



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting – May 3, 2016

The Hudson Planning Board met at the Town Hall, 78 Main Street, Hudson, Massachusetts. At 7:00 PM, Bob D'Amelio called the meeting to order.

Present: Bob D'Amelio, Rodney Frias, Dirk Underwood, Tom Collins, David Daigneault and Jack Hunter, Director.

710 Main Street, Lake Boone Ice, Site Plan Review Cont...

Present were: Steve Poole, Lakeview Engineering Associates
Donald McCarthy, Applicant

Mr. Poole stated that since the previous meeting the applicant has met with the abutters to the site. They discussed some of the issues and made some changes to the plan. The parking area and turn around at the back of the building has been eliminated as the applicant agreed to park all the trailers inside the building in the garage area. The access road on the western side of the site will be 15 feet wide and paved as per the Fire Chief. The grade at the back of the lot has been raised. A fence will be erected along the elevated section as well as some landscaping. There will be no access to the site from Rock Ave.

Chris Theriault, 6 Rock Avenue stated that even though the applicant is working with the abutters he is still not happy with the proposed changes to the building he cited the height and proximity to his property as reasons.

Mr. Hunter stated that this is a non-conforming use, as this area is zoning residential, that must go before the Zoning Board once approval is granted from the Planning Board.

Mr. Poole submitted architectural renderings of the proposed building.

Marilyn Micheala, 18 Rock Avenue asked how tall the proposed addition to the building is. Mr. Poole said approximately twenty feet. She then asked what the distance between the closest corner of the property to the closest abutting property was. Mr. Poole said it is 34 ½ feet.

Lance Nelson, 5 Rock Avenue stated that he does not understand why the addition is not being proposed to be built toward the other commercial properties in the area and not toward the residential. Mr. Poole stated that the loading dock has been proposed on the gas station side of the property. The new ice processing machine and freezer unit will be at the back of the building.

Mr. McCarthy, the applicant, stated that he has occupied this site for the past 34 years. He noted the goal here it to move all operations to the inside of the building and have all of the



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

activity take place up front. This will eliminate issues of the past which have been noise and unsightly storage. He also stated that he needs more space to run his business.

Tom Panetta, 16 Rock Avenue asked about the drainage. Mr. Poole stated that they are collecting the drainage from the site and putting it into infiltration systems.

Margaret Dalton, 4 Old County Road asked if the refrigerated trailers will remain running outside in order to keep the ice frozen. Mr. McCarthy stated that the only trucks left outside will be the delivery trucks and not the trailers.

Jane Theriault, 6 Rock Avenue asked how much light will spill over into her yard which directly abuts the back of the property. Mr. Poole stated that there will be no lights at the back of the building.

Richard Gelpke, 59 Lakeside Avenue noted that this is not a conforming use and that the applicant is looking to increase the unconformity of the site. He stated that he objects to the significant expansion to this building as this is a residential neighborhood.

Mr. Daigneault asked there are only eight parking spaces on the plan and the applicant has six trucks. Will they be parked in these spots? Mr. Poole said they would only park there in the evenings as they are out delivering during the day.

Mr. Hunter stated that they would need to add notes to the plan that there is not access or parking on Rock Avenue, there is no overnight parking on the eastern side of the property and there is not lighting on the northeastern side of the property. Mr. D'Amelio would like a landscaping plan submitted and approved before issuance of a building permit.

The Board ultimately decided to continue the public hearing in order to get the issues above completed.

Mr. Underwood, seconded by Mr. Frias, made a motion to continue the public hearing for 710 Main Street until Tuesday, May 17, 2016 at 7:00 PM.

Vote: 4-0-1, Mr. D'Amelio not voting.

173 Washington Street, *Minor Modification*

Present was: Jesse Johnson, Bohler Engineering

Mr. Johnson is requesting consideration for a minor modification to the approved plans for 173 Washington Street. He stated that when they began doing soil testing where the retaining wall is being proposed as well as doing the global stability analysis it was deemed that it will require significant shoring therefore they are requesting that the wall be moved closer to the building.



