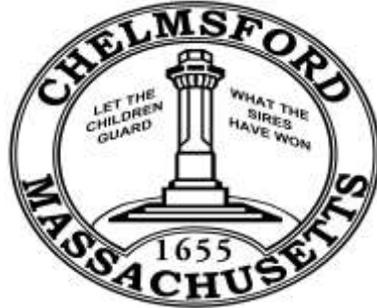


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Chelmsford Board of Appeals
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Meeting Minutes
Thursday, January 10, 2019

Members Present: Brian Reidy, Nancy Morency, Steve Mendez, Charlie Wojtas, Jamie Brown, Erin Drew, Ida Gates
Members Absent: Mark Carota
Others Present: Colleen Stansfield, Department Assistant, Shaun Shanahan, Building Commissioner

Meeting was called to order by Mr. Brian Reidy, Chair, at 7:00PM. He made an announcement that meeting was being televised by Chelmsford Telemedia and hand recorded for the purposes of minute-taking.

Continued Public Hearings:

9 Rogers Road, Estate of Phyllis Clark, m/p 13-20-7, for Administrative Appeal of the decision of the Building Commissioner of the Town of Chelmsford, for a determination that this property is not grandfathered pursuant to MGL c. 40A and/or section 195-9 of the Chelmsford Zoning By-Laws. Attorney Gregg Haladyna appeared before the Board and explained the position on this application. He stated that this is an existing lot that was conforming when it was created and other than it being in common ownership with the parcel next to it, it would have been a pre-existing non-conforming lot that could be built on. Alan Clarke, executor of the estate, addressed the Board and stated that he is here because, of what he called, a mistake on his parents' part. He stated that there was no reason for his parents to be aware of the law change that made two non-conforming, adjoining lots become one for zoning purposes. He said he was here to look for relief from a mistake made back in 1975. Austin Ralls, 64 Dunstable Road, stated that the land in question was very wet due to the fill having been brought to the site. He stated that he had created drainage for his property and was worried about any building being built on the lot.

Charles LaRosa, 60 Dunstable Road, identified his parcel and stated that he did not support any structure on that lot. Attorney Haverty explained that the Administrative appeal only need a simple majority of the Board to overturn the Building Commissioner's determination. Mendez made a motion to close the public hearing, seconded by Wojtas, unanimous. Wojtas made a motion to approve the application and overturn the Building Commissioner's determination, seconded by Mendez. 0-4, motion fails.

9 Rogers Road, Estate of Phyllis Clark, M/P 13-20-7, for a Variance under section 195-9, of the Chelmsford Zoning By-Laws - Conformity for Lot Area.

Mendez made a motion to continue this hearing, seconded by Wojtas, unanimous. 4-0

New Public Hearings:

14 Roberts Street, Kristen Treacy, is seeking a special permit under 195-8 E(2), to construct a 7'x 39' addition which will increase the pre-existing non-conforming structure (front setback/lot area) by more than 20%. Brandon Treacy addressed the Board and stated that the only relief they are seeking is for the front setback. Carota made a motion to close the public hearing, seconded by Mendez, unanimous. Carota made a motion to approve the application as submitted, seconded by Mendez, unanimous. 5-0

41 First Street, Frank Gorman, is seeking a special permit under 195-8 E(2), to construct a 3,300 sf addition to create a 2 family dwelling to a pre-existing non-conforming structure (front setback) which is over the 30% allowed by right. Matt Hamor, engineer on the project, addressed the Board and went over the plan. He showed the new unit being added which is by right because the zoning is RC-Two Family, and he showed the new garage for the existing unit. The Chair read the letters into the record. The Board asked why the foundation was already in and it was stated that Mr. Gorman was unaware of the need to get approval from this Board for the square footage over 30% and had already scheduled the foundation to be poured. Carota made a motion to close the public hearing, seconded by Mendez, unanimous. Wojtas made a motion to approve the application, seconded by Mendez, Unanimous. 5-0

14 Erlin Road, Emile Houle, is seeking a special permit under 195-8 E(2), to construct a new second level addition to a pre-existing non-conforming structure(front/side setbacks/lot area) that is over the 30% allowable, and a 34'x24' garage addition that will meet rear and side setbacks, and any other relief that may be deemed necessary. Emile Houle appeared before the Board and described the project which includes adding a second floor and a garage. The Board had no questions since the project will meet the setbacks and adding the second floor is a 100% increase in gross floor area. Wojtas made a motion to close the public hearing, seconded by Carota, unanimous. Wojtas made a motion to approve the application referencing the department letters and a stamped survey, seconded by Gates, unanimous. 5-0

Shaun Shanahan, Building Commissioner, went over the way he will be making determinations in regard to 195-8 E (2) and he stated that this will be done in concert with Town Counsel and may require a by-law change or re-work of the language.

Mendez made a motion to adjourn, seconded by Wojtas, unanimous.

Next Meeting

- February 7, 2019