



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting—July 13, 2017

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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.

Members Present: Lawrence Norris, Dorothy Risser, Todd Pietrasiak, Jason Mauro, Pamela Cooper, and Jill Schafer

Staff: Kristina Johnson, AICP, Assistant Director of Planning and Community Development

A copy of the sign in sheet is enclosed with these minutes.

Chairman Norris convened the meeting at 7:00 PM, and read through the sequencing of the petitions for the evening.

#### **Petition 2017-14; 198 Washington Street *Special Permit***

Present were: Dr. Abeir Sourial  
Rouuf Makavous, Engineer for the project

Chairman Norris read the public hearing notice for the above-referenced petition, requesting Request for a Special Permit pursuant to Section 5.1.6.2 for the enlargement of a pre-existing non-conforming structure to allow for a 660-square foot expansion of an existing 1,008 square foot dentist office at 198 Washington Street.

Dorothy Risser read the right of the appeal.

Chairman Norris explained to the petitioner and her engineer Rouuf Mankavous the format of the presentation. Mr. Mankavous discussed the evolution of the project and noted the existing building's non conformity. Vice Chairman Pietrasiak inquired if the prior noted structural non-conformity was the only non-conforming issue, to which Mr. Mankavous said yes. Dorothy Risser asked the petitioner about the use of the second floor, to which Dr. Sourial responded that it just used for storage.

Chairman Norris moved to enter into deliberative session. Seconded by Jason Mauro. Vote: 6-0-0. Unanimous

Chairman Norris moved to grant the Special Permit under Section 5.1.6.2 to allow for the enlargement of the pre-existing structure at 198 Washington Street. Vote: 5-0-0 Unanimous

**Petition #2017-11; 19 Lakeshore Drive, Special Permit (Continuance)**

Present were: Attorney Nelson Santos, representing the petitioner  
Doreen Matel, Petitioner

Chairman Norris read aloud the public hearing for the above-referenced petition requesting a special permit pursuant to Section 5.2.6.3 of the Town of Hudson's Protective By-laws to construct an accessory dwelling unit. The subject property is located at 19 Lakeshore Drive, Assessor's Map 67, Block 73 in the SB Zoning District.

Dorothy Risser read the right of the appeal.

Attorney Nelson Santos provided the Board an overview of the proposed accessory dwelling unit (ADU) plan. Mr. Santos noted that the petitioner is requesting permission to construct an ADU in order to care for an aging family member. He further noted that it was his belief that proposed plan is in compliance with the ADU regulations with respect to square footage (less than 900 Square feet) and having a separate front door.

Vice Chairman Pietrasiak questioned how the 900 square feet was calculated, as he noted that there were no dimensions shown on the submitted plan. Mr. Pietrasiak inquired how many bedrooms are being proposed, as it appears based on the plans that there are 3 bedrooms being shown. He underscored that having 3+ bedrooms is not in compliance with the regulations, and that the ZBA cannot issue a variance for an ADU proposal. Finally, Vice Chairman Pietrasiak requested that the petitioner prepare a site plan to ensure that the proposed ADU meets all setback requirements.

Dorothy Risser echoed the Vice Chairman and requested that the petitioner come back next month and furnish the Board with the following: 1) A dimensioned internal layout plan clearly depicting which rooms go with the main house and which rooms go with the ADU; 2) clearer depiction of the ingress and egress; 3) location of parking; and 4) elimination of the third bedroom.

Chairman Norris moved to continue the public hearing for the above-referenced petition to the August 10, 2017 meeting of the Zoning Board of Appeals. Seconded by Todd Pietrasiak. 6-0-0. Unanimous.

**Petition #2017-12; 181 Main Street, Special Permit**

Present were: Attorney Arthur Bergeron representing the petitioner  
Robert Chrusciel, Engineer, Hancock Associates  
Mohamed Eldordu, Petitioner

Chairman Norris read aloud the public hearing notice for the above-referenced petition requesting a Special Permit pursuant to Section 5.1.6.1 for the enlargement of a pre-existing non-conforming use to allow for the demolition of a 733 square foot car wash and adjacent canopy and the construction of a 604 square foot drive through coffee shop. The subject property is located at 181 Main Street, Assessor's Map 29 Parcel 182 in the C-1 Zoning District.

