



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—November 12, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Hudson Board of Appeals conducted a meeting on October 8, 2020 via a remote participation platform.

Chair Darja Nevits called the meeting to order at 7:05PM. She noted that the Board is convening remotely under the authority of the Governor's Emergency Declaration relative to COVID-19. Before moving into the public hearings, she reminded the Board and meeting attendees that all votes will be taken as roll call voice votes and provided an overview of the flow of the meeting, and how/when members of the public can participate.

Chair Nevits then called the roll:

Members Present via Zoom Video: Darja Nevits, Chair, Jill Schafer, Vice Chair; Jason Mauro, Clerk; Pamela Cooper, Member; Matt Russell, Member; Justin O'Neil, Associate Member; Ronald Sorgman, Associate Member.

Other Attendees: Kristina Johnson, AICP, Acting Director of Planning

Petition #2020- 08 19 Glendale Road

The petitioner requested a continuance of the public hearing until the December 10, 2020 Zoning Board Appeals meeting. Vice Chair Schafer, seconded by Jason Mauro moved to accept the continuance of the public hearing until November 12, 2020. By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper, Member: **yea**; Matt Russell, Member: **yea**; Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea**. 7-0-0. Unanimous.

Chair Nevits turned over the meeting to Vice Chair Schafer to resume the public hearing for the 156 Manning Street petition.

Petition #2020- 09 156 Manning Street

Present were: Thomas Curley, Petitioner
Daniel Wolfe, David R. Ross Associates

Vice Chair Schafer resumed the public hearing and the legal notice for the above-referenced petition which entails a request for a special permit to construct +/-590 square foot accessory dwelling unit pursuant to Section 5.2.6 of the Town of Hudson Zoning By-Laws and a special permit to construct the accessory dwelling unit within the Floodplain/Wetland District pursuant to the provisions of Section 5.7.4.3 of the Town Hudson Zoning By-Laws. She noted that the public hearing had been continued to solicit the feedback of the Planning Board, as required by the Floodplain by-laws.

Kristina Johnson noted that the Planning Board reviewed the subject petition at its October 20, 2020 meeting and voted unanimously that the project complied with the provisions of Section 5.7.4.3. Ms. Johnson also noted that the Conservation Commission issued an Order of Conditions and the Board of Health had no comments on the petition, as the property is located on public sewer.

The petitioner had no additional comments. Vice Chair Schafer inquired if there were any comments from the public; there were none.

Vice Chair Schafer seconded by Matt Russell moved to close the public hearing for petition 2020-09. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea** 5-0-0. Unanimous

Vice Chair Schafer seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea** 5-0-0. Unanimous

Jason Mauro stated that the petitioner had addressed all requirements of the Accessory Dwelling Unit and Floodplain by-laws at last month's meeting, but the Board was not ready to render a decision without the feedback of the Planning Board and Board of Health. All other Board Members concurred and there were no further questions.

Matt Russell seconded by Jason Mauro 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 +/- 590 square foot accessory dwelling unit at the subject property located at 156 Manning Street with following condition:

1. Any successor owner of the subject property shall file an occupancy affidavit with the Town of Hudson Building Commissioner to ensure compliance with Section 5.2.6.4 of the Town of Hudson Protective Zoning By-laws.

By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea** 5-0-0. Unanimous

Jason Mauro seconded by Matt Russell voted to grant the Special Permit pursuant to Section 5.7.4.3 for the construction of the +/- 590 accessory dwelling unit within the Floodplain/Wetland District with the following conditions:

1. The petitioner shall comply with the Order of Conditions issued by the Hudson Conservation Commission on September 9, 2020.
2. No chemical de-icers or fertilizers will be utilized.

By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea** 5-0-0. Unanimous

Vice Chair Schafer seconded by Jason Mauro moved to come out of deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea** 5-0-0. Unanimous

Minutes

Jason Mauro seconded by Matt Russell moved to approve the meeting minutes from October 8, 2020. By voice roll call vote: Darja Nevits, Chair: **abstained**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper, Member: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea**. 6-0-0. Unanimous.

Adjournment of Public Session

Chair Nevits seconded by Vice Chair Schafer moved to adjourn the public session at 7:20 PM. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper, Member: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **yea**. 7-0-0. Unanimous.

Executive Session

Chair Nevits seconded by Vice Chair Nevits moved to enter into Executive Session and not return to public session pursuant to Massachusetts General Laws, Chapter 30A, Section 21(3) to discuss pending litigation in that an Open Meeting may have a detrimental effect on the litigation position of the Zoning Board of Appeals and the Chairman so declares: Lawrence L. Blacker, individually and as Trustee of Blacker Family Trust v. Top Shelf Cannaseurs, LLC, Pamela Cooper, Jason Mauro, Darja Nevits, Justin O'Neil, Jill Schafer, as they constitute the Hudson Zoning Board of Appeals, Land Court, Docket No. 20 MISC 00029. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper,

Member: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**;
Justin O'Neil, Associate Member: **yea**. 7-0-0. Unanimous.