



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting— July 14, 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, Todd Pietrasiak, Jill Schafer, Jason Mauro, Pamela Cooper and Kristina Johnson, Assistant Director of Planning & Comm. Dev.

#### **Petition 1082: 710 Main Street, Special Permit**

Present were: Steve Poole, Lakeview Engineering  
Paul Giannetti, Atty. at Law  
Donald McCarthy, Applicant

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

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

The applicant is seeking a special permit under section 5.1.5.1 to allow the enlargement of the use and structure pursuant to the requirements of 6.2.1.3 (Table 1 – Intensity Schedule).

Atty. Giannetti presented a brief history of the property. This parcel was originally owned by Sam Goldman. There was a gas station and an ice house on the property since 1952. In 1970 he sought to add two buildings for the manufacture, sale and storage of ice. The address was 706 Main Street and the lot size was 56,457 square feet. The lot was later divided into two lots, the gas station lot size is 23,234 square feet and the applicants lot is 33,223 square feet and is now 710 Main Street. The request was granted and the buildings were erected.

In 1980 there was another request for a special permit to expand the building. This was also granted and the building was expanded. In 1995 there was an abutter complaint filed with the ZBA. The complaint mainly was in regards to the sale of propane at the site. However the abutter also noted the installation of an outdoor fan, the storage of motor vehicles, the expansion of the loading dock, the replacement of the sign and the expansion of the retaining wall. There was a hearing and the ZBA concluded that there was no violation significant enough to withdraw the special permit and the business was allowed to continue to operate. The abutters appealed to the land court. In 1998 Judge Kilborn nulled the ZBA decision regarding the propane and did not allow the sale of it. The Judge agreed with the ZBA regarding all the other issues.

Currently the ice is being stored outside in trucks. The applicant, Mr. McCarthy, is seeking add an addition to the building which will improve the business by bringing all storage vehicles inside. He is also looking to update his methods of cooling, storing and manufacturing ice.

This would allow him to be more competitive, reduce his manufacturing costs and increase production.

Mr. Norris stated that this property already has a special permit and thinks that they cannot grant this property another. Atty. Giannetti explained that they are seeking a modification to the special permit. The use is not changing they are simply looking to expand the building. He cited reasonable growth rights as the reason. He argued that a business cannot remain stagnant for 50 years and remain competitive. Atty. Giannetti is seeking a proposed third modification to the original special permit under section 5.6.1.2. Ms. Risser asked if the original conditions will remain in effect. Atty. Giannetti stated that they remain until such time as the Board sees fit to amend them.

The applicant has the approval of the Internal Traffic Committee as well as the Planning Board and the Conservation Commission.

Mr. Poole briefly explained the proposed addition which will be at the back of the existing building. Changes have been made to the original proposal after talking to abutters and recommendations from the ITC. All the vehicles will be removed off the site and into the building. All storm water management requirements have been met. Planning Board required additional buffering from noise by increasing size of fencing. There is currently vegetative screening which will be replaced.

Ms. Risser asked what material will the addition be on the outside of the building. Mr. Poole said it will be metal. Ms. Risser stated that this would pose a problem as the original conditions state that the building cannot be corrugated metal externally, only wood, cement and/or brick. Therefore they would need another further relief.

Chris Theriault, 6 Rock Ave. questioned whether this expansion is reasonable. The building is going from approximately 1,900 square feet to 6,200 square feet. This is an increase of 325%. Atty. Giannetti and Mr. Poole disagreed with the numbers however they all agreed the proposed square footage will more than double the size of the current building.

Mr. Theriault asked for an impact analysis regarding the amount of energy and electricity the new building will consume as there are electrical issues in this area. They would like to be assured that the grid is set up accept additional power requirements. He is also looking for an impact analysis regarding the removal of the trees relative to erosion.

Mr. Theriault submitted a letter from a realtor stating that this proposed addition will negatively impact the value of the homes in the abutting neighborhood.

Jane Theriault, 6 Rock Ave. asked for a rendering of the back of the building.

Lance Nelson, 5 Rock Ave. noted that the employees are parking within the 50 foot wooded buffer. He also stated that the applicant will need to seek relief for three of the original conditions, the material of the structure, the 50 foot buffer and the height of the building. He feels that the employees will park on Rock Ave once the 50 foot buffer is removed.

Dan Sutherland, 17 Rock Ave. asked if the offices in the building will be part of the business or rentals. Mr. McCarthy stated the offices pertain to the business.

Richard Gelpke, 53 Lakeside Ave. spoke against granting the modification. He stated it will be detrimental to the neighborhood.

Rita Pierce, 10 Rock Ave. expressed her frustration regarding the proposed addition to the building.

Marilyn Michela, 18 Rock Ave. stated that this proposed addition is too big for this neighborhood and she believes that this business has outgrown this area. She noted that one of the goals of the Master Plan is to protect Hudson's single family neighborhoods.

Tom Panetta, 16 Rock Ave. agreed with Ms. Michela. He feels this is not a modification. This is a new building.

Lorraine Nelson, 5 Rock Ave. stated that this will ruin the character of the neighbor and asked that the Board consider all the abutters comments.

Bob D'Amelio, 9 Edgewood Drive explained that the role the Planning Board played in their approval of this plan. He emphasized that from an engineering perspective it works and this is what the Planning Board reviews.

Atty. Giannetti stated that this business was started before many of the homes in this area were built. He believes that the applicant has the right to improve and expand his business to fulfill his needs.

**Lawrence Norris, seconded by Todd Pietrasiak, made a motion to continue the public hearing for 710 Main Street to August 11, 2016 at 7:00 PM.**

**Vote; 6-0-0, Unanimous**

**Dorothy Risser, seconded by Lawrence Norris, made a motion to seek the guidance and involvement of Town Counsel regarding Petition 1082.**

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

## **Minutes**

**Lawrence Norris, seconded by Dorothy Risser, made a motion to accept the minutes of May 12, 2016, as written.**

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

## **Adjournment**

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

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

## **Document List July 14, 2016**

Document	Location
Petition 1082: 710 Main Street	Planning Office
Minutes of May 12, 2016	Planning Office