



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 – August 1, 2023

Chair Robert D’Amelio, called the meeting to order at 7:01 PM

Board Members Participating: Robert D’Amelio, Chair
Rodney Frias, Vice Chair
David Daigneault

Remote Board Member: Darryl Filippi

Staff Members Participating: Kristina Johnson, AICP, Director of Planning
Katie Evangelisti, Administrative Manager

Administrative Business – 7 South Street - Extension

Chairman D’Amelio stated he would have no problems issuing an extension if the applicant (Charles “Chuck” Randall, Manager, Seven South Street, LLC) would agree to remove the construction fence until fully prepared to proceed with construction; the applicant agreed. Member Daigneault questioned when the intended commencement date of construction would be if approved, as he was concerned the projects not ever going to start, and noted that this would be the fourth extension. The applicant reviewed the timeline of events, explaining the delays. Member Filippi inquired as to the date of the building permit issuance, as Stretch Code had been updated recently there was concern that further financial hardship would delay or cancel this project entirely. Mr. Randall stated he had spoken to his architect, who did not feel it would be a concern to the project. Mr. Filippi further went on to provide information about his company’s increase in project cost since the updated code, quoting a 25% increase. Discussion ensued between the Board regarding any changes caused by the updates requiring a new site plan review.

Vice Chair Frias, seconded by Mr. Daigneault, motioned to approve the extension contingent on the construction fence being removed within thirty (30) days. Roll Call Vote was made: Bob D’Amelio, Chair: *yea*; Vice Chair Frias: *yea*; David Daigneault, Member: *yea*; Darryl Filippi, Member: *no*. 3-1-0 Motion Passed.

Public Hearing – 55 Cottage Street – Extension of Pre-existing Non-conforming Use

Attorney Christopher Yates, Esq., Fletcher Tilton, on behalf of the petitioner, Eric M. Chaves, Trustee of 55 Cottage Street Realty Trust. Attorney Yates addressed the Board to review the updates and revisions that were completed and submitted. Stephen Poole, Lakeview Engineering Associates, took the floor to present the Board with the meeting with both Eric Ryder, Director



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of the Department of Public Works (DPW), and Michael Scott, P.E., Principal, Land Collaborative Design – Peer Reviewer. Mr. Poole reviewed the snow storage, stormwater, parking, electrical, catch basin locations, and lighting. A letter from Mike Scott provided confirmation that all issues from the prior letter, dated March 24, 2023, had been resolved except 7.1.7.4 (b)(2) which requires a stamp/signature of the professionally licensed land surveyor. Mr. Poole advised the board that Director Eric Ryder was satisfied with all the revisions, however, with Mr. Ryder on vacation a formal response letter had not yet been provided.

Vice Chair Frias inquired about the number of proposed units and requirements for parking. Additionally, he inquired as to the ownership of the multiple properties. Attorney Yates confirmed there to be more than the required amount of parking spaces and that prior to a building permit being issued the ANR for the lot will be required. Chair D'Amelio requested clarification from Attorney Yates as to the pre-existing non-conforming rights, and ability to expand or rebuild during a fire. After Attorney Yates clarified that 55 Cottage Street is well within its rights he reminded the Board that matters of that nature would be under the jurisdiction of the Zoning Board of Appeals (ZBA). Chair D'Amelio confirmed he was aware and advised Attorney Yates he could not be any more against this project than he was.

Member Filippi was given the floor for questions, he opened by saying he couldn't agree with the Chair more and stated that the Board is being put into a difficult situation, having to allow a non-conforming use to be a more non-conforming use. He further stated he really hopes the ZBA does the right thing. Mr. Daigneault questioned about making this more non-conforming, stating he feels it was already expanded because it was originally a two-family and is now a three-family. Attorney Yates reminded the Board that this was not the jurisdiction of this Board. The floor was turned over to the public:

Sue Tack – 18 O'Neil St. – questioned the legality of the current number of units. It's a two-family, but the assessor website reflects this being a three-family. Chair D'Amelio advised Ms. Tack that the ZBA would be handling the bigger issues, the Planning Board would only be looking at items such as setback and parking. Chair D'Amelio advised Ms. Tack that he agreed and believes a five-family will look completely out of place but that "his opinion doesn't matter to anybody." Mr. Daigneault questioned mature trees being cut down and snow storage placement. Chair D'Amelio requested inspection be completed for the intricate sewer being installed. Ms. Johnson advised the Board that Mr. Scott will be inspecting as part of his peer review, but that she'll add as a condition.

Chair D'Amelio asked Mr. Filippi for further comments, stating he understood Mr. Filippi's feelings and understood the "box they're being put into". Mr. Filippi reiterates his frustration, wishing he could be more defensible.



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Eric Wester – 15 O’Neil St. – Concerned about the drainage that could run into the street and subsequently onto his property. Raised the issue of the lighting in the rear parking lot. Chair D’Amelio inquired as to a photometric plan, and Mr. Poole advised of the lighting being added. Mr. Wester asked about the parking spaces in the back and overflow parking. Mr. Wester further complained about police presence on the street, and parking overflow when the property recently had guests over. After discussing the issue, the applicant and Attorney Yates offered to provide a fence, for the blockage of light. Attorney Yates obtained both abutter’s information so that they could discuss any issues.

