



Town of Hudson

Zoning Board of Appeals

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Zoning Board of Appeals Meeting Minutes — July 13, 2023

Chair Schafer called The Town of Hudson Zoning Board of Appeals meeting to order at 7:04 PM., fully remotely. Chair Schafer advised the Board and public that pursuant to Chapter 2 of the Acts of 2023 extending the remote meeting provisions of March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law, this meeting of the Hudson Zoning Board of Appeals is being held remotely. Before moving into the public hearings, she reminded the Board and meeting attendees that all votes will be taken as roll-call voice votes.

[Recording of Meeting](#)

Board Members Participating:

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

Board Members Absent:

Justin Maillet, Associate Member

Staff Members Participating:

Kristina Johnson, Director of Planning and
Community Development
Katie Evangelisti, Administrative Manager of
Planning and Community Development

Public Hearing: 2023-07 55 Causeway Street - ADU

Chair Schafer opened the public hearing of John and Mary Kovacs as Trustees of the 55 Causeway Street Realty Trust, to request a Special Permit to construct an accessory dwelling unit pursuant to Section 5.2.6 of the Town of Hudson Protective Zoning By-Laws. The subject property is located at **55 Causeway Street** in the SA-8 Single Family Zoning District, Assessors' Map 43 Parcels 48. Clerk Russell read the right of Appeals into the record and the floor was turned over to the petitioner for his presentation.

John Kovacs presented his petition to the Board. Mr. Kovacs reviewed all the provided plans, the requirements of Section 5.2.6 being met, and intended plans for occupancy which included

his Affidavit of Primary Domicile. The Board requested clarification on the location of egresses and connection to Town services. After reviewing and discussing the parking that was proposed, it was still unclear to the Board if the proposed ADU plan meets the requirements of the By-law. Mr. Kovacs detailed the dimensions and designation of required parking for the ADU and the existing unit. Board members agreed that additional parking delineation would be needed to demonstrate that there is the required amount of parking without stacking vehicles for the current owner and any successor owner wishing to use the ADU in the future.

Chair Schafer, seconded by Vice Chair Mauro, motioned to close the public hearing and enter a deliberative session. 7-0-0 **Unanimous**.

During deliberation, Ms. Johnson confirmed with the Board that a condition on approval could be the submission of a detailed parking plan by the petitioner's architect before the execution of the decision. Chair Schafer confirmed there was a scrivener's error on the agenda (not on the legal ad) regarding an amendment to a current Special Permit which did not exist – this is a new ADU petition. Vice Chair Mauro, seconded by Chair Schafer, to approve the Special Permit with the condition of furnishing the plot plan with delineation of parking. 5-0-0 **Unanimous**

Chair Schafer, seconded by Member Campbell, motioned to close the deliberative session. 7-0-0 **Unanimous**.

Public Hearing: 2023-08 15 Pine Street – Continuance of a Pre-Existing Non-Conforming

Chair Schafer opened the public hearing of Guilherme Monteiro and Marcia Monteiro, requesting a Special Permit for the expansion and continuance of a pre-existing non-conforming two-family use pursuant to Section 5.1.6.1 of the Town of Hudson Protective Zoning By-Laws. The subject property is located at **15 Pine Street** in the SB Single Family Zoning District, Assessors' Map 28 Parcels 95. Clerk Russell read the right of Appeals into the record and the floor was turned over to the petitioner for his presentation.

Attorney Christopher P. Yates, Fletcher Tilton, P.C., on behalf of the petitioners, to address the Board. Attorney Yates summarized the "Memorandum in Support of Special Permit" that was submitted with the petition. The property at 15 Pine Street was built and/or renovated as a two-family home prior to the adoption of the Town of Hudson Zoning By-laws in 1957. Due to this, the property is a legal pre-existing non-conforming unit. Therefore, pursuant to Section 5.1.6.1 the property can be "enlarged or changed to a specific new use" with a Special Permit. Attorney Yates reviewed the requirements for a Special Permit and advised the Board of all metrics met pursuant to Section 5.1.6.1. Attorney Yates further reiterated to the Board this was a lawful non-conforming property and had standing to be before the board based on that. Furthermore, Attorney Yates advised the Board that any homeowner in the same zone would be allowed by right to build an ADU or, if also a pre-existing non-conforming, to similarly expand with a Special Permit. He noted that the additions that are being proposed meet the current zoning by-laws for setbacks, will improve the neighborhood, are currently connected to Town services, and will not negatively affect parking or traffic.

