



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting— October 13, 2016

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

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

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

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

Mr. Norris read a letter from Lance Nelson dated October 11, 2016 into the record. The letter was in regards to his opposition to this petition. He cited examples why he feels that the special permit should not be granted in this case. He states that the further expansion of the ice house would directly conflict with the Town's by-laws and he requests that this be denied.

A letter from Marilyn Michela, 13 Rock Avenue, dated October 13, 2016 was read into the record. Ms. Michela is urging the Board to halt the proposed expansion of the ice house.

Atty. Giannetti explained that the applicant met with the Planning Board looking for approval of minor modifications to the previously approved site plan. The modifications were with regard to the fifty foot buffer zone. The building has been moved back approximately ten feet on the Rock Avenue side to provide for the fifty foot buffer zone. The building was also brought closer from 23 feet to 16 feet along the westerly boundary. A snow storage area has been identified on the plans to satisfy the Planning Board. A new proposed location for the septic system has been chosen in order to satisfy comments from abutters. Some additional fencing and landscaping has been added along the northern back boundary to the northwest of the property to the per the request of the Planning Board. This helps to shelter the residents on Rock Ave from the back of the ice house building.

Parking has not changed and is in compliance with the Town's regulations. A berm will be added to help eliminate the spillover parking from the garage next door. There was a concern that if the parking is not sufficient that they would have vehicles parking on Rock Ave. Mr. McCarthy stated that they have never parked on Rock Ave in the 32 years he has been in business and he assured the Board that he will keep all parking on site.

Atty. Giannetti noted that the zoning manual states that any alteration which increase the efficiency of the operation of the business are not changing the use. He went on to say that any business must remain competitive and by doing this the applicant can reduce his labor

force and substantially save on energy costs. The loading and unloading of ice will be more efficient as well. The proposed improvements will allow the currently permitted use to be more proficient by expanding the size of the building. He noted that the Board could condition that all vehicles used for outside storage will be removed once the building is constructed and there will be no further use of outside vehicles.

The average height of the building will not exceed 25 feet across the back of the building. This building will not be any higher than the existing building. The original proposal was to construct the building out of steel. The applicant has since changed this and is proposing the same type of material that is on the existing building.

Atty. Giannetti stated that all storage vehicles / trailers will be permanently removed from the property and that this would be an acceptable condition of approval for the applicant.

Mr. Norris asked if there is a 15 foot paved drive aisle to the fire department connection as per Chief Blood's request. Atty. Giannetti said yes.

Bob D'Amelio, Planning Board Chairman explained that the size of the building and the type of building are what determine the number of required parking spaces and the applicant has met this requirement.

Mr. Norris asked Town Counsel if the Board has the power to vacate the previous permits and reinstate a permit today and going forward. Atty. Cipriano stated that as long as the Board meets the criteria of what is intended by the prior existing non-conforming use protections. He went on to say that basically this is a grandfathered use that would not be permitted today. The Board is charged with trying to mitigate the negative impact upon the neighborhood. If the Board finds that by the changes proposed by the applicant in no way create an expanded non-conforming use or building Atty. Cipriano believes that the Board can upgrade the conditions of approval to meet the current need of the neighbor based on the plans being proposed.

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

Vote: 6-0-0, Unanimous

Ms. Cooper feels that the change in the building will help the aesthetics of the neighborhood. She is however concerned about the parking. Mr. Mauro agreed.

The Board agreed that the approval of this petition comes down to crafting the conditions appropriately.

Lawrence Norris seconded by Todd Pietrasiak, made a motion to issue the special permit under 5.0- Use Regulations, Paragraph 5.1.6, Continuance of Existing Uses, Buildings, and Structures, Sub-Paragraphs 5.1.6.1 & 5.1.6.2 to allow the enlargement of the use and the structure with the following findings:

1. The Petitioner has standing to bring the Petitions, and
2. The subject property is located in the SB Zoning 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.

The SPECIAL PERMIT IS GRANTED with the following conditions:

1. The proposed construction of the building expansion shall be completed in accordance with all elements shown on the final engineered Site Plan dated September 22, 2016.
2. The proposed building shall not be higher than 25 feet above the existing roof line.
3. The building exterior shall not be comprised of corrugated metal or like materials, and shall only be comprised of wood, cement, and/or bricks, similar to the current construction.
4. A fifty (50) foot buffer along the Rock Avenue side of the building shall be maintained in accordance with the above referenced site plan.
5. There shall be no storage of ice allowed outside of the building except in the six (6) delivery trucks for immediate delivery the next business day.
6. All current existing storage, vehicles, and structures shall be removed from the premises, and there shall be no structures and/or appurtenances added to the existing building or proposed expansion.
7. No more than six (6) delivery trucks shall be stored overnight on the premises.

6-0-1, Mr. Tibbals not voting.

Lawrence Norris, seconded by Todd Pietrasiak, made a motion to come out of deliberative session.

Vote: 6-0-0, Unanimous

Assistant Director's Report

Update on comprehensive re-zoning

Ms. Johnson thanked Chairman Norris, Ms. Risser and Ms. Cooper for participating in interviews with the rezoning consultants.

Washington Street Bridge update

Ms. Johnson informed the Board that MassDOT has commenced some pre-construction activity at the location. A weekly meeting with MassDOT and the contractor to discuss the work that will be done the next week. Ms. Johnson will be putting out a weekly construction briefing via the Town's website (www.townofhudson.org) on the Planning Department page.

The 105 day bridge closure is anticipated to begin spring 2017 and final bridge alignment will happen in early summer 2018.

Downtown Rotary Design project

Ms. Johnson informed the Board that there will be a public forum held on October 26, 2016 where three design alternatives will be presented.

Minutes

Lawrence Norris, seconded by Todd Pietrasiak, made a motion to accept the minutes of September 15, 2016, as written.

Vote: 7-0-0, Unanimous.

Adjournment

At 9:00PM, Todd Pietrasiak, seconded by Dorothy Risser, moved to adjourn.

Vote: 7-0-0, Unanimous

Document List October 13, 2016

Document	Location
Minutes of September 15, 2016	Planning Office
Letter from Lance Nelson dated October 11, 2016	Planning Office
Letter from Marilyn Michela dated October 13, 2016	Planning Office