



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting— May 12, 2016

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The Hudson Board of Appeals met in the Selectmen's Hearing Room, 2<sup>nd</sup> Floor, Town Hall, Hudson, Massachusetts. At 7:00 PM, Lawrence Norris called the meeting to order.

Present: Lawrence Norris, Dorothy Risser, Jill Schafer, Darja Nevits, Jason Mauro, Pamela Cooper and Kristina Johnson, Assistant Director of Planning & Comm. Dev.

#### **Petition 1078: 59 Apsely Street, *Cont...***

Present were: Dave Rykbost, Applicant  
Nick Facendola, Level Design Group

Mr. Facendola explained that the applicant is seeking to further increase the existing non-conformity of the property located at 59 Apsely Street as well as a special permit to reduce the percentage of open space. The open space that is required in this zoning district is 35% currently the site has 10.8% and the applicant is proposing to further reduce it down to 3.7%. There is a small area in the northwest corner of the parcel that is currently landscaped that they are proposing to pave this area to provide additional parking and provide additional garage door access bays.

The applicant is seeking another special permit to allow for the repair of motor vehicles and storage. Currently the building is being renovated and there are no tenants yet but they would like to be able to offer this use to potential tenants.

Mr. Norris asked how many square feet are they proposing to pave for the parking area. Mr. Facendola stated that it is approximately 4,000 square feet. The area pitches slightly from east to west. A catch basin will be installed along the back edge of the parking area.

There is an area on the parcel that is that has an active Activity and Use Limitation (AUL) on it because of contaminated soils. Mr. Facendola noted that paving it will be a more stable solution than leaving it as an impervious cover would be. There are types of limitations for uses that are deed restricted on the property that go along with this site.

Ms. Risser noted that finding #4 on the AUL requires an opinion rendered by an LSP as to whether the proposed change in activity or use will result in higher levels of exposure of the hazardous materials. She asked if the applicant has done this. Mr. Facendola stated that when the site work begins they are required to have a LSP on site. Ms. Risser suggested adding a condition to ensure that this requirement is fulfilled.

Ms. Risser asked where the applicant would add the screening for disabled vehicles that is required related to the special permit for auto repair. Mr. Facendola stated it would be at the rear of the site. Mr. Rykbost stated that he will install all the underground structures in before paving the parking area just in case he needs to install drains at some point.

Mr. Mauro asked if there are existing floor drains in the building. Mr. Facendola said there are not and Mr. Norris stated that according to the plans there do not seem to be plans to install any.

Mr. Facendola stated that all waste material will be legally hauled off the site.

**Lawrence Norris, seconded by Dorothy Risser, made a motion to go into deliberative session.**

**Vote: 6-0-0, Unanimous**

Ms. Risser suggested that the auto repair be limited to the defined areas as shown on plan that is filed with the petition.

Mr. Mauro stated that he had an issue with enlarging the non-conformity by 65%. Mr. Facendola stated that this part of the by-law refers to structure not the site.

**Ms. Risser, seconded by Jill Schafer, made a motion to grant a special permit under section 5.1.6.1 of the zoning by-laws to enlarge a prior non-conforming use and a special permit under section 5.3.3.1 to allow for the storage and repair of motor vehicles with the following findings:**

- 1. The Petitioner has standing to bring the Petitions, and;**
- 2. The subject property is located in the M-1 Industrial District, 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.**

**And with the following condition:**

- 1. The special permit is limited to the areas shown as units 1, 4, 7, 8 and 9 as illustrated on the plan filed with Petition 1078.**

**Vote: 5-0-1, Darja Nevits not voting.**

**Lawrence Norris, seconded by Dorothy Risser, made a motion to come out of deliberative session.**

**Vote: 6-0-0, Unanimous**

**Petition 1081: 161 Broad Street, *Forestvale Condominiums***

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

***Mr. Norris convened the public hearing.***

***Ms. Risser read the Right of Appeal.***

The applicants are seeking a special permit under section 5.3.2.1 of the zoning by-laws to demolish an existing building and construct one building which will consist of ten townhouse style condominiums in the C-6 commercial district.

Atty. Yates stated that the lot is 60,701 square feet. There will be 25 parking spaces, allowing 2.5 spaces per unit. There are an additional 20 parking spaces opposite the driveway. The driveway meets the minimum width requirement of 30 feet. The building meets the setback requirements in the by-law. The building coverage on the lot is 15% and 43% of the site is designated for open space, both are below the maximum allowed.

Mr. DiPersio stated that this project is next door to the Broad View Heights Condominiums that were recently completed. There are no wetland resource areas on the site. The proposed driveway is located where the current driveway is. There is adequate sight distance in both directions. There was a condition placed on the approval by the Planning Board that stated the hedge row needs to be trimmed back and maintained.

Mr. Norris noted that if approved there will be a single family home on the road that will be between both condominiums, he asked if the owner had been approached. Mr. Rego stated that the owner had provided an email to the Planning Board requesting screening along their side of the property, which Mr. Rego agreed to.

Ms. Risser noted that some of the back decks are within the side yard setback. Mr. DiPersio stated that he had received an opinion from Jeff Wood that states that this is an allowable situation. Mr. Norris stated that as long as the decks do not have any support columns it is allowable. A lengthy discussion regarding the setback ensued. Ultimately the Board decided that none of the structure that goes in the ground can fall within the 30 foot setback.

There was no input from the public.

Ms. Risser would like a condition added stating that no salt or chemicals be used at the site during snow removal because of the neighboring wetlands.

**Lawrence Norris, seconded by Dorothy Risser, made a motion to go into deliberative session.**

**Vote: 6-0-0, Unanimous**

**Lawrence Norris, seconded by Darja Nevits, made a motion to approve Petition 1081 and grant a special permit under section 5.3.2.1 with the following findings:**

- 1. The Petitioner has standing to bring the Petitions, and;**
- 2. The subject property is located in the C-6 Commercial, 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.

And with the following condition:

1. No chemicals are to be applied during snow removal operations.

**Vote: 5-0-1, Jill Schafer abstaining.**

**Lawrence Norris, seconded by Darja Nevits, made a motion to come out of deliberative session.**

**Vote: 6-0-0, Unanimous**

### **Minutes**

**Lawrence Norris, seconded by Dorothy Risser, made a motion to accept the minutes of April 14, 2016, as corrected.**

**Vote: 5-0-1, Darja Nevits not voting.**

### **Adjournment**

**At 8:45 PM, Lawrence Norris, seconded by Dorothy Risser, moved to adjourn.**

**Vote: 6-0-0, Unanimous**

## **Document List May 12, 2016**

Document	Location
Petition 1078 & 1081	Planning Office
Minutes of April 14, 2016	Planning Office