



Town of Hudson

Zoning Board of Appeals

78 Main Street, Hudson, MA 01749
Tel: (978)562-2989 Fax: (978)568-9641
Email: kjohnson@townofhudson.org

Zoning Board of Appeals Meeting Minutes — August 10, 2023

Chair Schafer called The Town of Hudson Zoning Board of Appeals meeting to order at 7:03 PM., fully remotely. Chair Schafer advised the Board and public that pursuant to Chapter 2 of the Acts of 2023 extending the remote meeting provisions of March 12, 2020, Executive Order suspending certain provisions of the Open Meeting Law, this meeting of the Hudson Zoning Board of Appeals is being held remotely. Before moving into the public hearings, she reminded the Board and meeting attendees that all votes will be taken as roll-call voice votes.

[Recording of Meeting](#)

Board Members Participating:

Jill Schafer, Chair
Jason Mauro, Vice Chair
Matt Russell, Clerk
Antonio Mancini, Jr., Member
Ronald Sorgman, Associate Member

Board Members Absent:

Justin Maillet, Associate Member
David Campbell, Associate Member
Darja Nevits, Member

Staff Members Participating:

Kristina Johnson, Director of Planning and
Community Development
Katie Evangelisti, Administrative Manager of
Planning and Community Development

Public Hearing: 2023-08 15 Pine Street – Continuance of a Pre-Existing Non-Conforming

Before reopening the public hearing Chair Schafer advised the Board and public how the meeting would be governed: Petitioner to speak, Board to ask questions, public comment, close hearing (if applicable), and enter deliberative (if applicable).

Chair Schafer reopened the public hearing of Guilherme Monteiro and Marcia Monteiro, requesting a Special Permit for the expansion and continuance of a pre-existing non-conforming two-family use pursuant to Section 5.1.6.1 of the Town of Hudson Protective Zoning By-Laws. The subject property is located at **15 Pine Street** in the SB Single Family Zoning District, Assessors' Map 28 Parcels 95.

Attorney Christopher P. Yates, Fletcher Tilton, P.C., on behalf of the petitioners, addressed the Board. Attorney Yates reiterated the intent of the application for the Special Permit. He noted that at the last meeting, there were four (4) requests made by the Board of the applicant: drainage/stormwater updates – which includes an email from the Director of the Department of Public Works (DPW) confirming no present or past drainage issues known by the DPW, current pictures of the property, clearer plans showing the current and proposed units, and finally a breakdown of the current and proposed units straightforwardly. All were provided to the Board the prior week and uploaded to the Board Docs public information portal.

The updated plans were displayed by Ms. Johnson and the engineer, Joseph Graham, PE, reviewed them for the board. All of these changes were notated in a letter ([here](#)) to the Planning Department from Mr. Graham dated August 4th, 2023. Mr. Graham reviewed the current plan, both at 10 scale and 20 scale. The drainage issues raised at the last meeting lead to the request of the Board for existing and proposed impervious areas and how to mitigate any issues. Mr. Graham stated the intent of the proposed drainage system being used to collect and recharge stormwater from the impervious areas. Additionally, labeling and identifying parking areas more concisely, that was all reviewed on the updated plans by Mr. Graham. Member Sorgman inquired about parking on the plans, the tandem parking for the proposed Unit #3, and the total proposed number of spots. Attorney Yates reiterated the total number of proposed parking spaces including the garage would be eleven (11). Attorney Yates also advised Mr. Sorgman that any tandem parking would be per unit, just as it is with any other house in the neighborhood. Mr. Sorgman proceeded to ask about the proposed addition location and current structures. Chair Schafer advised Mr. Sorgman to wait for the Architect to join the call to review the architectural matters. John Lee, Vina Design, Inc., the Architect for the project attempted to join, but due to audio issues was unable to do so. Attorney Yates reviewed the existing dwelling and the proposed additions, utilizing the simplified plans created by Mr. Lee.

