



Town of Hudson

Zoning Board of Appeals

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Minutes of Meeting — July 14, 2022

Pursuant to the Chapter 20 of the Acts of 2021 Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, this meeting of the Hudson Zoning Board of Appeals was conducted via **remote participation**.

Chair Nevits called the meeting to order at 7:00 PM. She noted that the Board is convening remotely under the extension of the suspension of certain provisions of the Open Meeting Law 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 called the roll.

Board Members Participating:

Darja Nevits, Chair
Jill Schafer, Vice Chair
Jason Mauro, Clerk (late)
Pamela Cooper, Member
Matt Russell, Member
Tony Mancini Jr., Associate Member

Board Members Absent:

Ronald Sorgman, Associate Member

Staff Members Participating:

Amanda Molina Dumas, Assistant Planner

Public Hearing – Petition 2022-08 – 14 Kane Industrial Drive

Chair Nevits re-opened the public hearing for the above-reference petition

The petitioner requested in writing to continue the public hearing to the Board's next regularly scheduled meeting on August 11, 2022.

Darja Nevits seconded by Matt Russell moved to continue the public hearing for 14 Kane Industrial Drive to the Board's next regularly scheduled meeting on August 11, 2022. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 6-0-0. Unanimous.

Public Hearing – Petition 2022-09 – 27 Cox Street and 54 Lake Street

Chair Nevits opened the public hearing for the above-reference petition and read the public hearing notice into the record. At this time the Board of Appeals will hear the request of Serge Beaulieu, to obtain a Special Permit to demolish two pre-existing, non-conforming residential structures in order to construct two (2) new residential structures and associated driveway on

the subject lot pursuant to Section 5.1.6.1 of the Hudson Zoning By-Laws. The subject property is located at **27 Cox Street & 54 Lake Street** in the SB General Residence Zoning District, Assessors' Map 19 Parcel 161. The Board may consider any action deemed necessary relative to the subject petition.

Jason Mauro, Clerk read the right appeal.

Chair Nevits turned the floor over to the petitioner, Paul Litchfield to provide an overview of the proposed project. He described the subject property and explained that there are two single family dwellings contained on the site each with a different address, Cox Street and Lake Street respectively and have separate utilities and separate water bills. He noted that both dwellings are in considerable disrepair and are beyond renovations and/or improvements. Mr. Litchfield explained his proposal, which entails the demolition of the two dwellings and the construction of two detached condo buildings served by a single driveway. He noted that Section 5.1.6.1 allows the modification of the use of the property with the multiple dwellings, and emphasized that the construction of the two condo buildings will not increase the existing nonconforming use of the property.

Chair Nevits inquired if the property is currently occupied , to which Mr. Litchfield stated that both dwellings are vacant. Chair Nevits followed up and asked how long the property has been vacant, to which Mr. Litchfield stated that based on his understanding the property has been vacant for over a year.

Jason Mauro asked the petitioner to provide more details about the proposed condo units, specifically about the number of units. Mr. Litchfield replied that the each condo building will only contain one dwelling unit, and explained that he proposed two condo buildings as a way to eliminate the confusing addressing on the property.

Vice Chair Schafer requested that the petitioner discuss the pre-existing non conformities with the Board to ascertain how the proposed request fits into the Zoning By-laws. Mr. Litchfield noted that the existing frontage does not conform to what is required in the SB zoning district. Vice Chair Schafer inquired about the conformance with the setbacks, Mr. Litchfield noted that he complies with what is required in the SB zoning district. Chair Nevits also noted that the nonconformity relates to the existence of the two single-family dwellings on one lot, and Mr. Litchfield concurred.

Pam Cooper asked why the petitioner could not just subdivide the lot and add the frontage from Lake Street with Cox Street, to which Chair Nevits stated that the frontage must be contiguous. Mr. Litchfield concurred and stated that he investigated subdividing the lot in three parcels; however, he lacked the appropriate frontage for a subdivision.

Chair Nevits expressed concerns that there is no connection to the original structure (s), i.e, the foundation, and that typically petitions that come to the Board via Section 5.1.6.1 show a connection to some part of the original structure. Vice Chair Schafer concurred and stated that petitions under 5.1.6.1 are an expansion, modification, or alteration of the existing structure.

Anthony Mancini inquired about the abandonment provisions in the zoning by-law, and noted that the property could lose its pre-existing nonconforming status if it has been abandoned for a period of time. Chair Nevits confirmed that our abandonment provisions in our by-laws apply

after the property has not been used for two years. Mr. Mancini stated that he believes that to comply with Section 5.1.6.1, the petitioner would have to enlarge the existing structures, otherwise a complete removal of the structures would require a variance. Vice Chair Schafer concurred. Chair Nevits asked whether the abandonment provisions apply to each structure individually, or both in totality. Mr. Mancini further stated that it is a difficult burden to prove a premises has been abandoned, to which Vice Chair Schafer replied that the onus is on the petitioner to demonstrate that the structures have not been abandoned. Pamela Cooper suggested that a utility bill would be easy to provide. Mr. Litchfield noted that all taxes and utility payments are up -to-date for both structures on the property, but that he doesn't have any further information about how long the premises have been vacant.

Anthony Mancini also stated his understanding that if both structures are torn down, the petitioner would be required to conform to the provision of the SB zoning district, which does not allow for multiple dwellings on the site.

Matt Russell stated that his understanding of Section 5.1.6.1 is that the petitioner has the ability to enlarge the pre-existing nonconforming use via Special Permit; however, that section does not cover the proposed plan to demolish the existing structures and construct two new dwelling units on a different part of the site.

Mr. Litchfield expressed his confusion about what to do on this site, and stated that he submitted the proposed plan based on guidance from the Town. The petitioner requested to continue the public hearing to the Board's next regularly scheduled meeting on August 11, 2022.

Darja Nevits seconded by Matt Russell moved to continue the public hearing for 27 Cox Street and 54 Lake Street to the Board's next regularly scheduled meeting on August 11, 2022. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 6-0-0. Unanimous.

Minutes – June 9, 2022

Jill Schafer seconded by Matt Russell moved to approve the meeting minutes of June 9, 2022. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 5-0-0. Unanimous. (Darja Nevits not voting as she was not present at the meeting referenced by the minutes).

Approval of updated ZBA application forms

The Board reviewed and discussed the new application forms. Jill Schafer noted a few instances on the forms that say "Ordinance" instead of "By-Law," which Amanda Molina Dumas said she would correct before posting the applications on the Town's website. Darja Nevits seconded by Pamela Cooper moved to approve the updated ZBA application forms as edited. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 6-0-0. Unanimous.

Adjournment

Darja Nevits seconded by Jill Schafer moved to adjourn the meeting at 7:51 PM. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**;

Pamela Cooper: **yea**; Matt Russell, Member: **yea**; Tony Mancini Jr., Member: **yea**. 6-0-0.
Unanimous.