lots on one driveway, which was requested by the Conservation Commission. Mr. DiPersio expressed his desire to get some direction on this issue before making any refinements to the plan.

Chairman D'Amelio highlighted two items of interest in the memorandum from the Conservation Commission. One issue has to do with the buffer zone that says the Conservation Commission is satisfied with the protection of a 50 foot vegetated buffer and a 30 foot no disturbed buffer afforded by the restricted covenant. Mr. DiPersio noted that the colored boundaries depicting the 30-foot buffer and the 50-foot vegetated buffer in relation to regulated 100-foot buffer under the Wetlands Protection Act caused some confusion.

Jimmy Martin, Chair of the Conversation Commission stated that the Commission has weighed in on the draft restrictive covenants, and that the Commission is focused on the 25-foot (rounded up to 30 feet) no touch zone that is regulated within the restrictive covenant in perpetuity. Chairman D'Amelio re-iterated his understanding that the 25 -foot (being rounded to 30-feet) is the no touch zone but during construction the buffer will be 50 feet and that there will be appropriate erosion control measures installed. Mr. Martin concurred.

Mr. Filippi expressed concerns about the 50-foot buffer being encroached by construction activities on various lots. Mr. Filippi pointed out the 50-foot buffer would be encroached on lot 9 to accommodate the roadway construction. Chairman D'Amelio re-iterated his understanding of the jurisdictional constraints of the Planning Board within the Subdivision Control regulations. Emilie Wilder, Vice Chair of the Conservation Commission noted that the Commission is satisfied that all the regulations are being followed correctly, and that applicant is doing their due diligence to minimize impacts within the confines of developing 22 house lots.

There was significant discussion about the contour lines being depicted on the plans, and Mr. Filippi expressed concerns that with these contour lines on the plans assumes that they the applicant is allowed to adjust or maintain contours. Mr. Martin re-iterated that any work



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happening outside of the 50-foot zone would be happening during the 50-foot buffer for the portion of the plans. Mr. Martin noted that the Conservation Commission has to review each of these lots individually and will issue a Notice of Intent (NOI) accordingly.

Ms. Wilder stated that she is in full agreement that the development of this subdivision is not ideal, and that the ideal would be for this to remain wooded, which would preserve multiple benefits to the lake and to butters and to the wildlife and wetland resources. Ms. Wilder continued her remarks by stating that given the fact that this development is here before the Commission and the applicant is within their rights to move forward with the Development and that the Commission can work within the extent of the law to minimize impacts to the greatest extent feasible. Ms. Wilder suggested that the narrowing of the roadway be considered, or potentially having the Planning Board waive construction of the second cul-de-sac.

Mr. DiPersio noted that the Conservation Commission requested that the applicant provide a variety of tree species for planting and stagger the locations, and provide native shrubs near the fourth basin to provide animal habitat. Chairman D'Amelio stated he was 100% agreement with this idea and that Conservation Agent would review and sign off on the planting schedule. Mr. Filippi expressed serious concerns about the clear cutting of the existing trees.

Planning Board members engaged in a discussion regarding waiving the construction of the second cul-de-sac, which is a request by the Conservation Commission. Ms. Johnson noted that she reached out the Fire Chief explaining the request. The Fire Chief sent correspondence to the Planning Board expressing his concerns about emergency response and the need to have a location to stage the fire apparatus to fight fires. Both Ms. Wilder and Mr. Martin highlighted the environmental benefits of waiving the construction of the cul-de-sac. Chairman D'Amelio stated that the applicant can check with the Fire Chief one more time, but stated his recommendation that the Planning Board not go against the guidance of the Fire Chief on this matter.

Mr. Massa seconded by Mr. Filippi moved to continue the public hearing for Old County Road definitive subdivision until October 18, 2022. 4-0-0. Unanimous

### **17A School Street**

Chairman D'Amelio reconvened the public hearing for 17 A School Street. Robert DiBenedetto provided an overview of the revised site plans. He noted the revised site plans were reviewed in consultation with Land Design Collaborative. Mr. DiBenedetto discussed each item noted in the peer review letter from Land Design Collaborative of September 21, 2022, most of which are minor in nature. Michael Scott, Land Design Collaborative stated that the type and location of the erosion control measures will be reviewed, approved, and inspected by the Conservation



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Commission. Chairman D'Amelio and Mr. Filippi inquired about the location and the ownership of the proposed fire hydrant. Mr. DiBenedetto clarified the ownership and the location but committed to conferring with the Department of Public Works prior to its installation.

Chairman D'Amelio and Mr. Daigneault both stated that the proposed development at 17A School Street is a good project. Chairman D'Amelio directed Ms. Johnson to prepare a draft decision for this project for the Board to review and discuss at the next meeting on October 18, 2022.

Members of the Board had no further comments.

Mr. Daigneault seconded by Mr. Massa moved to close the public hearing for 17A School Street. 4-0-0 Unanimous.

### **17 School Street**

Chairman D'Amelio reconvened the public hearing and noted that this project is subject to approvals from the Zoning Board of Appeals, including variances. Mr. Scott noted that the contents of his review involve action from the Zoning Board of Appeals.

Robert DiBenedetto provided an overview of the revised plans, and pointed out that the trash totes will be screened by a lean-to structure with a roof, which will provide visual screening for the abutting neighborhoods but will not have a foundation. Furthermore he noted that the items raised in Mr. Scott's peer review letter have been satisfactorily addressed, and underscored that the property owner has committed to installing a rapid flashing pedestrian crossing beacon.

Mr. Massa inquired about the process going forward and whether the Zoning Board of Appeals has seen the site plan review application. Ms. Johnson explained the process going forward with the Zoning Board of Appeals. Chairman D'Amelio expressed concerns about the order of operations for the review of the site plan review applications that also require approvals from the Zoning Board of Appeals, specifically for variances.

Mr. Filippi seconded by Mr. Daigneault moved to close the public hearing for 17 School Street. 4-0-0. Unanimous.

Chairman D'Amelio directed Ms. Johnson to prepare a draft decision for 17 School Street.

### **Meeting Minutes – 8-30-2022 and 9-20-2022**

The Planning Board deferred the approval of the meeting minutes until the next Planning Board meeting on October 18, 2022.



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#### **Adjournment**

Mr. D'Amelio seconded by Mr. Filippi moved to adjourn the meeting at 8:37 PM. 4-0-0. Unanimous.

Cc: Town Clerk