Attorney Bergeron introduced himself and the project team, and then provided an overview of the petition. He underscored the nature of the proposed use, and the approvals received by the Internal Traffic Committee and the Planning Board. Attorney Bergeron noted the careful attention paid to the crafting of the conditions in the Planning Board decision.

Bob Chrusciel provided an overview of the site plan including: the proposed demolition; site grading; parking; snow storage area; the placement of the dumpster; and the layout of the coffee shop drive through. Mr. Chrusciel discussed the agreement executed with the St. Michael's Church to use three parking spaces in its lot during off hours. Finally, he mentioned that the Planning Board expressed concern regarding the numerous curb cuts; and as such, has now proposed the closure of one of the existing curb cuts. Other measures discussed included saw cutting on Broad Street and the repair of the sidewalk.

Dorothy Risser inquired if there would be seating inside, to which the petitioner said that the company would only have counter and drive through window service. Vice Chairman Pietriasiak asked about the ordering sequence and whether there would be painted lines so that vehicle could queue up properly.

Mohamed Eldordu, proprietor of the Gourmet Donuts franchise, provided a historical overview of his business, and underscored that his business is different from the standard large coffee/donut franchises. Mr. Eldordu detailed the type of personalized service his coffee shop provided, and he also referenced the traffic study that was completed for the project. Dorothy Risser inquired about the hours of operation for both the proposed coffee shop and the existing gas station, to which Mr. Eldordu stated 5:00 AM- 8:00 PM, Monday through Saturday; 6:00 AM-6:00PM Sunday; and the gas station hours are Monday through Sunday 5:00 AM- 11:00 PM. Chairman Norris asked about the other food products will be sold on the premises in addition donuts, to which Mr. Eldordu stated that breakfast sandwiches and other pastries will be served. Chairman Norris expressed concerns about servicing carloads ordering significant quantities of food and beverage and how that would impact queuing.

A dialogue ensued between the Board members and Attorney Bergeron regarding the vehicular circulation to and from the drive through. Mr. Bergeron underscored the unique conditions contained in the Planning Board's Site Plan Review decision related to the circulation, specifically providing the Town with funding to upgrade the

signalization control at the corner of Broad Street and Villa De Porte so that they will be coordinated with the existing controls at the corner of Broad Street and Main Street.

Chairman Norris expressed skepticism about the functionality of any new signal equipment to mitigate any of the circulation impacts. He expressed significant concerns about the stacking that may occur. Chairman Norris asked about the fuel delivery, the new grading, and the stormwater management.

Vice Chairman Pietrasiak inquired about why additional parking is being provided over at the Church. Attorney Bergeron indicated that it was a measure that was necessary to give the Planning Board a sense of comfort with respect to site circulation.

Both Dorothy Risser and Pamela Cooper expressed concerns about the traffic associated with the proposed drive through donut shop. Specifically, Ms. Cooper expressed concerns about the traffic coming down Manning Street and conflicting with traffic turning into the site. Ms. Risser inquired if a left-turn lane was brought up as a mitigation measure.

Attorney Bergeron recommended that Board members take an individual trips to one of the existing Gourmet Donuts shops in Leominster and/or Fitchburg to gain a comfort level with the circulation to and from those site. He then requested that the Board entertain a continuance until the next meeting.

Chairman Norris moved to continue the public hearing for the above-referenced petition to the August 10, 2017 meeting of the Zoning Board of Appeals. Seconded by Dorothy Risser. 6-0-0. Unanimous.

#### **Petition #2017-10; 10-12 Arlington Street, *Special Permit***

Present were: Attorney Jose Moreira, representing the petitioner  
Robert Vorbach, Architect  
Christopher Tofte

Chairman Norris read aloud the public hearing for the above-referenced petition requesting a Special Permit pursuant to Section 5.1.6.1 for the enlargement of an pre-existing nonconforming use to a allow for the conversion of a two-family dwelling to a four-family dwelling. The subject property is located at 10-12 Arlington Street, Assessor's Map 29, Parcel 2 in the SB Zoning District

Dorothy Risser read the right of the appeal.