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

Moving the wall will reduce the height of the wall and will also allow the developer to grade down from the property line at a one to one slope eliminating the need for the shoring.

The new wall location will still have the same dimensions and requirements as the previously approved wall. The change in location did require that the dumpster be moved.

Mr. Frias asked for the dimensional differences from the previously approved plans. Mr. Johnson stated that the pad for the dumpster was originally 20' X 20' and is now 15' X 25'. The wall is being moved approximately 3 - 4 feet closer (depending on the location) than previously approved.

Mr. D'Amelio stated that this only concern is that this has not been reviewed by the Fire Chief. Mr. Johnson suggested that if they could condition the finding of minor modification be subject to review and approval of the Fire Chief. The Board agreed.

Mr. Daigneault said he would like a more permanent structure placed around the dumpster, he suggests an architectural wall that would match the retaining wall. Mr. Johnson stated that he could not commit to this without discussing it with McDonald's. Mr. D'Amelio agreed that this is an opportunity to improve the aesthetics around the dumpster.

Allyson Hay, 11 Maxwell Circle asked what the height of the new wall is. Mr. Johnson stated that at its highest point it is seven feet high.

Rodney Frias, seconded by Dirk Underwood, made a motion to accept the modification to the site plan as shown on the plan entitled "Site Development Plans for Saxon Partners" as drawn by Bohler Engineering of Southborough, MA and last revised March 5, 2016 as minor modification subject to review and approval by the Fire Chief and the submission of final architectural designs for a wall around three sides of the dumpster that is one foot higher than the dumpster with landscaping included in the designs.

Vote: 5-0-0, Unanimous

161 Broad Street, Forestvale Condominiums, Site Plan Review Cont...

Present were: Tom DiPersio, Jr., Engineer
Michael & Mary Ann Rego, Applicants
Nelson Santos, Atty. at Law

Mr. DiPersio explained that revised plans have been submitted to reflect the comments from Waterman Design Group. The significant items from their initial review have been added. One of the comments was in regard to the sidewalk. Mr. Scott suggested that it be shown on the edge of the proposed northern thirty foot site drive, it has been added to the plans. A handicapped accessible parking space has been added.



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

The landscaping was discussed at the last meeting and the applicant has addressed those issues on the revised plans. Plantings have been added along the northern property line for screening purposes. There is an existing fence along the northern and western side of the property from the abutting property. The applicant will erect a fence along the southern side and a portion of the northern edge of the property. Mr. Hunter asked what type of fence the applicant is proposing. Mr. Rego stated that it is a six foot high solid vinyl fence. The existing hedge row along the northern side of the site will need to be cut back eight feet from where it ends from the back of the sidewalk to provide adequate sight distance looking north as you exit the site. A note has been added to the plan to reflect this.

Five additional items were addressed by Mr. Scott. The first was that the plans must be stamped by the engineer and surveyor. Next he noted that there was a little to no cover on the sewer service behind the building. Mr. DiPersio stated that they will revise the grading to provide more cover.

Mr. Scott noted that there is an issue with the setbacks due to the fact that the decks encroach. This could be easily resolved by the use of patios instead of decks. The applicant will either remedy this with patios or will request a variance from the Zoning Board.

There is a proposed trench drain that will run across the entrance to the property to catch the storm water that is not captured by the catch basins. Mr. Scott noted that there is shallow cover where the trench drain goes off toward the infiltration system. This has been revised to provide adequate cover. Mr. Scott now suggests a structure that will provide a sump to collect any suspended solids that are collected by the trench drain before it gets into the infiltration system.

Lastly, Mr. Scott notes that the Engineer needs to confirm the size and elevation of the overflow outlets as they seem to not match between the model and the elevations on the plan.

