



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—November 9, 2017

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

Members Present: Lawrence Norris, Chairman; Dorothy Risser, Clerk; Darja Nevitis, Member; Jill Schafer, Associate Member; Jason Mauro, Associate Member; Pamela Cooper, Associate Member

Staff: Jack Hunter, Director of Planning and Community Development

Others Present: Attorney Aldo Cirpiano, Counsel, Town of Hudson

Petition #2017-09; 19 Brent Drive *REMAND ORDER*

Present were: Attorney Gregory Bradford, representing, Blank Industrial Realty
Attorney David McKay, representing Hudson Golf and Sylco Realty
Bill Goodman, Civil Engineering Consultants

Chairman Norris provided an overview of the remand order, which involves Blank Industrial Realty, Hudson Golf, LLC, and the Zoning Board of Appeals. He noted that the decision for the above-referenced petition was appealed to Middlesex Superior Court and that a settlement was reached between Hudson Golf /Sylco Realty LLC and Blank Industrial. A joint motion was filed requesting to remand the appeal back to the Planning Board and the Zoning Board of Appeals to review and discuss modifications to the plan and decisions accordingly. Chairman Norris further explained that any modifications shall reflect the settlement reached amongst the parties. He then requested that Attorney Cirpiano and/or Attorney Bradford provide some procedural guidance as to how to move the discussion forward.

Attorney Cirpiano first explained the nature of the appeal, and noted that some of the elements were related to the Board's decision and other were private matters between the two parties. Attorney Cirprano explained that as part of the conciliation process between the two parties, minor modifications to the originally approved site plan were proposed and a remand back to the Planning Board and Zoning Board of Appeals was requested. Attorney Cirpiano stated, as the Board's Attorney of Record, that there would be no issue with remanding the appeal back to the Planning Board and Zoning Board of Appeals to address the site plan minor modification.

Attorney McKay echoed Attorney Cipriano's overview of the joint motion requesting a remand, and underscored that all parties are in agreement about the modified site plan. He stated his understanding that the Board's action tonight would be to accept the modified site plan, which he noted had been recently approved by the Planning Board, and issue an amended decision reflecting the modified site plan.

Bill Goodman, Civil Engineering Consultants summarized the elements of the originally approved site plan. To address the settlement between the two parties, Mr. Goodman noted that a six-foot high berm and 8-foot stockade fence have been designed into the modified site plan. He underscored that the access roadway would now be located 14-20 feet from the Golf Course property.

Attorney Greg Bradford clarified that the previous-mentioned access agreement is to allow petitioner to plant trees along the property boundary in order to further increase the buffer between the two properties.

Dorothy Risser reminded the petitioner of the condition from the original decision related to the access roadway. She read aloud the condition from the original decision that states "no salt, chemicals, and herbicides shall be applied on the entire length of the gravel roadway." Ms. Risser recommended that the previous condition related to the use of chemicals and herbicides be extended to include the newly incorporated berm, which runs over the Watershed Protection District. Bill Goodman then pointed out the location of the Watershed Protection Boundary in relation to the property boundaries and the location of the new berm.

Darja Nevits inquired whether the easement portion had been widened, or if the roadway has been reconfigured differently within the same portion of land. Attorney Greg Bradford clarified that Ms. Nevits had been referring to a portion of the property boundary on the plan and not an easement. No property changes to the property boundaries have been made.

Chairman Norris then asked the petitioner what the specific action they would like the Board to take so that they can proceed accordingly. Attorney Greg Bradford stated the action requested is for the Board to issue an modified decision reflecting the Planning Board's approval of the site the plan modification. Chairman Norris followed up by asking if the petitioner would like to change the reference to the site plan in a modified decision; and, whether the petitioner is in agreement with keeping the prior conditions. Attorney Greg Bradford indicated that the petitioner is fine with keeping the prior conditions, and did not anticipate not having those conditions carry forward. Dorothy Risser then reiterated the need to extend the condition related to the use of chemicals, herbicides, and pesticides to include the newly incorporated berm.

Attorney Cipriano stated that in order to give credence to the Court Remand, the Board needs to approve an amended special permit decision.

Chairman Norris moved to enter deliberative session, seconded by Dorothy Risser 6-0-0. Unanimous

Darja Nevits seconded by Jill Schafer, moved to amend the Special Permit under Section 3.3.10 of the Town of Hudson's Zoning By-Laws to allow for gravel pad landscaped material stockpile areas, a one-way, twenty (20) foot wide interior gravel access driveway, and associated stormwater management features, as depicted on the modified site plan.

Chairman Norris moved to come out of deliberative session, seconded by Dorothy Risser 6-0-0. Unanimous

Assistant Director's Report

None given.

Minutes

Jason Mauro, seconded by Darja Nevits moved to approve the minutes from the October 12, 2017 meeting. 6-0-0. Unanimous

Adjournment

Chairman Norris moved to adjourn the meeting at 7:45 PM. Seconded by Darja Nevits. 6-0-0. Unanimous.