The Board members requested clarification on the proposed floor plan, garage, and parking spaces. Attorney Yates broke down the existing plans, the current units' location, and the proposed units' location. Attorney Yates requested Kayla Monteiro, daughter of the petitioners, to clarify further information for the Board members. The Board generally expressed concern

that the plans were confusing to read; Attorney Yates concurred they are not entirely clear. There was an attempt to clarify the proposed floor plans, roof lines, parking, and square footage of the expansion. Chair Schafer opened to the public for comment after no further questioning from the Board.

Before public comment opened Ms. Johnson advised the Board there was a public petition submitted late that afternoon, it was uploaded to Board Docs for the record. The resident that submitted the petition on behalf of all petitioners to the Department of Planning and Community Development, Anthony Hopkins – 9 Pine St. (to the right of 15 Pine St.), was the first to present public comment. Mr. Hopkins raised issues that were collective concerns of many of the residents who signed the petition: stairs to the front of the 2nd-floor w/balcony, the addition of a living area in the attic or basement, current setbacks and allowance as a pre-existing non-conforming, parking during snow emergencies, and water run-off. Attorney Yates and Ms. Monteiro provided clarification and confirmation: no living space in either attic or basement, front balconies are decorative only, side setbacks are not being extended farther than current zoning allows or were pre-existing non-conforming setbacks, and there will be three (3) parking spaces for each unit regardless of the weather (snow emergency). Currently, the property has ten (10) parking spaces, so there will only be one (1) additional parking space. The only outstanding issue raised was the additional runoff that would be caused. Stormwater mitigation may be needed, the applicant will have to look into it.

Paul Briskie - 5 Gates Ave.- Stormwater runoff needs to be addressed. The neighbor behind 15 Pine St. voiced concerns to Mr. Briskie as well. Mr. Briskie feels the addition that is almost doubling the size is removing much-needed impervious land.

Lisa Weagle - 15 Gates Ave. – Only wanted to confirm the number of kitchens in the current and proposed property. Attorney Yates confirmed there are currently two and Ms. Monteiro provided pictures of both kitchens – shown to the Board and public. There was mention of this concern prior to the hearing, according to the petitioners there was only one (1) kitchen in the current two-family. Pictures and Attorney Yates confirmed this to be inaccurate information, as there are two kitchens.

Liz Jackson - 36 Pine St. – Speaking in support of the project. When she was asked to sign the petition, she was told there is currently only one (1) kitchen, so they are going from one family to three, that this would “open the floodgates for others to do this as well”. Ms. Jackson feels that many petitioners may have signed based on erroneous and inaccurate information. Has lived in the neighborhood for almost 12 years and has almost tripled the square footage of her home in that time. Hudson desperately needs affordable housing, and adding one unit and allowing families to occupy it will not negatively impact the neighborhood. She expressed uncertainty as to why abutters are negatively stereotyping renters in such a negative light, “feels very NIMBY to me”. Additionally, there are pictures attached to the petition that reflect tons of cars, they were taken during a party that the owners had. Ms. Jackson recently had a graduation party for her son and there were even more vehicles parked and showed pictures of three other multi-family large houses in the neighborhood, as big as the one proposed. She feels that this is a great opportunity for the Monteiros to improve the house and neighborhood and will be owner-occupied – all are positive reasons to approve the petition.

Bob and Wendy Wheelers – 11 Gates Ave. – Feel this addition will devalue the single-family properties and are concerned by the unknown future occupants, unable to know who is going to live there, don’t want to live on a “Broad St.”, thinks this will change zoning and then all the

houses will be able to make their houses multi as well. She stated that she wants her property taxes adjusted because she thinks this proposal will devalue all the other properties. She finally expressed her opinion that renters come and go, don't always take care of their rental units, and neighbors will not know who they are.

Eric Petitpas - 125 River St. – Agrees with Wheelers and is concerned about who will be moving in, doubling the size of the existing dwelling unit, and increasing “renters” in the neighborhood. He expressed concerns that his kids would be walking in the neighborhood won't feel safe because the tenants would be strangers in the neighborhood. He also expressed his belief that the petitioners should feel happy they already have a pre-existing two-family dwelling and leave it at that.

