



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—January 11, 2018

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

Members Present: Lawrence Norris, Chairman; Todd Pietrasiak, Vice Chairman
Dorothy Risser, Clerk, Christopher Tibbals, Member; Darja Nevits,
Member, Jill Schafer, Associate Member; Jason Mauro, Associate
Member; Pamela Cooper, Associate Member

Staff: Kristina Johnson, AICP, Asst. Director of Planning and Community
Development

Chairman Norris convened the meeting at 7:00 PM.

Petition #2017-18; 21 Lakeside Avenue

Present were: No one was present for this petition

Chairman Norris read verbatim a letter from David Sadowski, site engineer for the petitioner, requesting a continuance until the February 8th meeting. In the letter, Mr. Sadowski indicated that he was working with the Health Department on a re-designed septic system, which would eliminate the need for a variance.

Chairman Norris moved to accept the request for a continuance to the February 8, 2018 meeting. Seconded by Christopher Tibbals. 8-0-0. Unanimous

Petition #2018-01; 16 Marlboro Street

Present were: Fernand Lage
David Newton, Contractor for the Petitioner

Chairman Norris read verbatim the public hearing notice for the above-referenced petition requesting a variance from Section.2.1.3 of the Hudson Zoning By-Laws to construct a 16 foot 2 inch by 14 feet sunroom and a 12 foot by 21 foot 6 inch deck with a landing and stairs within the side yard setback, and that the Board may consider any other action deemed necessary relative to the subject petition.

Dorothy Risser read the right of appeal.

For the benefit of the petitioner, Chairman Norris explained the sequencing of the meeting and then invited Mr. Lisboa to provide an overview of the petition to the Board.

David Newton, contractor for the petitioner, provided an overview of the petition. Mr. Newton explained that the petitioner is not changing what is existing, and that the existing deck would incorporate the same footprint as what is being proposed. He noted that the difference would be that part of deck would become a sunroom (as detailed on the site plan) with the balance remaining as a deck structure. Mr. Newton pointed out that the existing deck encroaches into the side setback, which will cause a portion of the sunroom to also violate the side setback. Furthermore, he pointed out that the property owners received a building permit in 1996 to construct the deck, whereby the encroachment into the side setback was missed. Chairman Norris inquired if the Building Department took any enforcement action on violation, to which the contractor and the property owners said no.

Kristina Johnson noted that it was her understanding from the Building Commissioner that this action is an attempt to legitimize the action going forward. Board members engaged in a considerable discussion about the appropriate action to take to rectify the situation. Jill Schafer suggested that the Board take action under MGL Chapter 40A Section, as amended in November 2, 2016, Ms. Schafer indicated that since there was no enforcement action for 10 years after the issuance of the building, the amended Section 7 conveys a non-conforming status on the property. All members agreed that issuing a Special Permit would be an easier hurdle than issuing a variance for this particular petition. Ms. Johnson also concurred that Section 7 would be an appropriate regulatory mechanism for the petitioner to move forward.

Chairman Norris moved to enter into deliberative session. Seconded by Dorothy Risser. 8-0-0. Unanimous.

Chairman Norris expressed his comfort with the petition and moving forward under Section 5.1.6.3 of the Town of Hudson Zoning By-Laws and MGL Chapter 40A Section 7. No further comments were offered by Board members.

Chairman Norris seconded by Dorothy Risser, moved to grant the special permit under Section 5.1.6.3 of the Town of Hudson Zoning By-Laws and MGL Chapter 40A Section 7, as amended November 2, 2016 to allow for the alteration of the use of a pre-existing non-conforming single-family dwelling unit. 5-0-0. Unanimous

Election of Officers

Kristina Johnson reiterated that the Town Administrator had sent an e-mail to staff requesting that all appointed Boards elect a Chairman, Vice Chairman, and Clerk in accordance with the Town's general by-laws. Ms. Johnson noted that the results of the election would be reflected in the meeting minutes.

Election of Chairman

Todd Pietrasiak moved to nominate and elect Lawrence Norris to serve as Chairman for 2018. Seconded by Dorothy Risser. 8-0-0. Unanimous

Election of Vice Chairman

Lawrence Norris moved to nominate and elect Todd Pietrasiak to serve as Vice Chairman for 2018. Seconded by Dorothy Risser. 8-0-0. Unanimous

Election of Clerk

Lawrence Norris moved to nominate and elect Dorothy Risser to serve as Clerk for 2018. Seconded by Darja Nevits. 8-0-0. Unanimous

Assistant Director's Report

Kristina Johnson provided an overview of State regulations governing Recreational Marijuana, and the proposed action the Town of Hudson intends to take. Based on direction from the Board of Selection, Ms. Johnson explained that the Department crafted a recreational marijuana bylaw that restricts the use to the existing Limited Industrial Commercial District, which is the same boundaries for the medical marijuana overlay district. Ms. Johnson noted that the draft bylaw is under review by Town Counsel and will be presented at the next Board of Selectmen's meeting with the hope of getting it placed on the warrant by the January 29th deadline.

Minutes

Chairman Norris, seconded by Darja Nevits moved to approve the minutes from the December 14, 2017 meeting. 8-0-0. Unanimous

Adjournment

Chairman Norris moved to adjourn the meeting at 7:35 PM. Seconded by Todd Pietrasiak . 8-0-0. Unanimous