TOWN OF CHELMSFORD
PLANNING BOARD

MEETING MINUTES

November 13, 2013

7:00 P.M. CALL TO ORDER

Members Present: Ann McGuigan, Edmond Roux, Colleen Stansfield, Michael Raisbeck, George Zaharoolis, Bob Joyce, Henry Parlee Jeff Apostolakes

Others Present: Evan Belansky, Community Development Director
Steve Jahnle, Town Engineer

Ms. McGuigan called the meeting to order at 7:00 p.m. She announced that the meeting is televised live by Chelmsford Telemedia and recorded for minute-taking purposes.

Request for Approval

1. Meeting Minutes 9/25/13 (Reg. & Exec Session), 10/9/13, 10/13/13

Mr. Roux moved to approve the Regular Meeting Minutes for September 25, 2013, seconded by Ms. Stansfield. Motion passed 6-0-1. Ms. McGuigan abstained. Mr. Zaharoolis moved to approve but not release the Executive Session Meeting Minutes for September 25, 2013. Mr. Raisbeck seconded. Motion passed 5-0-2. Ms. McGuigan and Ms. Stansfield abstained.

Ms. Stansfield moved to approve the October 9, 2013 Meeting Minutes with a correction, seconded by Mr. Raisbeck. Motion passed 6-0-1. Ms. McGuigan abstained.

Mr. Zaharoolis moved to approve the Meeting Minutes for October 23, 2013, seconded by Mr. Parlee. Motion passed 5-0-2. Ms. McGuigan and Ms. Stansfield abstained.

ADMINISTRATIVE REVIEW

2. 26 North Road PB # 2013-09 Request for Endorsement

Hancock Associates, on behalf of Robert L. McCrensky, requests endorsement of the mylars for the property at 26 North Road. A letter from Mr. Jahnle recommending endorsement was
read for the record. Mr. Roux made a motion to recommend endorsement of the mylars for the project at 26 North Road, seconded by Mr. Joyce. Unanimous.

3. 16-20 Boston Road          PB #2013-07          Request to Endorse Mylars

Hancock Associates, on behalf of WE Acquisitions, requests endorsement of the mylars for the property at 16-20 Boston Road. Mr. Raisbeck read a letter from Mr. Jahnle who recommended endorsement. Ms. Stansfield made a motion to recommend endorsement of the mylars, seconded by Mr. Joyce. Unanimous.

4. Lynch Way/Bittersweet Lane  PB # 2004-13          Project Review/Update

Update on status of incomplete project / discussion: Town Engineer, residents, developer representative. Christine Doyle Dee, the developer, updated the Board. Landscaping improvements are underway and include tree plantings near the parking lot and looming and seeding of the old roadway. A stockade fence was installed along Jordan Street. Widening of the private portion of Lynch Way was completed and curbing installed. Mr. Jahnle reported that he has been working with Ms. Dee for a period of time and these improvements should be completed by next week. Resident input was provided by Steve McCormack of 6 Lynch Way and Dana Dulong of 8 Lynch Way who expressed their appreciation for the work that has been done. Mr. McCormack said final landscaping and looming where the trees are now is scheduled for Spring.

CONTINUED PUBLIC HEARINGS

5. 17 Wilson Street          PB # 2013-11          Special Permit, Change of Use

Atty. Douglas Hausler, on behalf of Jirar Avakian, requests a Special Permit for a Change of Non-conforming Use from Commercial Office to Residential Multi-Family under Section 195-8 (b) for the property at 17 Wilson Street, such as elimination of two parking spaces in front; landscaping to replace those two spaces; one way directional and markers on the ground; elimination of one unit in the lower level, resulting in 10 units total; sprinkler system for the entire building; relocation of dumpster and screening added; and lighting added on corners of the rear to the building. In response to abutter concerns, Mr. Hausler stated that the claim of “absentee landlords” is unfair because his clients have always maintained the building since 1981 when purchased, and there have been no citations or notices to them of any kind. They hire a management company to take care of maintenance, cleaning and snow removal. He stated also that his client is willing to pay to have No Parking signs installed on the exit lane of Sinai Circle to help those residents.

The need for granite curbing was discussed. Mr. Hausler said his client planned to install pavers. The Board expressed a strong preference for curbing as did Mr. Jahnle because it will provide definition. The possibility of crosswalks was also discussed.
The hearing was opened to the public. Mel Ciulla, 40 Billerica Road, said that the snow plower for the property removes snow so it piles up on his fence. In this RC zone he feels a change of use is inappropriate. There will be an increase in activity. The business use had only 6 or 7 tenants, according to Assessor records, and now it’s going to ten apartments. Ten is too many. For example, there will be 10 gas meters jutting out from the building. At the very least, there should be a secure entrance to the building. Curbing would be appealing. All in all, said Mr. Ciulla, the project is not appropriate for the neighborhood. He provided a copy of the Assessor record he spoke about.