The Board opened their questioning of the applicant's team. Vice Chair Mauro inquired about the recharging systems on either side of the property. Mr. Graham confirmed there will be two "Cultec" recharging units at the rear of both Unit #3 and Unit #1 to allow for sufficient drainage to the property. Mr. Sorgman asked the applicant about access to the deck for the units and a patio noted on the plans. Ms. Kayla Monteiro and Attorney Yates explained to Mr. Sorgman the door locations on the plans and access to the backyard and deck by each unit. Mr. Mauro asked about the shed in the backyard, and if the property was attached to the town sewer. Attorney Yates confirmed the property was on the town sewer and Ms. Monteiro confirmed the shed would be removed, allowing for additional space in the backyard. Mr. Mauro asked about the additional driveways, and Attorney Yates confirmed they will be new and greatly improved. The pictures requested by the Board were reviewed. Chair Schafer asked the Board if there were any additional questions about the pictures, plans, or stormwater report. Vice Chair Mauro stated the "Cultec" units are a great idea and work very well, although not required. Attorney Yates contacted the DPW and obtained confirmation there is no drainage issues on the street, but still felt the two (2) recharging units would resolve any drainage concerns. With no comments or questions from Member Mancini, Member Russell, or Chair Schafer she asked the Board one more time if there were any further questions, but there were not, and the floor was then opened to public comment.

Before public comment opened Chair Schafer reviewed and requested respect, demeanor, time restrictions, and non-repetitiveness of the comments and/or questions. She noted that only

new matters should be discussed, and does not want the Board, to hear reiterations of comments made prior that have been already stated

Katherine Gorman – 26 Gates Ave. – looking for clarity, understands pre-existing non-conformity allows them to expand. She doesn't understand how this is an expansion as the applicant is essentially putting up an additional house. Attorney Yates advised Ms. Gorman that By-law 5.1.6.1 allows for any lawful building in town at the time of the adoption of the By-laws to be "enlarged or changed" once. So they could go from a two-family to a three, four, or five-family, the Monteiro's are choosing to expand to a three-family. Ms. Gorman felt that they don't have the right to do so because it's not really a two-family home, they are just adding another house. Chair Schafer stated they could tear the entire property down and build a new three-family, this is the means by which the applicant is choosing to expand. Reminding Ms. Gorman the Board's job is to determine if the expansion is more "substantially detrimental" to the neighborhood than the current use. Attorney Yates reiterated that the applicant could just add all of these additions on and continue the use as a two-family, by right, they're only increasing the number of units by one. Ms. Gorman further went on to relay her concern for all the vehicles and pedestrian safety due to the street. She doesn't feel it's realistic that there is tandem parking and there are just too many cars in one space. Attorney Yates confirmed with Ms. Monteiro that each unit would realistically only have two cars per unit. He further advised that the Board previously requested that a plan showing each available parking space be provided, not that each of those parking spaces will be utilized at capacity. Chair Schafer asked to move on as Ms. Gorman was continuing to repeat herself.

Dave and Jean Jones – 12 Gates Ave. (Logged on Zoom as "Wheeler") - Backyards abut, concerned about drainage. Mr. Graham addressed the issues but advised the proposed units the two proposed recharging systems are expected and anticipated to absorb all runoff rainwater and disperse at a sufficient rate to not flood or have their own water leave their yard. Attorney Yates asked Mr. Graham to explain the gutters and roof systems. Mr. Graham explained the gutter, drainage, infiltration system, and schematics' purpose to absorb and disperse heavy rainfalls. Mrs. Jones wants to know what the required setbacks are, and what's on record. Attorney Yates advised Mrs. Jones of the required setback of 30' per Hudson By-laws. Mrs. Jones feels that 30' will be very close and not have the privacy of her life and yard. Attorney Yates confirmed that the proposed addition isn't taller than any current building. There was discussion about height restrictions of fences and her own property. Chair Schafer advised that it would be a matter of the Building Commissioner/Inspector and that we'd move on.

Anthony Hopkins – 9 Pine St. – Looking for clarification for defining "substantially more detrimental". Attorney Yates advised him there is no limit as to how big you expand to, as long as you're in compliance, so they could propose to go from a two-family to a five-family, this proposal is to a three-family so the applicant feels that it's not as substantially more detrimental than it could be. Mr. Hopkins was looking for protection from the property further dividing. Attorney Yates confirmed that once it's been expanded it cannot be expanded again. Mr. Hopkins feels that the scope of work is more detrimental, but understands that it is allowed.

Wendy Wheeler – 11 Gates Ave. – Sent an email regarding notes she placed on neighbors' doors to clarify that information given at the time of the petition was accurate. Ms. Johnson confirmed receipt and that she uploaded it to BoardDocs for the public and board. Mrs. Wheeler asked about the timeline of the decision. Chair Schafer advised that the Board will go into deliberative tonight, so it could be tonight that a vote and decision are made.

