



Town of Hudson

Zoning Board of Appeals

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Zoning Board of Appeals Meeting Minutes — January 12, 2023

Pursuant to Chapter 107 of the Acts 2022 extending remote meeting provisions of Governor Baker's March 12, 2020 Executive Order suspending certain provisions of the Open Meeting Law, this meeting of the Hudson Zoning Board of Appeals was conducted fully-remote via Zoom.

Chair Nevits called the meeting to order at 7:05 PM. She noted that the Board is convening remotely under the extension of the suspension of certain provisions of the Open Meeting Law 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 called the roll:

Board Members Participating:

Darja Nevits, Chair
Jill Schafer, Vice Chair
Jason Mauro, Clerk
Matt Russell, Member
Antonio Mancini, Jr. Associate Member

Board Members Absent:
Prospective Board Members

Ronald Sorgman, Associate Member
David Campbell
Justin Maillet

Staff Members Participating:

Kristina Johnson, Director of Planning and
Community Development

Chair Nevits noted that there is a new petition on the docket and explained the order of operation for the public hearing. She also noted that the annual Board reorganization will take place at the end of the meeting and the first order of business will be to meet the two prospective Board members: Justin Maillet and David Campbell.

Interview with Prospective Board Candidates

Chair Nevits introduced both Board candidates: Justin Maillet and David Campbell and expressed her excitement for having new members potentially join the Board and explained the roles and responsibilities of the Zoning Board of Appeals.

Mr. Maillet and Mr. Campbell gave an overview of their professional experiences and explained why they would like to serve on the Board. Members of the Board shared their experiences serving on the Board and working with the Town's Zoning By-Laws. Ms. Johnson noted that

would be training available at no cost through the Citizens Planner Training Collaborative. The Board deferred the vote until the end of the meeting.

Public Hearing – Petition 2022-11 – 29 Grove Street (Continued from 12-8-2022)

Chair Nevits deferred to Vice Chair Schafer to reconvene the public hearing for 29 Grove Street and invited the Petitioner or a representative to present revised architectural renderings to the Board.

Richard Harrington, the Engineer of Record for the Petitioner, Jon Anderson who is the property owner for 29 Grove Street, and Elise Stone, Architect. Mr. Harrington presented an overview of the site updates, plans, and pictures of the requests. His presentation highlighted the following:

- Photo 1 reflects the one parking space in front of each garage in addition to a space in front of the farmer's porches for each of the units of the two-family townhouse.
- He noted the side door of the renovated "barn" will be moved to the front of the building, per the request. Mr. Harrington referenced and reviewed plans to connect the buildings.
- Photo 2 reflects the front of the renovated "barn", Mr. Harrington reviews the renovations from a garage to an additional living space. He points out the "bump out" on the two-family – where the connection to the two-family will be made, elevation of the "barn" and defers to Ms. Stone to provide further information.
- Ms. Stone references and reviews the plans with the requested connection, allowing the buildings to appear more individualized. She notes the addition of a small roof on the "barn", removal of the overhang, new garage doors, and a common siding to both buildings.
- Ms. Stone mentions that on similar properties a shared roof with four (4) columns, portico style, has been utilized to provide the requested connection while allowing an open view and connections to the back of the property.

Associate Member Antonio Mancini, Jr. questioned the flooring that would be used in the connector given the elevation. Ms. Stone states flooring would be slab on grade if it were enclosed or a composite decking material if it were a portico style. Mr. Mancini inquired as to the width of the connection, front to back and roof style. Ms. Stone states it's 3'6" on the inside and would be a gable style roof.

Mr. Mancini questioned the request to make the connection so that the two units would appear as one unit. Mr. Anderson mentioned his understanding was just that there was a connection, referenced a separate plan and stated that using the larger of the two connections would take away windows and living space from the unit on the right. Vice Chair Schafer and Member Matt Russell confirm the request for a connection didn't specify it being enclosed and a portico style may be preferred visually in that neighborhood. The Board agrees that in the past portico styles have been approved, regardless of appearance.

Clerk Jason Mauro questioned if the structure isn't changing would a Special Permit even be needed. Director Kristina Johnson provides the Building Commissioner's reasoning for the

Special Permit be for continuation of non-conforming use, with the allowance of the three-family.

With no further questions from the Board and no public comments Vice Chair Schafer seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Jill Schafer, Vice Chair: **yea**. 5-0-0. Unanimous.

Chair Nevits inquires as to which of the two provided plans was approved, Vice Chair Schafer confirmed the first plan with the smaller connection was the approved plan.

Vice Chair Schafer, seconded by Matt Russell, made a motion to grant the Special Permit pursuant to Section 5.1.6.1 of the Hudson Zoning By-Laws for continued use as a three-family dwelling with the connection and setback as shown on the plans. By voice roll call vote: Darja Nevits, Chair: **abstained**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Jill Schafer, Vice Chair: **yea**. 4-0-1 Motion passed.

Vice Chair Schafer seconded by Matt Russell moved to come out of deliberative session. By voice roll call vote: Darja Nevits, Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Jill Schafer, Vice Chair: **yea**. 5-0-0. Unanimous.

Public Hearing – Petition 2022-13 – 17 School Street

Present: Jose Moreira, Esq.
C. C. S. Realty Trust, Manuel R. Santos, Trustee
Assistant to Mr. Santos, Melissa Amaral
Joe Peznola, Engineer, Hancock Associates

Chair Nevits reclaimed chair to open the above-referenced petition and read the public hearing notice into record. At this time the Board of Appeals will hear the request of C.C.S, Trust, Manuel Santos, Trustee to obtain a Special Permit pursuant to Sections 5.3.2.1 and 5.1.6.1, and a variance pursuant to Section 5.2.4 of the Town of Hudson Zoning By-laws to convert the use of the premises to a six (6) multi-unit residential use at 17 School Street. The subject property is located at **17 School Street** within the C-2 Commercial Zoning District, Assessors' Map 29, Parcel 255.

