



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—July 8, 2021

Pursuant to the Chapter 20 of the Acts of 2021 Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, the Hudson Board of Appeals conducted a meeting on July 8, 2021 via Zoom.

Vice Chair Schafer called the meeting to order at 7:12PM. 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.

Vice Chair Schafer called the roll.

Members Present via Zoom Video: Jill Schafer, Vice Chair; Jason Mauro, Clerk; Pamela Cooper, Member; Matt Russell, Member; Ronald Sorgman, Associate Member.

Members Absent: None

Other Attendees: Kristina Johnson, AICP, Director of Planning

Petition 2021-06 25 Central Street

Present: Belia Andrade Petitioner
Antonio Andrade, Petitioner and Property Owner

Vice Chair Schafer read the public hearing notice for the petition, which entails the request of Antonio Andrade to obtain a variance from 6.2.1.3 of the Town of Hudson Zoning By-laws to allow for the placement of a 14 foot by 24 foot utility shed in the side yard setback. The subject property is located at 25 Central Street in the SB Residential Zoning District, Assessors' Map 29 Parcel 40. The Board may consider any action deemed necessary relative to the subject petition.

Jason Mauro, Clerk read the right of appeal.

Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the request for a variance.

Ms. Andrade explained that the existing shed is in terrible condition and needs to be replaced and lacks functionality for storage needs. She noted that the irregular, triangle

shape of the lot results in only one location on the property where the new shed can be placed.

Vice Chair Schafer explained the required findings that the Board would need to make in order to grant a variance, and requested that the petitioner go into a little more detail regarding the hardship.

Jason Mauro wondered if the shed could be considered a pre-existing non-conforming structure, and the decision threshold would be a little easier than granting a variance. Vice Chair Schafer expressed uncertainty if this could be considered an expansion or rebuild of the structure.

Ron Sorgman inquired if the new shed would be placed on a concrete slab, to which Ms. Andrade responded the crushed stoned would be placed in the area and the new shed would have a floor. Mr. Sorgram further inquired about the distances and whether the structure could be relocated elsewhere on the site.

Members of the Board generally expressed their belief that the required criteria to demonstrate a hardship have not been satisfactorily addressed. Vice Chair Schafer inquired if the Board could use the provisions in Section 7 of Chapter 40A to determine that the structure has pre-existing status as there has been no enforcement action in the past ten years. Ms. Johnson concurred and stated that the Board would also have to make the appropriate findings relative to Chapter 40A Section 6.

Vice Chair Schafer called for any public comments relative to the petition.

Linda Patterson, 10 Rice Street expressed her support of the project and requested that the Board approve the request.

Vice Chair Schafer seconded by Pamela Cooper moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. **5-0-0**.

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of a Special Permit pursuant to Section 5.1.6.2 of the Town of Hudson Zoning By-laws and the made the following findings:

- 1) The subject property is located in the SB Zoning District.
- 2) The subject petition as it concerns the alteration of a pre-existing non-conforming shed to allow for a replacement structure pursuant to the provisions of Section 5.1.6.2.

- 3) Pursuant to M.G.L. Chapter 40A Section 7, real property being located at 25 Central Street has been improved by the erection of a utility shed, and said structure has been existence for at least 10 years and no notice of action or violation of the provisions of the previous-mentioned statute or the Hudson Zoning By-laws has occurred; therefore, said structure is deemed legally non-conforming subject to the provisions of M.G.L Chapter 40A Section 6.
- 4) Pursuant to Chapter 40A Section 6, the proposed alteration and expansion of the pre-existing nonconforming structure to allow for a replacement structure shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- 5) The proposed alteration of a pre-existing non-conforming shed to allow for a replacement structure shall not have an adverse effect on present and future dwellings in the area, and is harmony with the general purpose and intent of the Town of Hudson Zoning By-laws.
- 6) The proposed alteration of a pre-existing non-conforming shed to allow for a replacement structure will not create traffic hazards or volume greater than the capacity of the street affected.
- 7) The proposed alteration of a pre-existing non-conforming shed to allow for a replacement structure is not contrary to the best interests of the inhabitants of the Town of Hudson.

Vice Chair Schafer seconded by Matt Russell moved to approve Petition #2021-06 and grant a special permit pursuant to Section 5.1.6.2 of the Town of Hudson Zoning By-laws for the alteration of pre-existing non-conforming shed to allow for a replacement structure. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea. 5-0-0.**

Vice Chair Schafer seconded by Matt Russell moved to leave deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea** ; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea. 5-0-0.**

Petition 2021-07 43 O'Neil Street

Present: Nancy Hunt, Petitioner and Property Owner

Bill Goddard, Contractor for the Petitioner

Vice Chair Schafer read the public hearing notice, which entails the request of Nancy Hunt to obtain a variance from 6.2.1.3 of the Town of Hudson Zoning By-laws to allow for the renovation and expansion of an existing garage within the side yard setback. The subject property is located at 43 O'Neil Street in the SB Residential Zoning District, Assessors' Map 19 Parcel 9. The Board may consider any action deemed necessary relative to the subject petition.

Jason Mauro, Clerk read the right of appeal.

Vice Chair Schafer Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the request for a variance, noting that petitioner consider what was discussed during the previous hearing.

