



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting—December 12, 2019

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

Members Present: Todd Pietrasiak, Chairman Darja Nevits, Vice Chair; Dorothy Risser, Clerk; Jill Schafer, Member; Jason Mauro, Member; Associate Member; Pamela Cooper, Associate Member; Ronald Sorgman, Associate Member, Justin O'Neil, Associate Member.

Other Attendees: Kristina Johnson, AICP, Assistant Planning Director  
Matthew Russell, Prospective ZBA Member  
Bob Brissette, property owner, 136 Main Street West

***Per the Chairman's prerogative, the petitions were heard out of order than what was originally stated on the agenda. Petitions are listed below in the order that they were heard by the Board.***

#### **Petition #2019- 15 279 Brigham Street (continued)**

Present were: Attorney Paul Giannetti, attorney for the property owner  
Attorney Michael Norris, attorney for the appellant (tenant)

Chairman Pietrasiak noted that this public hearing is a continuance from last month, provided and asked if Counsel had any updates to provide the Board.

Attorney Giannetti stated that there was no update to provide the Board regarding the appeal. He noted that all parties involved are working to develop a satisfactory resolution to the issue. Attorney Giannetti requested another continuance to further digest the legal opinion from Town Counsel and prepare a response accordingly.

Chairman Pietrasiak seconded by Jason Mauro moved to continue the public hearing to January 9, 2020. 7-0-0. Unanimous.

#### **Petition #2019- 20 136 Main Street**

Chairman Pietrasiak read aloud the public hearing notice for the above-referenced petition, which entails a request for a Special Permit to continue the use of the premises for construction storage bays pursuant to Section 5.1.6.1 of the Town of Hudson Zoning By-Laws. The subject property is located at 136 Main Street, Assessors Map 29 Parcel

562, in the C-1 Zoning District. The Board may consider any other action deemed necessary relative to this matter.

Dorothy Risser read the right appeal.

Attorney Moreira provided a detailed overview of the petition, and an in-depth overview of the historic uses of the property. Attorney Moreira indicated that the problematic use of the property for outside vehicle storage and painted, which prompted the citation from the Building Commissioner, has been eliminated. Attorney Moreira asserted that the use of the property for contractor storage yards and bays was allowed under the C-1 Zoning regulations prior to 2016. Attorney Moreira stated that when the Town of Hudson enacted new C-1 Zoning regulations in 2016, the uses on the property were rendered non-conforming.

Joe Peneda and Bob Brissette provided a detailed overview to the Board regarding the impending redevelopment project for 136 Main Street, which will entail the construction of a new housing, both condos and rental apartments, with commercial uses on the bottom floors. Kristina Johnson acknowledged that the Town has had an informal presentation about the proposed redevelopment over 1.5 years ago, but nothing has been officially filed with the Planning Board.

Members of the Board inquired about the specific uses on the site today that the petitioner wishes to continue and/or potentially expand in the future.

Chairman Pietrasiak seconded by Dorothy Risser moved to enter deliberative session. 8-0-0. Unanimous.

Chairman Pietrasiak, seconded by Dorothy Risser moved to approve Petition #2019-20 and grant a special permit for continuation of the existing nonconforming use of the property for the distribution and storage of building materials, and the expansion of the existing nonconforming use of the property for contractor offices and storage yards for use by tradespeople and accessory uses customary and incidental thereto pursuant to M.G.L. Chapter 40A Section 6 and Section 5.1.6.1 of the Town of Hudson Zoning By-laws

**With the following findings:**

- The proposed continuation of the existing nonconforming use of the property for the distribution and storage of building materials, and the expansion of the existing nonconforming use of the property for contractor's offices and storage yards for use by tradespeople and accessory uses customary and incidental thereto shall not be substantially more detrimental to the neighborhood.
- The proposed continuation and expansion of the above-referenced nonconforming uses shall not have an adverse effect on present and future

dwelling in the area, and is in harmony with the general purpose and intent of the Town of Hudson Zoning By-laws.

- The above-referenced nonconforming uses will not create traffic hazards or volume greater than the capacity of the street affected.
- The proposed continuation and expansion of the above-referenced nonconforming uses is not contrary to the best interests of the inhabitants of the Town of Hudson.

**With the following conditions:**

- Any outside storage of materials related to the aforementioned uses shall be properly screened with landscaping and shall not be visible from Main Street.
- Any storage of trucks shall be incidental to the aforementioned uses.

5-0-0. ***Voting on this petition:*** Todd Pietrasiak, Chair; Darja Nevits, Vice Chair; Dorothy Risser, Clerk; Jill Schafer, Member; and Jason Mauro, Member.

Chairman Pietrasiak seconded by Dorothy Risser moved to come out of deliberative session. 8-0-0. Unanimous.

**Petition #2019- 14 136 Main Street (Continued)**

Present were: Joe Paneda, Property Owner  
Joseph Moreira, Property Owner's Attorney

Chairman Pietrasiak noted that this public hearing is a continuance from last month. Given the action taken by the Board on the petition for the Special Permit, Chairman Pietrasiak inquired how the Petitioner wished to proceed relative to the appeal.

Attorney Moreira, on behalf of Joe Paneda requested a withdrawal of the appeal.

Chairman Pietrasiak seconded by Dorothy Risser moved to accept the withdrawal of the appeal. 8-0-0. Unanimous

**Candidate Interview- Vacant Associate Member Position**

Present were: Matthew Russell

The Board conducted an interview with Mr. Matthew Russell to gauge his qualifications and interest to serve on the Board. Mr. Russell discussed his professional experiences as a land-use attorney, and his stint clerking with the City of Boston Zoning Board of Appeals. Chairman Pietrasiak thanked Mr. Russell for applying and attending the meeting, and stated that Kristina Johnson would follow up with any next steps.

After the interview the Board discussed the candidate and unequivocally expressed their desire to recommend Mr. Russell's appointment to the Board as an Associate Member. Darja Nevits seconded by Pamela Cooper moved to recommend to the Board of Selectmen Mr. Russell's appointment to the Zoning Board of Appeals as an Associate Member. 8-0-0. Unanimous.

Chairman Pietrasiak seconded by Dorothy Risser moved to recommend to the Board of Selectmen that Pamela Cooper be appointed as a full voting member of the Zoning Board of Appeals. 7-0-0. Unanimous

### **Minutes**

- Dorothy Risser seconded by Jill Schafer moved to approve the minutes of October 10, 2019 as amended. 8-0-0. Unanimous
- Chairman Pietrasiak seconded by Dorothy Risser moved to approve the minutes of November 14, 2019. 8-0-0. Unanimous

### **Adjournment**

Chairman Pietrasiak moved to adjourn the meeting at 8:20 PM. Seconded by Dorothy Risser. 7-0-0. Unanimous.