



## Hudson Board of Appeals

Town Hall

Hudson, Massachusetts 01749

### Minutes of Meeting—November 8, 2018

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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, Vice Chairman Pietrasiak called the meeting to order.

Members Present: Lawrence Norris, Chairman ; Vice Chairman; Todd Pietrasiak, Vice Chairman; Dorothy Risser, Clerk; Darja Nevits, Associate Member; Jill Schafer, Associate Member; and Jason Mauro, Associate Member.

Staff: Kristina Johnson, AICP, Assistant Planning Director

Chairman Norris convened the meeting at 7:00 PM.

#### **Petition #2018-11; 60-62 Washington Street**

Present were: Paul Giannetti, Attorney for the Petitioner  
Peter Bemis, Engineer for the Petitioner  
Charles Randall, neighborhood resident

Chairman Norris re-opened the above-reference petition and turned the floor over to Attorney Giannetti. Attorney Giannetti proceeded to highlight the changes to the petition to address compliance with Section 5.2.4 of the Zoning By-Laws. Specifically, he noted the reduction of units from 12 to 11 to address the required land area and height restriction for the buildings. He then outlined the petitioner's request to vary the provisions of Section 5.2.4.5 to allow for the construction of the garage and to vary Section 7.1.4.2 requiring that parking areas shall have a minimum of twenty (20) feet where there are separate means of access and egress

Chairman Norris closed the public hearing and provided the framework by which the Board will vote. He indicated that the Board will discuss and take votes on three action items: two variances and two special permits.

Chairman Norris moved to enter deliberative session. Seconded by Vice Chairman Todd Pietrasiak. 6-0-0

#### **VARIANCE 1: Construction of the Garage**

The Board made the following findings of fact relative to the Petitioner's request to vary the provisions of Section 5.2.4.5 to construct the garage.

1. That owing to unique circumstances relating to the soil, shape, and topography of the land or structures, specifically the unusual "hammerhead" shaped lot relative to the construction of the garage results in a construction hardship for the petitioner. It has been demonstrated that a literal enforcement of the zoning by-laws would involve substantial hardship in that compliance with Section 5.2.4.5 **requiring no building in a group be closer to any other building on the lot or adjacent lot than fifty (50) feet** would diminish the overall feasibility and effectiveness of the project.
2. Desired relief in the amount of twenty seven (27) feet and five (5) inches from the requirements of Section 5.2.4.5 to construct the garage 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.

Chairman Norris seconded by Vice Chairman Pietrasiak to grant relief in the amount of twenty seven (27) feet and five (5) inches from the requirements of Section 5.2.4.5 to construct the garage adjacent to the residential building. 4-0-1.

#### **VARIANCE 2: Width of Parking Area**

The Board made the following findings of fact relative to the Petitioner's request to vary Section 7.1.4.2 requiring that parking areas shall have a minimum of twenty (20) feet where there are separate means of access and egress

1. It has not been demonstrated that a literal enforcement of the zoning by-laws relative to the construction of the parking driveway width on the Northerly sides if the residential building would involve substantial hardship in that compliance with Section 7.1.4.2 **requiring that parking areas shall have a minimum of twenty (20) feet where there are separate means of access and egress** and would NOT diminish the overall feasibility and effectiveness of the project and elimination of an existing safety hazard justifies encroachment into the required setback.
2. Desired relief in the amount of two (2) feet for the construction of 18-foot driveway way on the northerly sides of the residential building may NOT be granted, as there has been no demonstrated hardship owing to unique circumstances relating to the soil, shape, and topography of the land or structures.

Chairman Norris seconded by Vice Chairman Pietrasiak moved to grant relief from Section 7.1.4.2 of two (2) feet for the construction of an 18-foot driveway on the northerly side of the residential building. 2-3-0.

### **Special Permit- Construct Multi-Family Dwelling Units in a Commercial Zone**

Chairman Norris seconded by Vice Chairman Pietrasiak moved to grant the a Special Permit for the construction of a multi-family units consisting of eleven (11) units pursuant to Section 5.3.2.1 and Section 5.2.4 of the Town of Hudson Protective Zoning By-Laws.

With the following conditions:

1. Snow accumulation on site more than twelve (12) inches in height shall be removed off the premises.
2. Parking spaces shall be appropriately striped and visible.
3. Compliance with all conditions in the executed Site Plan decision dated September 11, 2018.
4. Prior to the issuance of a building permit, the petitioner shall submit revised plans reflecting the required twenty-foot access driveway width on the northerly side of the residential building.

#### **5-0-0. Unanimous**

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

### **Chairman's Report**

Chairman Norris announced that his term on the Board is up as of December 31, 2018, and that he would not be seeking reappointment to the Board. Members commended Chairman Norris for his leadership and dedicated years of service to the Town. Kristina Johnson stated in January she would be begin the process of soliciting interest cards for a new Associate Member.

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

None.

### **Adjournment**

Chairman Norris moved to adjourn the meeting at 8:20 PM. Seconded by Dorothy Risser. 6-0-0. Unanimous.