Nancy Hunt explained that she noted that she has two non-conforming garages that are in poor condition, and noted that the topography of her lot is such that she would like to place the renovated garage in the same location as the pre-existing garage, which is three (3) feet from the side lot line. Furthermore, Ms. Hunt noted that her lot is extremely small (7, 200 square feet) and explained that there is no other feasible location to place the renovated garage. Ms. Hunt informed the Board that the design being proposed is only adding depth and will not increase the overall footprint.

Vice Chair Schafer stated that granting a special permit under 5.1.6.1 would be an easier pathway rather than a variance in terms of making the relevant findings.

Mr. Sorgman requested clarity on the number feet from the property line the renovated garage would be placed. He noted similar accessory structures located on abutting properties, and stated that this renovated garage would be a compatible use.

Members of the Board generally agreed that Section 5.1.6.1 of the Zoning By-laws is applicable to this petition for the expansion of a non-conforming structure.

Vice Chair Schafer called for any public comments relative to the petition. There were none.

Vice Chair Schafer seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. **5-0-0**.

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of Special Permit pursuant to the

provisions of Section 5.1.6.1 of the Hudson Zoning By-laws and made the following findings:

- 1) The subject property is located in the SB Zoning District.
- 2) The subject petition as it concerns the alteration and expansion of a pre-existing non-conforming garage to allow for a replacement structure pursuant to the provisions of Section 5.1.6.1
- 3) Pursuant to Chapter 40A Section 6, the proposed alteration and expansion of the pre-existing nonconforming garage shall not be substantially more detrimental than the existing nonconforming structures to the neighborhood.
- 4) The proposed alteration and expansion of the pre-existing nonconforming garage shall not have an adverse effect on present and future dwellings in the area, and is harmony with the general purpose and intent of the Town of Hudson Zoning By-laws.
- 5) The proposed alteration and expansion of a pre-existing non-conforming garage will not create traffic hazards or volume greater than the capacity of the street affected.
- 6) The proposed alteration and expansion of a pre-existing non-conforming garage is not contrary to the best interests of the inhabitants of the Town of Hudson.

Jason Mauro seconded by Matt Russell moved to approve Petition #2021-07 and grant a special permit pursuant to Section 5.1.6.1 of the Town of Hudson Zoning By-laws for the alteration and expansion of pre-existing non-conforming garage. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea. 5-0-0.**

Vice Chair Schafer seconded by Matt Russell moved to leave deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea. 5-0-0.**

Petition 2021-08 33 Walnut Street

Present: Fay Richardson, Petitioner and Property owner.

Vice Chair Schafer read the public hearing notice, which entails a request to obtain a Special Permit to construct an accessory dwelling unit pursuant to Section 5.2.6 of the Town of Hudson Zoning By-laws. The subject property is located at 33 Walnut Street in

the SB Residential Zoning District, Assessors' Map 40 Parcel 68 The Board may consider any action deemed necessary relative to the subject petition.

Jason Mauro, Clerk read the right of appeal.

Vice Chair Schafer Vice Chair Schafer explained the meeting flow and invited the petitioner to present an overview of the proposed accessory dwelling unit.

Fay Richardson described the layout of the accessory dwelling unit and noted that proposed unit complies with the use regulations specified in the By-law. Ms. Richardson stated that the accessory unit is necessary in order for a family member to age in place. Ms. Richardson described how the accessory unit will be consistent with the surrounding single-family houses on the street.

Vice Chair Schafer called for any comments from members of the public. There were none.

Vice Chair Schafer seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member:: **yea. 5-0-0.**

During deliberative session, the Board made the following findings:

- 1) The subject property is located in the SB Residential Zoning District; and
- 2) The proposed Accessory Dwelling Unit complies with the Use Regulations per Section 5.2.6 of the Town of Hudson's Protective Zoning By-laws; and
- 3) The use will not have an adverse effect on present and future dwellings in the vicinity; and
- 4) The use will not create traffic hazards or volume greater than the capacity of the street affected.

Pamela Cooper seconded by Vice Chair Jill Schafer 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 June 14, 2021 on the subject property located at 33 Walnut Street 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: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0.

Vice Chair Schafer seconded by Jason Mauro moved to enter deliberative session. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0.

Director's Report

Ms. Johnson provided an overview of the redevelopment of 62 Packard Street into affordable housing. She noted that the past several months, Planning staff has worked with the Affordable Housing Trust to develop and issue an (RFP) to solicit a developer who specializes in developing and financing high-quality affordable housing projects. Prospective developers were evaluated based on their experience developing and financing similar projects. After an exhaustive review process, the Affordable Housing Trust voted to select **Metro West Collaborative Development (MWCD)**. **She stated that** the redevelopment of this site will be accomplished via the "friendly 40-B" process whereby the Zoning Board of Appeals will issue a comprehensive permit to MWCD, as the current zoning does not allow multi-family uses for that district. Unlike the traditional 40-B process where the Town has little or no control over the review of the development, the Friendly 40-B will allow for the Town (the Affordable Housing Trust) to be the project proponent and work collaboratively with MWCD to advance the project.

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Vice Chair Schafer seconded by Jason Mauro moved to approve the meeting minutes. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper, Member: **yea**; Matt Russell, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0.

Adjournment

Vice Chair Schafer seconded by Jason Mauro moved to adjourn the meeting at 8:35PM. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Pamela Cooper, Member: **yea**; Matt Russell, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 5-0-0.