



Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

Minutes of Meeting—December 14, 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; Todd Pietrasiak, Vice Chairman
Dorothy Risser, Clerk, Christopher Tibbals, Member; Jill Schafer,
Associate Member; Jason Mauro, Associate Member; Pamela
Cooper, Associate Member

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

Chairman Norris convened the meeting at 7:00 PM.

Petition #2017-18; 21 Lakeside Avenue

Present were: Nilton Lisboa, property owner

Chairman Norris read verbatim the public hearing notice for the above-referenced petition requesting a variance from Section 6.2.1.3 of the Town of Hudson's By-laws for the removal and reconstruction of a single-family dwelling within the rear yard setback. The subject property is located at 21 Lakeside Avenue Assessors' Map 36 Parcel 20 in the SB Zoning District.

Dorothy Risser read the right of appeal.

Chairman Norris read verbatim the addendum to the petition dated November 19, 2017 submitted by David Sadowski.

For the benefit of the petitioner, Chairman Norris explained the sequencing of the meeting and then invited Mr. Lisboa to provide an overview of the petition to the Board. Mr. Lisboa then proceeded provide an overview of the proposed demolition of the existing single-family structure, and construction of a new single-family structure within the same footprint. Mr. Lisboa explained that he attempted to rehabilitate the existing single-family structure, but a structural engineer deemed the structure unsafe. Finally, Mr. Lisboa described the dimensional configuration of the lot and discussed the access from the "unnamed roadway," despite the address being 21 Lakeside Avenue.

Chairman Norris requested clarification about the number of lots referenced in the addendum, as it appears that there are three lots. Mr. Lisboa stated his understanding of the deed that the property is comprised of two parcels (20 and 23), but that it's one single lot owned by one person. Chairman Norris followed up with a description of the instrument in the deed that outlines two lots, neither of which have frontage on Lakeside Avenue, but on the unnamed roadway.

Mr. Lisboa explained that indeed the property has frontage on the unnamed roadway, but expressed his understanding that the Town of Hudson considers the unnamed roadway Lakeside Avenue for addressing and assessment purposes. He indicated that he spoke with the Building Commissioner about this issue. Chairman Norris expressed his understanding that in order to be addressed as Lakeside Avenue, the property actually had to have frontage on Lakeside Avenue. According to Mr. Lisboa, the Building Department and the Assessor's Department determined that the property does have frontage on Lakeside Avenue.

Mr. Lisboa continued with his presentation, and described the layout of the proposed new single family structure in comparison to the existing structure. He explained that in addition to single-family structure, a back deck would be constructed, encroaching within the rear setback (30 feet is required). Mr. Lisboa then described to the Board the perceived hardships necessitating the issuance of the variance: 1) the location of gravity septic system; 2) the sloping topography; 3) the location of the buffer zone. He noted that the Conservation Commission approved the construction plans based on the proposed design and location of the septic system.

Dorothy Risser inquired about who maintains the existing unnamed road, to which Mr. Lisboa said that no one maintains or plows the roadway since it is not a public roadway. He noted that the only way to access the property is via the unnamed roadway, which essentially functions as a driveway.

Chairman Norris and members of the Board acknowledge the pre-existing non-conforming structure on the site, but are still unclear about the frontage issue and felt the Planning Board should review a site plan for an exemption.

Vice Chairman Pietrasiak and Dorothy Risser inquired about the location of the septic system, and whether it could be located somewhere else on the property. Mr. Lisboa responded that he would investigate a possible re-design with the civil engineer.

Michael Belanger and Ellen Kisslinger of 19 Lakeside Avenue expressed their support of the proposed project and its positive impact to the neighborhood, and urged the Board to rule favorably on this petition.

Chairman Norris expressed his belief that more information and clarification on the unnamed roadway with the Planning Department and Building Commissioner before moving forward with the petition. As such, Chairman Norris moved to continue the

public hearing for this petition until Thursday, January 11, 2018. Seconded by Christopher Tibbals. 7-0-0 . Uniramous.

Assistant Director's Report

None given.

Minutes

Chairman Norris, seconded by Dorothy Risser moved to approve the minutes from the November 9, 2017 meeting. 7-0-0. Unanimous

Adjournment

Chairman Norris moved to adjourn the meeting at 7:45 PM. Seconded by Todd Pietrasiak . 7-0-0. Unanimous