Mr. Filippi re-raised the setback issue brought up by Member Daigneault earlier. As for the proposed setbacks the setback on Cottage St. is approximately 29’ and 24’ from O’Neil, however, Mr. Filippi feels this will be problematic due to being a corner lot and setback requirements of 30’. Attorney Yates reminded the Board that this would be a matter for the Zoning Board of Appeals to handle. Further referencing Section 6.2.2 of the Town of Hudson Zoning By-laws which provided property to be closer than the 30’ required setback “except that houses may be erected to conform with, but not nearer, the street line than either adjoining house...”. Mr. Filippi believes that the by-law is pertaining to single-family houses and not a five-family “megastructure”. Vice Chair Frias agreed and stated the possibility of the applicant having to obtain a variance from the ZBA for this issue. Attorney Yates confirmed with the Board this would not require a variance, explaining his opinion. Mr. Frias further went on to state he felt that Attorney Yates was “picking and choosing” the rules that he wants to use to expand. He further explained his own developments in town and how he had to adjust developments due to these same restrictions. Mr. Filippi interjected to help relay the message he and Vice Chair Frias were trying to make and stated, “You need to conform a little bit, reshape to meet the 30-foot setback, and maybe you’ll help us accept something.” Chair D’Amelio agreed that all four of the members all feel the same way about this project, and stated “Darryl, believe me, you’re not more upset about this than I am”, but being on the planning board they “don’t actually plan anything”, they have boxes to check – water, sewer, drain, parking, and now we’ll make them provide the lighting that will be used. Mr. Filippi was concerned about relaying the message to the ZBA that the Planning Board was “forced”, while it contains the appropriate amount of parking and snow storage “We’re struggling to approve this thing, it’s not good for the town. We are supposed to be making approvals which is reasonably appropriate for this town the Town of Hudson. And this is not reasonably appropriate and it’s very frustrating that we’re handcuffed.” Chair D’Amelio agreed stating, “We really don’t plan too much, we dot our “I’s and cross our “T’s, and that really all.”

Mr. Filippi spoke once again “not as a planning board member, but as an architect and somebody who works with developers,” noted that when we hear that a Town is struggling with this stuff, he and his colleagues go back and try to figure out how to make this project acceptable for the



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town and the neighborhood. He expressed his opinion that the applicant's team is not trying to make the project more acceptable to the neighborhood, and he stated that the Board believes that the applicant is essentially saying, "screw you this is what you're getting." He further stated that this wrong approach by the applicants, as "it's wrong to push this on the town and the neighborhood, and that as a Planning Board member, the applicant is making the wrong move."

Nelson Andrade – 24 O'Neil St. – Concerned about the setback and suggested to the board that while they are upset about this living on the street with it is more upsetting.

Chair D'Amelio, seconded by Vice Chair Frias, motioned to close the public hearing. 4-0-0. Unanimous.

Attorney Yates addressed the Board to advise the intent to work with the abutters, the applicant with pay to have a fence installed to block out the lights from the parking lot. He then raised Mr. Wester's comments that the Planning Board was so against this project. Attorney Yates further went on to say that this is an ongoing issue with this Board and his projects. Attorney Yates feels that the issue is the Board wasting the majority of hearing time spent with the Board talking about zoning matters or why the Board (personally) doesn't like his projects. Attorney Yates reminded Chair D'Amelio of his role as an elected official and noted that Chairman D'Amelio has informed Attorney Yates in the past that he'll attend ZBA hearings as the Chair of the Planning Board to oppose petitions. Chair D'Amelio explained that he still felt that way but realized it wasn't a "proper" thing to do. Attorney Yates advised the Board of the message they are sending to abutters when the applicant hasn't yet had a chance to work with them to mitigate issues and the Board is contesting all his projects so adamantly. Chair D'Amelio stated the same issue was present with Intel, Quail Run, and Westridge. Attorney Yates inquired as to whether Chair D'Amelio was on the Board at the time they were all approved, prior to ZBA approval, Chair D'Amelio confirmed that was correct. Mr. Chaves provided stats for the neighborhood, as it was previously mentioned by the Board that it's a single-family zone with no other multi-family homes in the neighborhood: 18 multi-family properties on Cottage Street currently, 78% are within 500 feet of this property, of the 18 this project would be the third *least* dense multi-family.

Chair D'Amelio, seconded by member Daigneault, motioned to continue the meeting until Tuesday, August 15, 2023, at which time the applicant has to provide the stamped plans and lighting cut sheet, per Mike Scott's request, and acknowledgment from DPW Director Ryder that all issues have been resolved. 4-0-0. Unanimous.



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Approval of 6/20/2023 Minutes

Motion made by Vice Chair Frias, seconded by Mr. Daigneault, to approve the meeting minutes of June 20, 2023. 4-0-0. Unanimous.

Administrative Business

Adjournment

Chair D'Amelio, motioned to adjourn the meeting at 8:30 p.m. 4-0-0. Unanimous.

Cc: Town Clerk