Chair Schafer motioned to go into deliberative session, seconded by Vice Chair Mauro. 5-0-0
Unanimous

Vice Chair Mauro, initiated Board discussion in the deliberative session. Mr. Mauro believes that the new plans address everything that the Board was looking for. He appreciates the response to the drainage concerns, the proposed "Cultec" systems are great, expensive, and probably not even required, so that is appreciated. The parking, while tight, meets all requirements. Vice Chair Mauro understands the neighbor's concerns but was very surprised and somewhat ashamed of some of the comments made at the last meeting. Some of the comments and pictures were misleading at best, and the pictures of cars from the party – were not accurate. He further stated some of the comments were discriminatory about people coming and going, and having renters in the neighborhood, that he understands this is outside the scope of the Board, but didn't appreciate some of the comments. He also reiterated that he understands the concerns about parking on the street, but stated that if there are parking issues the residents should contact the Police Department. call the police. Chair Schafer agreed.

Clerk Matt Russell, stated that he agrees with Mr. Mauro's comments, and also noted that some of the neighbor's comments were inappropriate, but that some were legitimate. Mr. Russell expressed his belief that the concerns raised have been satisfactorily addressed and stated that he feels that the project meets the letter of the law the project meets our requirements. Chair Schafer agrees.

Tony Mancini stated his appreciation for the applicant addressing the stormwater issue and noted that the action was huge. Echoes Mr. Russell with the parking, if sideways are installed then it will become an issue. Mr. Mancini expressed his opinion that they are technically overparked, but also acknowledged that he understands some of the opinions of the residents in regard to scope.

Mr. Sorgman stated that he believes the stormwater was handled well by mitigating runoff. He also stated the following: the addition is quite large, Unit #3 is a big unit, and parking seems to be an issue; He acknowledged that the parking meets the requirements so he stated his belief that there is nothing further that anyone on the Board can say on that issue. As far as the addition itself, the house needed improvement, so the addition does improve the overall look, and while the structure is big but it's better than what is there. He stated a few additional concerns; however but he stated that since no one else was concerned, he is not concerned.

Mr. Mauro stated that if they weren't expanding to a three-family [just adding an addition of the same size] that they could build this house by right, as it meets all of our zoning requirements.

Chair Schafer stated that she appreciates the new plans, and photos, and believes that all the materials seem to be more clear. She also confirmed with Attorney Yates that the Two-family use has not been discontinued or abandoned. Chair Schafer stated that she doesn't have anything further, as all boxes have been checked and all zoning by-laws have been met. Finally, she stated that it appears that everyone is in agreement, and feels the Board can vote unless anyone has anything otherwise. There were no further comments by members of the Board.

Vice Chair Mauro, seconded by Chair Schafer, to approve the expansion and continuance of a pre-existing non-conforming two-family to a three-family, finding that it's not more substantially

detrimental than the current non-conforming use, pursuant to Section 5.1.6.1. Jason Mauro; yes, Matt Russell; yes, Tony Mancini; *no* (no further explanation), Ron Sorgman; *no* (no further explanation), Jill Schafer; yes. 3-2-0. **Motion Fails.**

Chair Schafer, seconded by Vice Chair Mauro, to come out of deliberative and discuss. 5-0-0 **Unanimous.**

Chair Schafer and Ms. Johnson confirmed that four (4) affirmative votes would be required because it's a special permit, so a supermajority would be required. Ms. Johnson advised Attorney Yates that an appeal would be required as a next step if desired.

Approval of 7/13/2023 Minutes

Motion made by Chair Schafer, seconded by Vice Chair Mauro, to approve the July 13, 2023 minutes. 5-0-0. **Motion Passed.**

Administrative Business: Discussion of Policies and Procedures and Proposed Zoning By-law Updates

Ms. Johnson reviewed for the Board non-substantive updates to Zoning By-laws including:

- Creating a Table of Land Uses based on the existing use regulations;
- Adopting a digitized zoning map instead of using metes and bounds to describe the zoning district boundaries;
- Adopting new, consolidated nomenclature for zoning districts, which simplifies the naming of the zoning districts;
- Formatting and reorganization of the various By-laws, including the overlay districts;
- Updating the language regarding non-conforming uses and structures to comply with recent amendments to State Statutes and to make the wording more readable for the Board.

Ms. Johnson is requesting the sponsorship of the Zoning Board of Appeals to bring this before Town Meeting in November 2023.

Chair Schafer, seconded by Clerk Mauro, motioned to approve sponsorship of the amendments. 5-0-0 **Unanimous**

Adjournment

Chair Schafer, seconded by Clerk Russell, motioned to adjourn at 8:26 p.m. 5-0-0. **Unanimous.**