Mr. Mauro read the right of appeal. Chair Nevits explained the meeting flow and invited the petitioner to present an overview of the request.

Attorney Jose Moreira, attorney for the petitioner (Manuel R. Santos) introduced himself and the engineer of record for the project, Joe Peznola, Hancock Associates. Attorney Moreira reviews the current use as a restaurant/bar, provides details of the lot, and why it's currently nonconforming. He notes the property is in a residential neighborhood, although in a commercial (C-2) zone, so the business is not successful and Mr. Santos would like to repurpose the property to a six (6) multi-unit residence.

The site plan is reviewed by Attorney Moreira, which provides eleven (11) designated parks spots for the residence on the property with an additional four (4) across the street. The lot across the street is also owned by Mr. Santos. This will provide the required fifteen (15) spots needed for the residential property. The Planning Board has previously approved the parking, a

cross-walk, and a fire hydrant (per request of the fire department). Due to square footage of the building and lot size a hardship is faced by Mr. Santos as the current business is not creating revenue and it is not financially feasible to rebuild on the lot.

Mr. Joe Peznola, project engineer, addressed the board to discuss the petition in detail. Existing conditions with regards to nonconforming setbacks, parking spots, lack of landscaping, and the plan to bring the parking lot into conformity. To provide the required size parking the current fifteen parking spaces will be reduced to eleven (11). A lot owned by Mr. Santos across the street, already approved by the Planning Board, which will provide additional parking spots that will be owned by the condo association of 17 School Street as part of a sub-division. Mr. Peznola notes that the center of the road is the zoning border with the proposed condos being only a few hundred feet outside of the C-1 zone. As there are minimal requirements within that zone, the lot can be subdivided to provide the required additional four (4) parking spaces. A crosswalk with flashing indicators will be added as well.

Mr. Peznola reviews the landscape plan briefly then moves to the architectural plan for the renovations to the existing building. There will be three (3) units on each floor, with the building being approximately 6,000 sq. ft. it wouldn't be financially viable for there to only be 2 units and it makes the most sense for Mr. Santos to create the six units per the petition. The plan for new window, new siding, new decks, and new patios being added to building were referenced and provided to the board. Attorney Moreira noted there is a condominium property previously approved by the Zoning Board via variances similar to this petition.

Chair Nevits notes the variances allowed on the neighboring condominium was a side-yard setback allowance from 30' to 21' and a square footage per unit allowance creating units almost double in size to Mr. Santos' petition. Chair Nevits then recommends the flow of addressing the petition, starting with 5.3.2.1 (a) then move to 5.2.4, the board all agrees. 5.3.2.1 and 5.3.2.1 (a) multi-unit provisions for the Special Permit are reviewed by Chair for the board. She notes that she has no issues with either, the board agrees.

5.2.4 is now the issue that the board needs to review, she reads the conditions and informs the petitioner they will go through each requirement:

1. Non-conforming – open space will be 19.2%. Attorney Moreira and Mr. Peznola noted that the current building is approximately 27%;
2. Conforms;
3. Conforms;
4. Existing non-conforming for 30' conditions but conforming for 50' conditions;
5. Existing non-conforming as both condominiums have or will have variances for side setbacks;
6. The crosswalk and flashing lights were a request of the DPW and HFD with the Planning Board upholding those requests. An access easement will need to be provided in addition to the deed of that land across the street to the condos;

Chair Nevits and Mr. Russell brought up the point, leading to a lengthy discussion amongst the board, regarding which By-Law this would fall under. Since the building is currently conforming, so are we issuing a Special Permit under 5.1.6.1, 5.1.6.2 and or allowing a currently conforming building to become non-conforming under 5.2.4. If the board follows 5.3.2.1 it points back to 5.2.4 which would create non-conformities.

Chair Nevits seconded by Jill Schafer moved to continue the public hearing for 17 School Street to the Board's next regularly scheduled meeting on February 9, 2023. 5-0-0. Unanimous.

Minutes

Jill Schafer seconded by Jason Mauro moved to approve the meeting minutes of December 8, 2022. By voice roll call vote: Darja Nevits, Chair: **abstained**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 4-0-1. Motion Passed.

Matters – New Candidates and Board Reorganization

Chair Nevits seconded by Matt Russell moved to recommend both new candidates, Justin Maillet and David Campbell, to the Board of Selectman for appointment. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Darja Nevits, Chair: **yea**. 5-0-0. Unanimous

Chair Nevits seconded by Jason Mauro to make Tony Mancini, Jr. a full board member. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Darja Nevits, Chair: **yea**. 5-0-0. Unanimous

Chair Nevits seconded by Jason Mauro to make Jill Schafer the new Chair. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**. 5-0-0. Unanimous

Chair Nevits seconded by Jill Schafer to make Jason Mauro the new Vice Chair. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**. 5-0-0. Unanimous

Chair Nevits seconded by Jill Schafer to make Matt Russell the new Clerk. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Darja Nevits, Chair: **yea**. 5-0-0. Unanimous

Vice Chair Schafer asked that Ms. Johnson forward email to new members regarding upcoming CPTC conference at Holy Cross.

Adjournment

Chair Nevits seconded by Matt Russell moved to adjourn the meeting at 9:46 PM. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Associate Member: **yea**; Darja Nevits, Chair: **yea**. 5-0-0. Unanimous