



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—July 11, 2019

The Hudson Board of Appeals met in the Selectmen's Hearing Room, 2nd Floor, Town Hall, Hudson, Massachusetts. At 7:00 PM, Vice Chairman Pietrasiak called the meeting to order.

Members Present: Todd Pietrasiak, Chairman; Dorothy Risser, Clerk; Jill Schafer, Member; Jason Mauro, Associate Member Pamela Cooper, Associate Member.

Other Attendees: Kristina Johnson, AICP, Assistant Planning Director

Chairman Pietrasiak convened the meeting at 7:05 PM.

Petition #2019-08; 367 River Road (Continuance)

Present were: Paul Prockett, Property Owner and Petitioner

Chairman Pietrasiak re-iterated the process and requested that the petitioner present the petitioner present his petition from scratch, and that the Board will need to ascertain whether or compliance with the Accessory Dwelling Unit (ADU) regulations have been met and all violations have been satisfactorily addressed.

Paul Prockett provided an overview of the petition to Board, which entails the construction of an 812 ± square foot ADU, and provided an update on the status of enforcement related matters on his property. Mr. Prockett indicated that the individual living the cabana house in the backyard had been asked to vacate the premise, and said structure is now vacant. Furthermore, Mr. Prockett indicated that he furnished a letter from the engineer who designed the original septic system and witnessed the removal and decommissioning of said system.

Chairmain Pietrasiak read the letter from Thomas DiPersio, the designer of the original septic system. Dorothy Risser questioned the location of the original septic system and Pamela Cooper inquired about whether Title 5 documentation has been provided in the closing documents, to which Mr. Prockett said that it had.

Jason Mauro inquired as to whether there is an existing cesspool, to which Mr. Prockett stated that there was nothing on the property to that effect.

Chairman Pietrasiak seconded by Dorothy Risser moved to enter deliberative session. 5-0-0. Unanimous

Dorothy Risser stated that the letter from Thomas DiPersio, a locally respected engineering professional satisfactorily addresses any issues regarding the original septic system and the design of the new system.

Todd Pietrasiak seconded by Dorothy Risser moved to grant the special permit under Section 5.2.6 of the Town of Hudson's Protective Zoning By-laws to allow the petitioner to construct an accessory dwelling unit in accordance with the plans dated March 4, 2019 on the subject property located at 367 River Road. With the following conditions:

- 1) There will be no additional residential uses on the property beyond the main dwelling and the accessory unit; and
- 2) Any successor owner (s) of the property shall comply with Section 5.2.6.4 (4) stating that the owner shall occupy one of the dwelling units on the premises as the primary residence.

5-0-0. Unanimous

Chairman Pietrasiak seconded by Dorothy Risser moved to come out of deliberative session. 5-0-0. Unanimous.

Petition #2019-09; 9 Felton Street

Present were: Michael Kasseris, Petitioner and property owner (through a trust)
Karim El-Gamal, Property owner (through a trust)

Chairman Pietrasiak read aloud the public hearing notice for the above-referenced petition, which entails the request for a special permit pursuant to Section 5.1.6.1 of the Hudson Zoning By-Laws to convert an existing two-family dwelling to a five-family dwelling. The subject property is located at 9 Felton Street, Assessors Map 29 Parcel 58 in the C-1 Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

Before proceeding with the petitioner's presentation, Chairman Pietrasiak provided an overview of the C-1 Regulations, which were recently updated in 2016. He noted an unintentional omission of the Special Permit Granting Authority for the development of eight (8) or less units of multifamily. Chairman Pietrasiak expressed his belief that the C-1 regulations clearly designates the Planning Board as the Special Permit Granting Authority for eight (8) or more units of multifamily. He also read the preamble for the C-1 regulations, which clearly expresses the intent of the regulations to broaden the array of housing options by permitting multifamily dwellings within the District.

Dorothy Risser indicated that Section 5.1.6.1 cannot be utilized to approve the subject petition, as the Zoning Board of Appeals issued a Special Permit under this section (at

this time residential was not an allowed use in the C-1 Zoning District) for the conversion of a single family dwelling to a two-family dwelling. And Ms. Risser noted that once the use has been changed, it cannot be changed again. Nonetheless, Ms. Risser expressed confidence that Section 8.3.2.3 gives the authority to the Zoning Board of Appeals to hear and decide applications for Special Permits when not otherwise specified.

