



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting—January 14, 2021

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Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Hudson Board of Appeals conducted a meeting on October 8, 2020 via a remote participation platform.

Chair Darja Nevits called the meeting to order at 7:00PM. She noted that the Board is convening remotely under the authority of the Governor's Emergency Declaration 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 then called the roll:

Members Present via Zoom Video: Darja Nevits, Chair, Jill Schafer, Vice Chair; Jason Mauro, Clerk; ; Matt Russell, Member; Justin O'Neil, Associate Member; Ronald Sorgman, Associate Member.

Members Absent: Pamela Cooper

Other Attendees: Kristina Johnson, AICP, Acting Director of Planning

#### **Petition #2020- 08 19 Glendale Road**

Present were: Attorney Paul Giannetti

Chair Nevits read into the record a letter submitted by Attorney Paul Giannetti requesting a withdrawal of the petition without prejudice in order for the petitioner to address the septic system issues.

Chair Nevits seconded by Jason Mauro moved to grant a dismal without prejudice petition #2020-08. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 6-0-0. Unanimous

## Petition 2020-12- 27 Harriman Road (Continued)

Present were: Deoris Jordin, Petitioner

Chair Nevits summarized the request of the petitioner to obtain a Special Permit to construct an Accessory Dwelling Unit (ADU). She noted that at the last meeting there was incomplete information relative to the architectural and internal layout plans, and that all members should now have the updated plan set to review.

Chair Nevits asked the petitioner who in the household would be living on the second floor, to which Ms. Jordin stated herself and her husband, and Chair Nevits inquired about the rationale for wanting the ADU door facing the front. Ms. Jordin indicated that her husband has significant mobility issues and that in the future a stairlift would need to be installed. Ms. Jordin indicated her preference to have the door to the ADU face the front sidewalk, as it would facilitate safer access for her husband. Chair Nevits reminded the Board of the provisions within the ADU by-laws that allows for deviation from the requirements if there is an issue with handicap accessibility.

Jason Mauro and Chair Nevits noted that all of the other requirements of the ADU by-law had been met. Mr. Mauro calculated the internal layout dimensions to ensure compliance with the less than 900 square feet of habitable living area requirement. Board members also generally agreed that all the use requirements have been met and that the front door being located on the front is an appropriate deviation from the by-law.

Chair Nevits seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair, **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea**; Justin O'Neil, Associate Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 6-0-0. Unanimous

All members stated that they were in favor of granting the Special Permit for the ADU.

Darja Nevits seconded by Jason Mauro moved to grant the special permit under Section 5.2.6 of the Town of Hudson's Protective Zoning By-laws to allow the petitioner to construct an accessory dwelling unit according to plans dated July 23, 2020 on the subject property located at 27 Harriman Road and that Desired relief from Section 5.2.6.4 (f) to construct the entrance to the accessory unit at the front of the main dwelling supports the intent of the Accessory Dwelling Unit By-Law as stated in 5.2.6.4 (2) to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the SPGA may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons."

With the following condition:

1. Any successor owner of the subject property shall file an occupancy affidavit with the Town of Hudson Building Commissioner to ensure compliance with Section 5.2.6.4 of the Town of Hudson Protective Zoning By-laws.

By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman, Associate Member: **not voting**. 5-0-0. Unanimous

Chair Nevits seconded by Jason Mauro moved to leave deliberative session By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman Associate Member: **yea**. 6-0-0. Unanimous

#### **Petition 2020-13- 4 Manzo Way**

Present were: Brian Lesniak and Samantha Pelosi, Petitioners  
Isaac Low, Contractor for the Petitioners

Jill Schafer, Vice Chair was recused from this petition and left the meeting.

Chair Nevits read aloud the public hearing notice for the petition, which entails a request of Brian Lesniak and Samantha Pelosi for a special permit to construct a +/- 500 square foot Accessory Dwelling Unit (ADU) at 4 Manzo Way pursuant to Section 5.2.6 of the Town of Hudson Zoning By-laws. The subject property is located in the SA-8 Zoning District, Assessors Map 12 Lot 149. The Board may consider any action deemed necessary relative to the subject petition.

Jason Mauro, Clerk read the right of appeal.

Isaac Low, on behalf of the petitioner provided the Board an overview of the proposed accessory dwelling unit, which will be constructed as part of a soon-to-be constructed single family home. Mr. Low noted that the single-family home has not been constructed as of yet as it's part a new residential subdivision. Mr. Low indicated that that the petitioner's Mother-in-Law would be residing in the ADU.

Mr. Low then screened-shared the architectural plans so the Board could discuss compliance with the ADU by-law including parking, access to the unit, and to calculate the square footage of the habitable living area.

Chair Nevits seconded by Matt Russell moved to enter deliberative session By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman Associate Member: **yea**. 6-0-0. Unanimous

Board members agreed that the proposed ADU complies with the requirements set forth in the By-laws.

Chair Nevits seconded by Matt Russell moved to grant the special permit under Section 5.2.6 of the Town of Hudson's Protective Zoning By-laws to allow the petitioner to construct an accessory dwelling unit according to plans dated September 15, 2020 on the subject property located at 4 Manzo Way with the following conditions:

1. Any successor owner of the subject property shall file an occupancy affidavit with the Town of Hudson Building Commissioner to ensure compliance with Section 5.2.6.4 of the Town of Hudson Protective Zoning By-laws.
2. Pursuant to Section 5.2.6.4.1 (e), the petitioner shall submit a notarized affidavit stating that the owner (s) of the residence in which the accessory dwelling unit is being created must continue to occupy at least one of the dwelling units as their primary residence, except for bona fide temporary absences

By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman Associate Member: **yea**. 5-0-0. Unanimous

Chair Nevits seconded by Matt Russell moved to leave deliberative session By voice roll call vote: By voice roll call vote: Darja Nevits, Chair: **yea**; Jason Mauro, Clerk; **yea**; Matt Russell, Member: **yea** Justin O'Neil, Associate Member: **yea**; Ronald Sorgman Associate Member: **yea**. 6-0-0. Unanimous

#### **Minutes- December 10, 2020**

Chair Nevits seconded by Matt Russell moved to approve the meeting minutes from the December 10, 2020 meeting with the changes sent to Ms. Johnson. By voice roll call vote: Darja Nevits, Chair; **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **not voting** 5-0-0. Unanimous.

#### **Adjournment**

Chair Nevits seconded by Matt Russell moved to adjourn the meeting at 8:30 PM. By voice roll call vote: Darja Nevits, Chair: **yea** Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** Ronald Sorgman, Associate Member: **yea**; Justin O'Neil, Associate Member: **not voting** 5-0-0. Unanimous.