



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—October 11, 2018

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: Lawrence Norris, Chairman ; Vice Chairman; Todd Pietrasiak, Vice Chairman; Dorothy Risser, Clerk; Darja Nevits, Associate Member; Jill Schafer, Associate Member; and Jason Mauro, Associate Member.

Staff: Kristina Johnson, AICP, Assistant Planning Director

Chairman Norris convened the meeting at 7:00 PM.

Petition #2018-11; 60-62 Washington Street

Present were: Paul Giannetti, Attorney for the Petitioner
Peter Bemis, Engineer for the Petitioner
Lee and Alda Parker, neighborhood resident
Charles Randall, neighborhood resident

Chairman Norris re-opened the above-reference petition and turned the floor over to Attorney Giannetti. Attorney Giannetti proceeded to highlight the changes to the petition to address compliance with Section 5.2.4 of the Zoning By-Laws. Specifically, he noted the reduction of units from 12 to 11 to address the required land area and height restriction for the buildings. He then outlined the petitioner's request to vary the provisions of Section 5.2.4.5 to allow for the construction of the garage; he did, however, state that if the request for a variance was denied, the petitioner would construct traditional parking spaces.

Peter Bemis provided an overview of the site plan and highlighted the changes that have occurred since the previous presentation. He discussed internal circulation, the layout of the building in relation to the proposed parking garage, the results of a limited traffic impact study, water and sewer connections, snow removal, and landscaping.

Members of the Board continued to express concern about the layout of the parking garage and parking spaces, how the building would maintain the same "look and feel" of the other adjacent structures, the thresholds for the off-site removal of snow, and vehicular circulation on-site and turning movements onto Route 85 (Washington Street).

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Neighborhood residents also expressed concern about how the new residential units would fit into the adjacent neighborhood, and the traffic impacts of adding more multi-family units.

For the next meeting, the Board requested the petitioner furnish the following information:

- 1) Architectural rendering of the garage;
- 2) Snow storage—a draft condition indicating the threshold (number of inches) that snow will have to be removed off-site;
- 3) Documentation that the project complies with the Landscaped Area requirement (not less than 25% of the total lot area) of Section 5.2.4 (b) (1) of the Zoning By-Laws; and
- 4) How the petitioner plans to address the length of the parking space area to turn/back out a vehicle per Section 7.1.4.2. 20 feet is required; at present, there is only 18 feet. The Board is looking for documentation, i.e., turning radii, and a variance would be required for the additional two (2) feet.

Chairman Norris moved to continue the public hearing to November 8, 2018. Seconded by Dorothy Risser. 6-0-0. Unanimous

Petition #2018-13; 252 Coolidge Street

Present were: Paul Giannetti, Attorney for the Petitioner
Julia Germaine, Chief Operating Officer, Temescal Wellness

Chairman Norris read aloud the public hearing notice for the above-referenced petition requesting a Special Permit pursuant to Section 5.12 of the Town of Hudson's Protective By-laws to operate a retail marijuana establishment in a ±1,890 square foot building at 252 Coolidge Street. The subject property is located in the Limited Commercial Industrial District (LCI), Medical Marijuana Overlay District (MMOD), and the Recreational Marijuana District (RMOD), Assessors Map 16, Parcel 20.

Dorothy Risser read the Right of Appeal.

Attorney Giannetti presented an overview of the petitioner's request to begin the retail sale of marijuana, pending final approvals from the Commonwealth's Cannabis Commission. Attorney Giannetti noted that the Planning Board waived site plan review for this project, as the petitioners are not proposing any alterations to the existing building. Julia Germaine, Chief Operating Officer for Temescal, discussed how medical marijuana patients and those making a retail purchases will circulate within the existing building. Stanchioning will be placed strategically to cordon off folks making a retail purchase with those who are picking up products that are medically prescribed.

Chairman Norris, Seconded by Dorothy Risser moved to enter deliberative session. 6-0-0. Unanimous

Chairman Norris seconded by Dorothy Risser, moved to grant the special permit under Section 5.12.1 through 5.12.10 of the Town of Hudson's Protective Zoning By-laws to allow the petitioner to operate a retail marijuana establishment facility at 252 Coolidge Street in an existing ±1,890 square-foot building.