Michael Kasseris and Karim El-Gamal provided an overview of the proposed internal layout for each of the five (5) units. He verified that all of the units meet the required 500 foot square footage minimum. Chairman Pietrasiak inquired about how many cars will be to be parked on the property (although he noted that the C-1 District has no parking ratios). Mr. Kasseris indicated that parking 5 cars will be possible, but that he has not explored (as of yet) adding more parking on site.

Chairman Pietrasiak opened up the meeting for public testimony. Tina Markey and Gerard Frasier—both tenants of 32 Main Street—expressed their appreciation for Michael and Karim’s work in the Downtown, and expressed support for the conversion of 9 Felton Street to a five –family dwelling.

Branch Yules---owner of 6, 10, and 12 Felton Street—also expressed his appreciation for the work Michael and Karim have done to transform the Downtown, and expressed his support of this project.

Chairman Pietrasiak seconded by Dorothy Risser moved to enter deliberative session. 5-0-0. Unanimous

Chairman Pietrasiak, seconded by Dorothy Risser moved to approve Petition #2019-09 to grant a special permit for the conversion of two-family dwelling located at 9 Felton Street to a five-family dwelling pursuant to Section 9 and Section 8.3.2.3 of the Town of Hudson Zoning By-Laws. 5-0-0. Unanimous

Chairman Pietrasiak seconded by Dorothy Risser moved to come out of deliberative session. 5-0-0. Unanimous

2 Still Drive Petition #2019-10

Present were: Dennis Shirley, Petitioner

Chairman Pietrasiak read aloud the public hearing notice Requesting a variance to keep a membrane structure within the rear yard setback pursuant to Section 6.2.1.3 of the Town of Hudson’s Zoning By-Laws. The subject property is located at 2 Still Drive, Assessors Map 39 Parcel 8 in the SB Zoning District.

Dorothy Risser read the right of appeal.

Chairman Petresiak explained the process going forward and the required findings the Board will have to make in order to grant a variance.

Dennis Shirley, the petitioner provided an overview of his petition to obtain a variance to keep an existing membrane structure in its current location, which is within the side yard setback. Mr. Shirley indicated that there was no other location on his property to place the membrane structure, and presented a letter from Max Kamel, Assistant DPW Director denying the construction of a driveway on the opposite side of the property.

Jill Schafer inquired as to what makes this property more unique than the others within the neighborhood, and Dorothy Risser questioned whether a boat shed could be located somewhere else on the property. The petitioner attempted to provide an explanation of the uniqueness of the property, and underscored that there is no available space on his property to place the membrane structure.

Chairman Pietrasiak seconded by Dorothy Risser moved to enter deliberative session. 5-0-0. Unanimous

Chairman Pietrasiak seconded by Jill Schafer moved to deny Petition #2019-10 to grant a variance to allow the petitioner to keep a membrane structure in its existing location on the side lot line. With the following findings:

5-0-0: Motion carries; Petition for a variance is denied.

1. That owing to unique circumstances relating to the soil, shape, and topography of the land or structures relative to the location of the existing membrane structure on the side lot line does not result in a hardship for the petitioner. It has not been demonstrated that a literal enforcement of the zoning by-laws would involve substantial hardship in that compliance with Section 6.3.1 ***requiring no accessory building shall not be located any closer than ten (10) feet from the side lot line*** would diminish the overall use and economic benefit of the petitioner's property
2. Desired relief from the requirements of Section 6.3.1 to keep the membrane structure in place cannot be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the by-law as adverse effects are mitigated through conditions herein.

5-0-0: Motion carries; Petition for a variance is denied.

Minutes

Chairman Pietrasiak moved to approve the minutes of June 13, 2019. Seconded by Dorothy Risser. 5-0-0. Unanimous.

Adjournment

Chairman Pietrasiak moved to adjourn the meeting at 8:47 PM. Seconded by Dorothy Risser. 5-0-0. Unanimous.