

**TOWN OF CHELMSFORD
PLANNING BOARD**

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TOWN OF CHELMSFORD PATRICIA E. DZURIS TOWN CLERK

**MEETING MINUTES
January 23, 2019**

Members Present: Michael Raisbeck, Henry Parlee, Donald Van Dyne, Henry Houle, Tim Shanahan, Glenn Kohl, Nancy Araway, Mike Walsh
Members Absent: None
Others Present: Evan Belansky, Community Dev. Dir., Christina Papadopoulos, Town Engineer, Colleen Stansfield, Dept. Assist.

The Chair opened the meeting and stated that the meeting is being videotaped, recorded and broadcast by Chelmsford Telemedia.

New Public Hearing:

Special Town Meeting 2/4/2019 – Article 1 To amend Article III: Use Regulations, Section 195-6 Accessory Uses Paragraph E. Animals accessory to dwellings, for purposes removing the existing 40,000 square foot lot area requirement for small animals including game birds.

Up to two ~~in excess of~~ cattle, horses, sheep, hogs, goats, ~~game birds~~ or similar livestock ~~shall~~ may be maintained accessory to a dwelling only on a lot having an area of not less than 40,000 square feet. ~~plus~~ An additional 15,000 square feet is required per large farm animal in excess of the first two. ~~(25 pounds or heavier at maturity) in excess of one or per 10 smaller animals in excess of the first 10~~. Such animals and their wastes shall be contained at least 50 feet from any abutting lot line or a residentially used lot and at least 50 feet from any year-round surface water body.

The Chair opened the hearing for public comment. Bob Myers, Pine Hill Ave., wanted to verify that this change is for small animals only and that large animals will still need to meet zoning. He did not think this was a good idea. Dottie Jones, 23 Buckman Dr., asked about the article that was withdrawn at Fall Town Meeting. Laura McLeod, 56 Winter St., stated what a chicken needs for a run or coop. She also stated that she did not agree with the current requirement of 40,000 sf. Lisa Bagoulis, owner of the Chelmsford Agway, stated that the 40,000 sf is too much to require for chickens. She stated that she gives classes on chickens and cleanliness. She stated that she felt it was the food not being kept properly that caused rats and not the chickens themselves. She also stated that this issue is affecting her business. Donna Parlee, 135 Pine Hill Road, stated that we have had a lot of rain and there was a building that was taken down over the brook in the center of town so what was living in that building was displaced. She stated that rats use waterways to get around. She wants the Board to support our agricultural history and not require the 40,000 sf. Pam Pellitier, Meadowbrook, asked if the birds are in a cage, who cares how big your lot is? She has never seen a rat on her property. Laurie Myers, Pine Hill

Ave, stated that this is about common sense regulations. She wants to see regulations for setbacks from waterways and a minimum lot area. George Zaharoolis, Princeton Street, stated he does not own chickens. He stated that he believes taking this out of zoning is the correct thing to do. BOH is the permit granting authority and has the ability to establish regulations and revoke permits. Alexander Melville, Monmouth Street, stated he is a chicken owner and has 13,000 sf lot but is at least 100 ft from his closest neighbor. So removing the 40,000 sf requirement is beneficial to him. Steve Agostino, 6 Pine Hill Ave., has a pre-existing non-conforming permit and lives not far from where the rat issue started. He believes the rat issue was a bit blown out of proportion. Has not had any issues with his chickens. Bob Myers, Pine Hill Ave., has bills from his dealership for damage to his vehicle caused by rats. He stated that we need zoning protection and there should be a setback from water. Glenn Diggs, 220 Wellman Ave., stated that the Board of Health should set the requirements to whatever they deem appropriate. There being no one else to speak the Chair asked the Board to discuss the matter. The Board generally felt that the Board of Health being the permitting authority should also be the entity that enforces the regulations. Shanahan made a motion to close the public hearing, seconded by Parlee, unanimous. Araway made a motion to recommend the article, seconded by Kohl, unanimous.