Attorney Moreira proceeded with an overview of the subject petition and noted that there is a conflict with the site plan survey and assessors' card with respect to the lot size. Attorney Moreira noted that all of the dimensional requirement and parking requirements have been met; and, stated his opinion that the proposed enlargement of

the non-conforming use would not be substantially more detrimental than the existing non conformity. He provided a Board of the breakdown of the types of residential uses, building coverage of other properties, and the general makeup of the neighborhood.

Chairman Norris asked about the address of the subject property, and for clarification of the amount of the square footage. Chris Tofte, contractor for the petitioner, provided an in-depth explanation of the engineer's survey methodology, and their struggle to locate missing lines, monuments, and controls. He noted the significant expense of bringing the survey up to date and would require a resurveying of the neighborhood.

Attorney Moreira underscored that the neighborhood is already dense, and noted that this project is not adding more traffic and all parking is satisfied.

Jill Schafer inquired whether this petition was a creating a new nonconformity; and as such, would require the issuance of variance. She asked Attorney Moreira to address this issue and cited case law that she believes may be applicable to the petition. A back and forth dialogue ensued between Ms. Schafer and Attorney Moeira about this issue.

Chairman Norris interjected and stated that does want to tolerate a back and forth between the petitioner's attorney and one of his members. He stated his belief that the best person to address these questions would be Aldo Cipriano, Town Counsel.

Chairman Norris moved to continue the public hearing for the above-referenced petition to the August 10, 2017 meeting of the Zoning Board of Appeals. Seconded by Dorothy Risser. 6-0-0. Unanimous.

**Petition #2017-13; 46 Church Street, *Special Permit***

Present were: Attorney Jose Moreira, representing the petitioner  
Lew Colton, Architect  
Anna Sousa, Petitioner  
Debbie Sousa, Petitioner

Chairman Norris indicated his preference to have the petitioner's attorney dispense with the history of the project, and focus on the elements that are new. Chairman Norris then read aloud the public hearing notice requesting a Special Permit pursuant to Section 5.1.6.1 for the enlargement of an pre-existing nonconforming use to a allow for the conversion of a two-family dwelling to a four-family dwelling. The subject property is located at 46 Church Street, Assessor's Map 19 Parcel 324 in the SB Zoning District.

Dorothy Risser read the right of appeal.

Chairman Norris reminded the petitioner of the negative Section 6 Finding, and of the directive to make the proposed development more palatable for the neighborhood.

Lew Colton, Architect for the petitioner provided an overview of the re-design of the building. He noted that there was a serious attempt to the greatest extent feasible to incorporate elements from the photographs submitted by the neighbors. He noted the revised footprint and the 2,101 square feet of open space.

Vice Chairman Pietrasiak continued to express serious concern about the overhangs and the parking underneath. He stated his belief that delivery trucks not making the clearance height and causing damage to vehicles. Lew Colton said that he could do some minor tweaks to increase the clearance, but that it would not reach the desired 15 feet.

Matt Runkle, resident of Church Street applauded the effort to re-design the project, but is still concerned about the size and scale of the project. A dialogue between the neighbors, Mr. Colton, and the Board ensured about the site design.

Chairman Norris moved to approve Petition #2017-13 to allow for the conversion of a pre-existing two-family dwelling to a four family dwelling. Subject to the following conditions:

- 1) Removal of the proposed dumpster from the site plan;
- 2) Removal of the proposed parking space bumpers.

**2-0-3 Motion Fails; Petition for Special Permit Denied.**

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

No report was given.

#### **Minutes**

**Lawrence Norris seconded by Dorothy Risser, moved to approve the minutes of the May 11, 2017 meeting.**

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

#### **Adjournment**

**At 9:40 PM, Lawrence Norris seconded by Dorothy Risser, moved to adjourn.**

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