Mr. DiPersio submitted a new proposed lighting plan. The wall sconces for the front and back of the outside of the building will be shielded.

Mr. Daigneault asked for more information regarding the sight distance at the exit. Mr. DiPersio stated that it is only the hedge row that impacts the sight distance to the north. Therefore they will be cut back and maintained.

Rodney Frias, seconded by Dirk Underwood, made a motion to close the public hearing for 161 Broad Street.

Vote: 5-0-0, Unanimous



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

Mr. Hunter stated that the five items outlined in above should be addressed in the conditions along with the sight distance and the fence.

Mr. D'Amelio would like a condition that any drainage installation must be inspected by the Town's Engineer.

Rodney Frias, seconded by Bob D'Amelio, made a motion to approve the plan entitled "Proposed Site Plans Forestvale Condominiums 161 Broad Street, Hudson, MA 01749" as drawn by Thomas DiPersio Jr., & Associates Inc. of Marlborough, MA last revised May 3, 2016 and authorize the Agent to Sign with the following conditions:

- 1. A list of 24-hour emergency contact information must be provided to the Planning Director and the DPW at the pre-construction conference.**
- 2. Hours of operation will be Monday through Saturday 7:00 a.m. to 5:00 p.m. No work or operation of machinery may happen before 7:00 a.m. in accordance with the Town's noise by-law or after 5:00 p.m. Per the Massachusetts General Laws, work on Sundays and holidays need to be permitted on a case by case basis by the Chief of Police.**
- 3. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hours written notice. If the activity at the Project site ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting the work.**
- 4. A copy of this Decision and all final approved Plans shall be kept at the Project Site.**
- 5. Members of the Planning Board shall have the right to enter the Project Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Project Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant or the Applicant's contractors.**
- 6. The Planning Board's erosion control plan as attached shall be adhered to and governed. All erosion control shall be in place and approved by the Planning Director before construction begins. Weekly erosion control reports shall be submitted to the DPW and the Planning Department no later than noontime on Fridays.**
- 7. A final occupancy permit shall not be issued until an as-built plan indicating lot grading and drainage system BMP's has been confirmed to be consistent with the approved plans to the Planning Director's reasonable satisfaction.**
- 8. If, during construction, a discrepancy is found between the approved plans and the existing regulations, the DPW and the Planning Director will be notified immediately. The DPW will make the final decision on how to**



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

proceed or if they are unable to make any decision the matter will be referred back to the Planning Board for review.

- 9. Prior to the issuance of a building permit all five revisions and/or comments (a-d) outlined in an email from Michael Scott to Director Hunter dated May 3, 2016 be addressed.**
- 10. The applicant will erect and maintain a six (6) foot high fence along the southern side of the property and a section along the northern edge of the property.**
- 11. The plans will indicate that the applicant shall clear and maintain the vegetation along the northern side of the site entrance / exit to provide the proper sight distance at the driveway intersection.**
- 12. There will be full time on-site inspection during the installation of the drainage system. If the DPW is unable to provide the inspection, the Town's Consultant, Waterman Design Associates, will provide the service at the Developer's cost.**

Vote: 5-0-0, Unanimous

Redevelopment of 34 Tower Street

Present was: Joe Peznola, Hancock Associates

Mr. Peznola is representing Stella Realty Trust, 34 Tower Street. He reminded the Board that this project was informally presented to the Board previously. The applicant is proposing to redevelop this 16 acre site under the Adaptive Reuse Overlay District (AROD) by-law. Three issues were brought up at the last meeting. The first was density and the number of proposed units, the second was the potential traffic impact to the area and lastly was just a clarification or whether this project would be made up of rental units or condominiums.

Mr. Peznola explained that it would be more economically viable for the project to market the units as rental properties not condominiums.

