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Chelmsford Board of Appeals  
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Chelmsford, MA 01824  
Phone: 978-250-5231

**Meeting Minutes**  
**Thursday, January 25, 2018**

**Members Present:** Brian Reidy, Jerry Loew, Charlie Wojtas, Nancy Morency, Steve Mendez  
**Members Absent:** Jaclyn Martin, Mark Carota,  
**Others Present:** Atty. Paul Haverty, Community Development director, Colleen Stansfield,  
Department Assistant

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.

**Jere McLucus, 4 Gary Road.**, is seeking a special permit under 195-8 E (2) to Construct a new 24'6"x34'6" addition & 5'x30' Farmers porch to an existing nonconforming structure (lot area) that will create a nonconformity on the front setback and increase the square footage over 30% allowable. Jere McLucus, applicant appeared before the Board and explained his project which included a new garage and 2<sup>nd</sup> level living area. The Chair read the letters into the record. Wojtas made a motion to close the public hearing, seconded by Morency, unanimous. Wojtas made a motion to grant the special permit and noted the department letters, seconded by , Morency, unanimous. 5-0

**Bruce Clark, 11 Sharon Ave.**, is seeking a variance under 195-9 (A) Conformity, Lot B, to construct a new family dwelling that will not meet requirements for lot area, front and side setbacks, and a special permit under 195-8 E (1) for Lot A addition over 20% increase in square footage. Gregg Haladyna, representing the applicant, appeared before the Board and stated that the parcel with the home on it has been sold so the special permit is no longer being requested. 9 Rogers has always been separately deeded. It was assessed for a separate sewer betterment fee. The hardship is the fact that the lot slopes off to the rear. He stated that the

parcels in the neighborhood are all relatively small and that this lot is keeping in character of the neighborhood. The Chair stated that he will be continuing this hearing because the Board is waiting to hear an opinion from Town Counsel on this type of request. The Chair read the department letters into the record. The Board questioned their ability to grant a variance for insufficient area and wanted Town Counsel input. Charles LaRosa, 60 Dunstable Road, has an issue with the fill that was put in back of the lot. He also has issues with the size of the lot being too small to be a buildable lot. Adam Vella, 10 Rogers Road, stated that the road is very narrow and this new structure will be far too close to his property. Allen Clarke, 361 Sunset Hill Road, Sugar Hill, NH, Stated that he sold the home because it had a separate deed as does the lot at 9 Rogers. He stated that all the request is, is for relief from the setbacks. Wojtas made a motion to continue to February 1, 2018, seconded by Morency, unanimous.

**21 McFarlin Road, Powell, Deborah**, is seeking a special permit under 195-8 E(2), to construct a new 26'x26' garage addition with a 14'x4 rear bump out to a non-conforming structure (lot area/frontage/front setback) which will increase the square footage over the 20% allowable. Brian Wilbrenner, representing the applicant, appeared before the Board. He stated that when he pulled the permit for the proposed 2 car garage, he learned that the zoning was IA – Industrial. The Building Commissioner stated that the IA Zoning setbacks do not apply because this property is pre-existing and non-conforming. The Chair read the department letters into the record. Cara and Alan Kalf, 23 McFarlin, requests a privacy screen of bushes such as arborvitae. Debra Powell stated that she did not have a problem doing the plantings. The Chair read letters from the Harts and Delaney's, both abutters in support of the application. Wojtas made a motion to close the public hearing, seconded by Morency, unanimous. Wojtas made a motion to approve the application with the plantings the neighbor requested, seconded by Morency. Unanimous. 5-0

**73 School Street, William and Kellyann Shomphe**, a variance under 195-9 , conformity to construct a new garage on a non-conforming lot (lot area) that will create a non-conformity on the front and side setbacks. William Shomphe appeared before the Board and described his application. The Board struggled to find a hardship to allow the variance. After much discussion the applicant stated he wanted to withdraw the request. Wojtas made a motion to accept the withdrawal without prejudice, seconded by Loew, unanimous. 5-0

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