Susan and Edmond Landry - 24 Pine St. – raised concerns about water runoff on Pine St., Gates Ave., and Oak St. They noted that the DPW has come and notified them that the street hadn't been updated in 30 years and there are only two drains on the entire road, one being in front of his house. Mr. Landry stated that there has been “Water up to his ankles” and “Tim” from DPW has documentation. The size of the house proposed is too big, will look like a strip mall. So much traffic was added from the trailer park (when it was still there) and there was a fatality by a trailer park resident. Ten (10) cars will be added (only one (1) additional is being added), no one has any data on the traffic changes, people speed up River St., so they'll be speeding in his neighborhood as well.

Stephen Masciarell – 19 Pine St. – expressed concerns about the water issue and noted that his backyard is underwater when there's rain. Parking says there are 11 spots but the plans reflect 9 (needs to be corrected). Multiple cars on the street from renters, they won't park in the garage. The Town doesn't do a good job when there's snow he has to snow blow the street. He cannot back out due to cars right behind him. These cars are going to block other neighbors because their cars will be everywhere in the street. People are going to visit and drop off at the proposed property causing more traffic. Cannot find the kitchen in the proposed plan, doesn't believe that there is even a third kitchen. Doesn't want to see cars up and down the street all day, as there was an accident near his house at 2:00 a.m. waking him up.

Attorney Yates concluded by summarizing: Family has owned the property since the 70s, the family occupies and will occupy the property, and they are attempting “under their legal right” to expand and improve the property and therefore the neighborhood. – Projects such as these are very important so that families can have affordable housing in Hudson and the Monteiros are trying to make an affordable unit for their family while improving their family's investment.

Chair Schafer wants to continue the hearing so the petitioners can update and clarify plans – parking plans as well, provide pictures, and have the engineer look into the water runoff issues raised. Vice Chair Mauro agreed that the plans need to be clearer and more accurate. Member Nevits agrees updated plans, delineated parking plans, and possibly pictures. Ms. Johnson confirmed that the petition doesn't require a Site Plan but not a bad idea to have an engineer just do a basic review of stormwater, but doesn't need a full Stormwater Report with an Operations and Maintenance (O&M) plan. Member Mancini agreed that plans have to be edited for clarification. Member Sorgman raised issues about architectural graphs and the plans, Chair Schafer reminded Mr. Sorgman that architecture isn't within the Board's purview. Member Campbell agrees with the Board's prior request. Chair Schafer confirmed with Attorney Yates what would be needed. Chair Schafer, seconded by Clerk Russell, to continue

the hearing until the next Hudson Zoning Board of Appeals meeting on August 10, 2023. 7-0-0
Unanimous

Approval of 5/11/2023 Minutes

Motion made by Chair Schafer, seconded by Vice Chair Mauro, to approve the May 11, 2023 minutes. Member Nevits and Member Russell abstained. 5-0-2. **Motion Passed.**

Administrative Business: Discussion of Policies and Procedures and Proposed Zoning By-law Updates

Ms. Johnson reviewed for the Board the 2021 update of Zoning By-laws that was voted down at the 2021 Town Meeting. What is being presented now is a few non-substantive updates to Zoning By-laws including:

- Creating a Table of Land Uses based on the existing use regulations;
- Adopting a digitized zoning map instead of using metes and bounds to describe the zoning district boundaries;
- Adopting new, consolidated nomenclature for zoning districts, which simplifies the naming of the zoning districts;
- Formatting and reorganization of the various By-laws, including the overlay districts;
- Updating the language regarding non-conforming uses and structures to comply with recent amendments to State Statutes and to make the wording more readable for the Board.

Ms. Johnson is requesting the support of the Board to bring this before Town Meeting. The Board agreed more time for review is needed.

Ms. Johnson reminded the Board, that the Rules and Regulations were reviewed at a prior meeting, and that Rules and Regulations were also prepared for the Planning Board. She noted that the Planning Board chose not to take any action relative to adopting the Rules and Regulations. She requested that Board vote to adopt the Rules and Regulations. Chair Schafer, seconded by Clerk Russell, motioned to approve and adopt the Zoning Board of Appeals Rules and Regulations. 7-0-0 **Unanimous**

Adjournment

Chair Schafer, seconded by Vice Chair Mauro, motioned to adjourn at 9:52 p.m. 7-0-0.
Unanimous.