135 Pine Hill Road

PB# 2019-02

Commercial-scale solar photovoltaic

facility

ARCOR LLC, for property located at 135 Pine Hill Road (Map 81, Block 321, Lot 35). The property is located in the RB single Residence district. The project proposes a Commercial-scale solar photovoltaic facility and associated site improvements under Article XIII A – Zoning Permit - Commercial Solar Photovoltaic Facility

Shanahan read the legal ad into the record to open the public hearing. He then read the departmental letters into the record. Brad Parsons, PE, appeared before the Board and went over the application. Mr. Belansky had several questions on the submission and it was stated that all the proper documentation has indeed been submitted. The Board acknowledged that they have seen two of these applications before and that this one is very straight forward. The Chair opened the hearing up to the public. There being no one from the public to speak, Kohl made a motion to close the public hearing, seconded by Shanahan. Unanimous. Kohl made a motion to approve the application as submitted and to include a waiver for the proposed telephone poles, seconded by Shanahan, unanimous. 7-0

Continued Public Hearings:

Off Tobin Avenue, SGC Development LLC, for a Definitive Subdivision.

The Applicant requests **Definitive Subdivision approval and applicable waivers** under Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town Of Chelmsford and Article XIV-Aquifer Protection District special permit. The project proposes to create 4 new lots that will each contain a 2 family dwelling with frontage via a new roadway. The site is located in the RC Residential Zoning District. The site is approximately 3.29 acres as shown on Assessors Map 20, Block 50, Lot 4.

Brian Geaudreau, Engineer on the project, appeared before the Board and wanted to address the access issue that has been before the Board. He went on the state that there is a town owned parcel that has been designated for street purposes in the deed. In a letter from Town Counsel it was his opinion that a license or easement would have to be secured in order for legal access to be secured. Mr. Geaudreau went on to state that he and his client have been working with the Board of Selectmen in that effort. They have a Warrant Article for Special Town Meeting on February 4, 2019, to ask Town Meeting to grant this request. The new letters were read into the record. The Chair opened the hearing to the

public. Kathleen Alves, 29 Tobin Ave., and she stated that she also represents the 3 other abutters at the end of Tobin Ave. She stated that she has sought advice from counsel. She has been advised that the original covenant does not specify exclusive rights. She went on the state that she was advised that any new easement is likely to overlap the existing easement due to the topography. She also requested that the vote on this project be delayed until the applicant secures the proper access. Glenn Diggs, 220 Wellman Ave., stated that not having to install grinder pumps for this project will benefit the town and asked the Board if that should be considered as a benefit to the Town. The Board asked the engineer to show the flow of stormwater for the project once built. Kathleen Alves, 29 Tobin Ave., had questions about how the project can be gravity fed if her property could not be and the proposed project is higher than hers. There was no further comment from the public. Kohl made a motion to close the public hearing, seconded by Shanahan. Unanimous.

Kohl made a motion to approve the application with the condition that the easement across Tobin lot (town owned lot) be secured, seconded by Shanahan. Unanimous

Glenn Diggs addressed the Board regarding the formation of the Master Plan update committee, and asked that the Board consider waiting until after the election to appoint the committee.

The Chair gave an update and stated that George Zaharoolis and Linda Prescott have both applied to fill the past members seats on the update committee.

The Chair gave an update on the Route 40 Study committee and stated that this is taking longer than originally anticipated. A vote was taken at the last meeting to keep the south side zoned RC.

Public Hearings – Scheduled for 2/13/2019

Discussion - Rt. 129 Fast Food Drive-Thrus

Mr. Belansky presented the Board a draft of the language for the public hearing on February 13, 2019. After much discussion, the Board agreed that the language proposed is sufficient for the Public Hearing.

Parlee made a motion to approve the meeting minutes from December 12, 2018 and January 9, 2019, seconded by Kohl. Unanimous.

Next Meeting - January 30, 2019

Parlee made a motion to adjourn, seconded by Shanahan. Unanimous