



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—May 9, 2019

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: Todd Pietrasiak, Chairman; Dorothy Risser, Clerk; Jill Schafer, Member; Jason Mauro, Associate Member; Pamela Cooper, Associate Member.

Other Attendees: Kristina Johnson, AICP, Assistant Planning Director

Chairman Pietrasiak convened the meeting at 7:00 PM.

Petition #2010-13; 82 Lincoln Street

Present were: Elijah Vandenburg, Property Owner
Scott Wrenn, Attorney for the Property Owner

Attorney Wrenn provided a status update on the sale of the above-referenced property. Attorney Wrenn indicated that the property is under contract for purchase and the closing is scheduled for June 7th. He also noted that the offer states the requirement for the occupancy of the property as required by the Accessory Dwelling Unit by-law.

Chairman Pietrasiak moved to continue the public hearing until June 13, 2019 at 7:00 PM. Seconded by Dorothy Risser. 4-0-0 Unanimous

Petition #2019-04; 7 Bush Road

Present were: Neil Fussile, Contractor for the petitioner
Katelyn and Robert McNulty, Jr., Petitioners

Chairman Pietrasiak read the public hearing notice for the above-referenced petition. The petition entails a request for a special permit pursuant to Section 5.2.6 of the Town of Hudson's Protective By-laws to construct a ±883 square-foot accessory dwelling unit. The subject property is located at 7 Bush Road, Assessors Map 2 parcel 1 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.

Neil Fussile presented an overview of the proposed 883-square foot accessory dwelling unit. Mr. Fussile indicated that in addition to the special permit, the petitioner is

requesting a variance from Section 5.2.6.4 (f) of the bylaws to have a second means of egress in the front. Section 5.2.6.4 (f) requires that any new separate outside entrance serving the accessory unit shall be located on the side or rear of the building as from away from one another. Mr. Fussile noted that a second means of egress is a necessary safety precaution for the petitioner, who is handicapped, and that locating the second means of egress in the rear would not be feasible as there are steep slopes in the backyard.

Dorothy Risser inquired about the existing two-car garage relative to the proposed accessory unit and Jason Mauro inquired about accommodating additional parking space. Neil Fussile walked through the site plan to answer those questions.

Chairman Pietrasiak emphasized that the ADU by-law is crafted in such a way as to minimize the look of a multi-family unit, and explained that the Board for the granting of a variance is required to make specific findings relative to determine the hardship.

Dorothy Risser noted that Section 5.6.2.4 (2) allows for reasonable deviation from the requirements of the by-law to accommodate individuals with disabilities, and that this request fits within that framework.

Chairman Pietrasiak moved to enter deliberative session. Seconded by Jason Mauro, 5-0-0. Unanimous

Chairman Pietrasiak moved to approve the issuance of the special permit pursuant to Section 5.2.6 for the construction of the accessory dwelling unit. Seconded by Dorothy Risser. 5-0-0. Unanimous

Chairman Pietrasiak moved to grant a variance pursuant to Section 5.2.6.4 (2) that owing to unique circumstances relating to the soil, shape, and topography of the land or structures, specifically the significant slope in the backyard relative to the construction of an emergency egress results in a safety hardship for the petitioner. And it has been demonstrated that a literal enforcement of the Zoning By-Laws would involve a substantial hardship that compliance with Section 5.2.6.4 (f) ***requiring any new separate outside entrance serving an accessory dwelling unit shall be located on the side or in the rear of the building as remote as possible from one another*** would diminish the feasibility and effectiveness of the project, and would cause a safety hazard for the occupant who is handicapped. Seconded by Dorothy Risser. 5-0-0.

Chairman Pietrasiak moved to exit deliberative session. Seconded by Dorothy Risser, 5-0-0. Unanimous

Petition #2019-05; 14 Wellington Drive

Present were: William and Cynthia Gould, Petitioner

Chairman Petrasiak read aloud the public hearing notice for the above-referenced petition. The petition entails requesting a variance from Section 6.3.1 to construct a 14.5 x 32 garage within the side yard setback. The subject property is located at 14 Wellington Drive, Assessors' Map 5 Parcel 183 in the SB Zoning District. The Board may consider any other action deemed necessary relative to the subject petition.

William Gould presented an overview of the proposed garage, which would be use for the storage of additional vehicles. Mr. Gould described the existence of the sewer easement, which has restricted the use of the property and makes their lot unique to others in the neighborhood.

William and Cynthia Gould's next door neighbors (names were not audible in the recording) expressed concern about the location of the proposed garage to their house, in particular they were concerned about noise and privacy. They also noted that they spoke to a local realtor who advised them to speak in opposition, as the proposed garage could negatively impact property values of their property.

Chairman Petrasiak noted that architectural drawings of the proposed garage would be helpful along with a full survey of the property.

Jason Mauro expressed appreciation of the neighbors' concerns and was not really clear if any hardship (s) existed.

Pamela Cooper and Dorothy Risser both expressed their concerns about the existence of the hardship.

Chairman Petresiak also noted that petition falls short of the criteria needed to determine a hardship, and that the Board needs to have exact measurements of the proposed garage and other appurtenances on the site. Chairman Petrasiak presented options as how the petitioner could move forward.

William Gould requested that the Board grant him a 30-day continuance until June 13, 2019.

Chairman Petrasiak moved to grant the continuance of the public hearing until Thursday, June 13, 2019 at 7:00 PM. Seconded by Jason Mauro. 5-0-0. Unanimous

Minutes

Dorothy Risser moved to approve the minutes of April 11, 2019. Seconded by Chairman Petrasiak 5-0-0. Unanimous

Adjournment

Chairman Pietrasiak moved to adjourn the meeting at 8:40 PM. Seconded by Dorothy Risser. 5-0-0. Unanimous.