Ed DeCroce of Sinai Circle said he like the granite curb idea. He has concerns with the possibility of noise and activity at the site and parking problems. Gloria Schoen of Sinai Circle said there are children in Sinai Circle and the bus stop is close. The difference between 11 and 10 units is nothing. She would like to see six or seven. She questioned how many people are allowed to live in a unit. Eleanor Kilmartin, 160 Dalton Road, owns several units in Sinai and agrees with the idea of a lot of people living at 17 Wilson Street.

Ms. McGuigan noted that the document provided by Mr. Ciulla has been redacted and thus cannot be considered part of the record.

Board comments were that most like the granite curbing proposal, the gas meter issue is not part of the Board’s authority to regulate, snow storage should be on site and shown on plans, and that a further reduction in the number of units should be considered. Mr. Zaharoolis asked Mr. Hausler to talk with his client again about reducing the number. Mr. Hausler doubted very much if his client would be amenable to any further reduction. Mr. Zaharoolis reiterated his request. Mr. Hausler said he would ask.

Ms. Stansfield moved to continue to December 4. Mr. Joyce seconded. Unanimous.

6. 14 Worthen Street   PB # 2013-13   Special Permit, Change of Use

Atty. Douglas Hausler, on behalf of Luisa Investment Trust, LLC, requests a Special Permit for a Change of Use for the property located at 14 Worthen Street. A draft Decision had been provided to the Board prior to the meeting. Ms. McGuigan stated that she and Ms. Stansfield would not be voting on this hearing.

Mr. Hausler stated that the appeal filed by Mr. Harvey regarding the abutting project at 26 North Road had been resolved, and that this matter could now move forward. He showed the Board a plan drawn with parking delineated, as requested at the previous hearing.

The hearing was opened to the public. There were no public comments. Mr. Zaharoolis moved to close the hearing, seconded by Mr. Raisbeck. Motion passed 5-0-2. Ms. McGuigan and Ms. Stansfield abstained.
Members reviewed the Draft Decision to grant approval and found the document in order. Mr. Zaharoolis moved to approve the Special Permit or the property at 14 Worthen Street, according to the plans submitted and under the conditions listed in the Fire Prevention Dept. review letter dated October 23, 2013. Mr. Raisbeck seconded. Motion passed 5-0-2, with Ms. McGuigan and Ms. Stansfield abstaining.

**NEW PUBLIC HEARING**

7:15 P.M.

7. 21 Bartlett Avenue  

PB # 2013-14  

Site Plan Review & Special Permit

Steven O’Neill requests Site Plan Review and one Special Permit for a Change of Non-Conforming Use from a single dwelling unit to a 4-unit multi-family. Mr. Raisbeck read the legal notice for the hearing, as well as Departmental Review letters. Mr. O’Neill represented himself. He reminded the Board that he had spoken with them in July 2013 about the possibility of building two 2-family homes on this parcel which he has owned for a long time. The site consists of an existing single family home. The proposal calls for two 32’ x 40’ duplex homes with two car parking under and two car parking outside. Roof runoff flows into a 576 sq. ft. rain garden for mitigation and recharge. The effects of rain garden and storage results in a reduction of runoff calculations as submitted with the plans.

Questions arose from the Board as to the private way. Some thought a private way covenant would be needed. It is not known who owns the private way. The private way is gravel and may need paving to accommodate the new homes. The Town does not maintain or plow private ways. Gravel may not be suitable. Perhaps paving should be done up to the parking area. If paving is planned, Mr. Jahnle said a stormwater plan for impervious is required. No landscaping was shown on the plan. Mr. O’Neill said he had shown his plan to his neighbors and explained the rain garden in detail to them. He added that paving would add significant costs, and he would rather avoid that. He is willing to maintain the private way.

Some felt the plan submitted did not meet site plan requirements and that a title search is needed to determine who owns the private way. The question was asked if the applicant had contacted any of the neighbors directly about the project. In particular, it was felt that the Archdiocese of Boston, who is a direct abutter and cemetery owner, should be contacted directly. The applicant was asked to write a letter to the Archdiocese and provide a copy to the Board at the next meeting.

The hearing was opened to the public. Philip Perrin, 101 Riverneck Road, is concerned about stormwater. If paved, there will be problems for him. Is a 6 ft. retaining wall a possibility, he asked. He also wanted to know if Section 8 housing would be allowed. Ms. McGuigan asked Mr. O’Neill to meet with Mr. Perrin.

The applicant was asked to provide the following at the next meeting:
Detailed plans, with assistance from the Town Engineer on what to show on the plans;
Contact the Archdiocese by Certified Mail and bring a copy of the letter.
Perform a title search on the private way.

Ms. Stansfield moved to continue the public hearing to December 4, 2013. Mr. Joyce seconded. Unanimous.

New Business.
• Electronic (web based) Agendas. Defer to another meeting.
• Next meeting dates will be December 4 and 18.

Old Business. None.

Committee Reports. None.

Executive Session. None.

There being no further business, Ms. Stansfield moved to adjourn, seconded by Mr. Raisbeck. Unanimous. Meeting adjourned 9:00 p.m.

Respectfully submitted,

Janet Murphy, Clerk