



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting—September 9, 2021

---

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 7:05 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.

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

Members Absent: Justin O'Neil, Associate Member

Other Attendees: Kristina Johnson, AICP, Director of Planning  
Amanda Molina Dumas, Assistant Planner

#### **Petition 2021-09 - 10 Bigelow Road**

Present: Kathleen Adams, Petitioner and Property Owner  
Wayne Belec, Land Design Collaborative

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 Kane Industrial Trust to obtain a variance from Section 7.1.4.5 of the Town of Hudson Zoning By-laws to decrease the width of the driveway from 30 feet to 24 feet. The subject property is located at 10 Bigelow Road in the M-7 Manufacturing Zoning District, Assessors' Map 61 Parcel 2. The Board may consider any action deemed necessary relative to the subject petition.

Chair Nevits read the right of appeal.

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

Kathleen Adams explained that they are seeking a variance to reduce the width of the proposed driveway from 30 feet to 24 feet. Ms. Adams provided background on the project, which was reviewed by both the Planning Board and Conservation Commission. She also notes that they have reviewed the proposed width with the Fire Chiefs of Hudson and Berlin, and the State Fire Marshall, who confirmed that the 24 foot width would be satisfactory for fire access. Wayne Belec, engineer for the project, reviewed plans showing both the required and proposed widths, and highlighted that the required width would have a greater impact on the wetlands located on the lot. Mr. Belec also noted that the required width would require a +/-200 foot retaining wall, which would impact the existing, mature vegetation on the site. He also noted that the reduced width would also reduce stormwater runoff. Mr. Belec discussed how the application meets the criteria for a variance, noting the lot width and shape, given the narrowness of the lot, and the topography.

Vice Chair Schafer explained the required findings that the Board would need to make in order to grant a variance, noting that all of the criteria must be met, and requested that the petitioner go into a little more detail regarding the hardship. The criteria is as follows: **1) Special circumstance exist that affect the parcel of land related to the soil conditions, shape, and topography that do not affect other properties in the same zoning district; 2) A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise; and 3) Desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the by-laws.**

Mr. Belec explained that the cost associated with the retaining walls and stormwater management system would be a substantial hardship to the applicant.

Chair Nevits reviewed how the application meets the variance criteria, noting that it meets lot shape and topography, and that there would be no negative impact to the public good if the variance were to be granted. The board discusses if the applicant has proven substantial hardship. Ms. Adams explains that the hardship to them would be the costs associated with the retaining wall, which would be upwards of \$150,000. Mr. Belec also explained the depth required for such retaining walls and how the presence of wetlands makes the process more arduous.

Vice Chair Schafer asked if additional approvals were needed from the Conservation Commission. Mr. Belec replied that they wished to obtain ZBA approval prior to their Conservation Commission filing.

Chair Nevits inquired if any members of the public wished to offer any comments. No members of the public requested to speak on the petition.

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

During deliberative session, the Board unanimously agreed that the appropriate action relative to the subject petition is the issuance of a Variance pursuant to Section 7.1.4.5 of the Town of Hudson Zoning By-laws and the made the following findings:

**Variance Finding #1-** Special circumstances exist that affect the parcel of land related to the soil conditions, shape, and topography that do not affect other properties in the same zoning district:

That owing to unique circumstances relating to the soil, shape, and topography of the land or structures, specifically 1) the narrow width of the lot; 2) the sloping topography of the site; and 3) the presence of wetlands.

**Variance Finding #2-** A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise:

Special circumstances relating to the soil, shape, and topography of this parcel of land as mentioned above would result in a substantial construction and financial hardship for the petitioner relating to the installation of retaining walls and a subsurface stormwater management system, and has demonstrated that a literal enforcement of the zoning by-laws would diminish the overall feasibility of constructing the driveway to access to the site.

**Variance Finding #3-** Desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the by-laws:

Desired relief from the requirements of Section 7.1.4.5 requiring a minimum driveway width of 30 feet for two-way traffic may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of the by-laws, as the proposed 24 foot driveway will decrease the impact to the wetlands.

Vice Chair Schafer seconded by Matt Russell moved to approve Petition #2021-09 and grant a variance pursuant to Section 7.1.4.5 of the Town of Hudson Zoning By-laws to decrease the width of the driveway from 30 feet to 24 feet. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**. 5-0-0. Unanimous.

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

### **Discussion of scheduling a special meeting for the redevelopment of 62 Packard Street friendly 40B Project**

Ms. Johnson provided an overview of the friendly 40B project, noting that it is a Town sponsored project to redevelop the former police station located at 62 Packard Street into affordable housing. The Affordable Housing Trust is also sponsoring the project and in Fall 2020, Town Meeting voted to transfer the land from the Town to the Affordable Housing Trust. The Planning Department worked with the Trust to issue an RFP for an affordable housing developer, and the MetroWest Development Collaborative was chosen. She explained that once the Town receives the Project Eligibility Letter from the Department of Housing and Community Development (DHCD), the ZBA will have 30 days to schedule a hearing. The Board discussed if scheduling a special meeting was necessary given the application has not been filed with the Town yet. Ms. Johnson recommended opening the hearing at the regular scheduled ZBA meeting on November 18, 2021, at which point the Board can discuss continuing to a special meeting date. Chair Nevits and Vice Chair Schafer agreed with this recommendation and the Board concurred.

### **Minutes - August 12, 2021**

Vice Chair Schafer seconded by Pamela Cooper moved to approve the meeting minutes of August 12, 2021. By voice roll call vote: Jill Schafer, Vice Chair: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 4-0-0. Unanimous.

### **Adjournment**

Chair Nevits seconded by Pamela Cooper moved to adjourn the meeting at 8:03 PM. By voice roll call vote: Darja Nevits, Chair: **yea**; Jill Schafer, Vice Chair: **yea**; Jason Mauro, Clerk: **yea**; Matt Russell, Member: **yea**; Pamela Cooper, Member: **yea**; Ronald Sorgman, Associate Member: **yea**. 6-0-0. Unanimous.