



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting— August 11, 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, Darja Nevits and Kristina Johnson, Assistant Director of Planning & Comm. Dev.

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

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

The Board is in receipt of a letter from Atty. Giannetti requesting a continuance to the Board's next scheduled meeting on September 15, 2016 at 7:00 PM.

Atty. Cipriano explained that this site has been granted various special permits dating back to 1957. The issue at hand is whether the requested special permit is a new permit or it is an extension / expansion of an existing permit. As this is historically such a complex zoning site Atty. Cipriano suggests that Atty. Giannetti submit a list of specific findings and conditions of the decision which will be discussed at the hearing. This will allow for residents and abutters to be able to question and/or comment on them.

**Lawrence Norris, seconded by Dorothy Risser, made a motion to continue the public hearing for 710 Main Street to its meeting of September 15, 2016 at 7:00 PM.**

**Vote: 7-0-0, Unanimous**

#### **Petition 1083: 24 Temi Road, Variance 6.2.2.1**

Present were: Kelly & Michael Willard, Applicants

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

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

The applicants are seeking a variance under section 6.2.2.1 of the zoning by-laws to allow for the construction of a porch within the front yard setback.

Mr. Willard explained that the lot is unique in that the curvature of the road which makes the porch non-conforming at a certain point with regards to the setback. Ms. Risser asked if the houses on either side of this one have porches. Mr. Willard said no. This is a newly

constructed home in which the previous structure was demolished and the new construction has been constructed on the original foundation on the property.

There was a lengthy discussion of whether this petition should have been filed under a different section of the zoning by-laws of the Town. The variance is for approximately two feet. Atty. Cipriano stated that this law considers any dimensional variance under three feet as de minimus, meaning that the applicant must still meet all the variance criteria however all the evidence is less compelling. Atty. Cipriano summed it up to say that the Board has substantial administrative discretion on this case as the applicant is trying to protect the status of the primary non-conformity of the structure.

Mr. Willard explained that the structure cannot be moved back as there is a stream that runs along the backside of the property and the Conservation Commission would not allow this, thus creating the hardship necessary to grant the variance.

Ms. Nevits does not see the porch as an essential part of the structure and does not believe that this is not a self-imposed hardship.

Mr. Norris believes that the porch is a necessary to shelter and cover those entering / exiting the house. Ms. Risser stated that there could not be any covering over the door at all without the need for a variance and sees that it is essential.

**Lawrence Norris, seconded by Todd Pietrasiak, made a motion to go into deliberative session.**

**Vote: 7-0-0, Unanimous.**

**Lawrence Norris seconded by Todd Pietrasiak, made a motion to grant a variance under Section 6.2.2.1 of the Zoning By-Laws to allow for the construction of a porch within the setback with the following findings:**

- 1. The Petitioner has standing to bring the Petitions, and**
- 2. The subject property is located in the SA-8 Zoning District and;**
- 3. That owing to circumstances relating to the soil conditions, in that a large amount of ledge exists on site, and topography, in that steep slopes exist on site coupled with the need to significantly lower the site to render it usable, both of which affect this land but not generally affecting the SA-8 zoning district, a literal enforcement of the zoning by-law would involve substantial hardship in that compliance with the setback requirements would diminish the financial feasibility of the project, and;**
- 4. Relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the by-law as adverse effects are mitigated through conditions herein.**

**Vote: 5-1-0, Darja Nevits against, Jason Mauro and Pam Cooper not voting.**

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

**Vote: 7-0-0, Unanimous.**

### **Assistant Director's Report**

Comprehensive re-zoning update

Ms. Johnson informed the Board that RKG Associates has been hired to consult on the re-zoning. They are an urban planning and design firm. The contract will be approved at the Board of Selectmen's next meeting. This process is projected to take two years to complete.

### **Minutes**

**Lawrence Norris, seconded by Jason Mauro, made a motion to accept the minutes of July 14, 2016, as written.**

**Vote: 7-0-0, Unanimous.**

### **Adjournment**

**At 8:20 PM, Lawrence Norris, seconded by Dorothy Risser, moved to adjourn.**

**Vote: 7-0-0, Unanimous**

## **Document List August 11, 2016**

Document	Location
Petition 1083: 24 Temi Road	Planning Office
Minutes of July 14, 2016	Planning Office