The applicant has engaged Jeffrey Dirk of Vanasse Associates to do a preliminary review of the traffic. Mr. Dirk feels that the traffic from the project can be handled by the intersection at Tower and Main Street in its current geometric configuration. There may need to be changes to the signal and signal timing. Mr. Peznola stated that this was only an initial review and is aware that full study will need to be conducted once the project is submitted for review.

A literal read of the by-law would only count the second and third floors of the main mill building. The square footage is approximately 29,000 per floor. The by-law allows one unit per 1,000 square feet. This would bring the total number of units to 58. The by-law would eliminate from that calculation over 100,000 square feet of first floor space. The second part of the calculation has to do with land area. The site is approximately 16 acres but only 14 acres that are buildable as 2 acres are wetlands. The density with respect to land area would be 140



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

units. Based on a literal read of the by-law which would allow both calculations the total number of units would be 202.

In Mr. Peznola's calculations he considered the two stories in the main brick building including the 44,000 square foot long extension and one story of the main tower building. This gives you 58,000 square feet from the two stories in the main building, 44,000 from the long extension and 22,700 from the tower section. Using the calculations this allows for 144 units. This brought the total to 269 however knowing that 15% of the units must be affordable units.

Mr. Peznola argued that direct application of the by-law to this site the project would not be economically viable.

Mr. D'Amelio suggested taking the footprint of the three buildings out of the usable this would bring the number of units down to approximately 185. A lengthy discussion ensure regarding the number of units.

Mr. Daigneault stated that the size of this project is excessive for the need in Town. He cited concern for the overcrowding it may cause in the schools. Mr. Peznola stated that he will present data that will illustrate the impact to the local school system during his official site plan review.

Mr. Peznola stated that he will take the information from tonight's discussion and take it back to the applicant.

Mr. Frias left the meeting.

Brigham Hill Estates, Rail Trail Easement

Present were: Linda DiLiddo, Ashbury Realty Trust

Tom DiPersio, Jr., Engineer

Mr. DiPersio stated that these plans went through a lot of iterations as they related to accessibility due to the grades. While trying to work through different alternatives, given the constraints, they could not do anything with walls and still maintain an eight foot width and not encroaching on abutting property that the applicant does not own.

Ultimately the plans show that they will work within the constraints of the existing grade. They are proposing steps at the steep drop from the upper to lower section. This plan shows the strip ending at their property line. The applicants Attorney informed Mr. DiPersio that the agreement states that the easement will end at the property line.

Mr. D'Amelio argued that the order of conditions states that the applicant was going to give access to the rail trail. He stated that another condition was that this access was to be



Hudson Planning Board

Town Hall

Hudson, Massachusetts 01749

completed before the first occupancy permit was issued. Which no one argues did not happen. Mr. D'Amelio said that until he sees a plan with complete access to the rail trail he will not approve any such plan nor will he reduce the bond.

Ms. DiLiddo stated that the conditions state that the applicant is to pave the length of the parcel, which she interprets to be where the property line ends.

Mr. D'Amelio suggested that each side look into the matter continue the matter to the Board's next meeting.

An abutter (unnamed) suggested using Hudson Light & Powers easement. Ms. DiLiddo stated she would contact HLP.

Minutes

Dirk Underwood, seconded by Bob D'Amelio, made a motion to accept the minutes of April 19, 2015 as corrected.

Vote: 3-0-1, Mr. Collins not voting.

Adjournment

Rodney Frias, seconded by David Daigneault, moved to adjourn at 9:15 PM.

Vote: 5-0-0, Unanimous

Document List May 3, 2016

Documents	Location
710 Main Street Architectural Rendering	Planning Office
161 Broad Street supplemental info	Planning Office
Letter and Plans requesting minor mod – 173 Washington St	Planning Office
Letter from Joe Peznola regarding 34 Tower Street	Planning Office
Minutes of April 19, 2016	Planning Office

Cc: Town Clerk
Department of Public Works
Jeff Wood, Building Commissioner