With the following conditions:

1. Any plans illustrating the layout of the facility with respect to safety and security measures shall be sequestered for the use of law enforcement officials only.
2. Per Section 5.12.5 Section 10, the hours of operation shall be not deviate from the 8:00 AM through 8:00 PM timeframe and there shall be no loitering on the premises.
3. Per Section 5.12.6 Section 6, the petitioner shall provide the Special Permit Granting Authority—Police Department, and Hudson Board of Health the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating issues associated with the establishment and they shall be immediately notified of any change in the above information.
4. The petitioner shall receive all necessary approvals from the Town of Hudson Board of Health prior to receiving an occupancy permit.
5. Per Section 5.12.7, the Petitioner shall file an annual report and appear before the Special Permit Granting Authority and the Board of Health by no later than January 31st. As part of the annual report, the Petitioner shall include a copy of all current applicable State licenses for the Center, and demonstrate continued compliance with the conditions of this Special Permit.

Chairman Norris, Seconded by Dorothy Risser moved to come out of deliberative session. 6-0-0. Unanimous

Petition #2018-15; 504 Indian Lakeshore Drive

Present were: Luis Espigo, Contractor for the Petitioner
Wayne Lawniczak, Petitioner

Vice Chairman Todd Pietrasiak is an abutter, and therefore recused.

Chairman Norris read aloud the public hearing notice for the above-referenced petition requesting a Special Permit pursuant to Section 5.1.6.1 for the enlargement of an pre-existing nonconforming structure to allow for the construction of a 6 X12- foot deck.

The subject property is located at 504 Indian Lakeshore Drive, Assessor's Map 66, Parcel 110 in the SA-8 Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

Luis Espigo, contractor for the petitioner provided an overview of the proposed construction of a new enclosed porch. The petitioner noted that the current front stairs become a safety hazard during the winter months with ice and snow falling from the roof. He explained that he is disabled, and is expecting to be wheelchair bound in the few years. As such, he noted that this construction is part of his longer-term plan to construct a handicap accessible ramp into his home.

First, members of the Board questioned the action being requested, as they did not believe the correct action for the petitioner was a special permit to expand a non-conforming structure. Members agreed that the correct course of action was to proceed with a variance and to ascertain the appropriate hardship to allow for the construction of the porch.

Members of the Board engaged in a lengthy discussion as to what exactly the unique hardship would be in order to make the required findings relative to soil, shape, and topography. Jill Schafer proposed that the unusual existing building and unique layout and construction of the front staircase relative to the house results in a hazardous condition, and that a literal enforcement of the zoning by-laws would involve substantial hardship in that compliance with the front setback requirements would diminish the overall feasibility and effectiveness of the project and elimination of an existing safety hazard justifies encroachment into the required setback. She further stated that desired relief in the amount of four (4) feet eight (8) inches from the street line requirements may be granted without substantial detriment to the public good and without substantially degrading from the intent and purpose of the By-Laws.

Jill Schafer seconded by Dorothy Risser moved to grant a variance from Section 6.2.2.1 of the Town of Hudson's By-laws to construct a 6x12-foot enclosed porch within the front setback at 504 Indian Lakeshore Drive. 4-1-0.

Chairman Norris, Seconded by Dorothy Risser moved to come out of deliberative session. 6-0-0. Unanimous

Minutes

Chairman Norris seconded by Dorothy moved to approve the minutes of September 13, 2018. 7-0-0. Unanimous

Assistant Director's Report

Kristina Johnson presented to the Board an idea for a streamlined methods for sending out abutters notices, i.e., postcard. She mentioned that other communities use simple postcards, which can be easily printed via a mail merge and then labeled with the abutters addresses. She also noted that the Planning Department does not have Administrative Staff, and the traditional 8 X11 sized paper stuffed into envelopes is a huge time drain, especially when noticing abutters for large projects. For the September meeting, Ms. Johnson promised to bring in examples of postcards from other communities.

Adjournment

Chairman Norris moved to adjourn the meeting at 8:00 PM. Seconded by Dorothy Risser. 6-0-0. Unanimous.