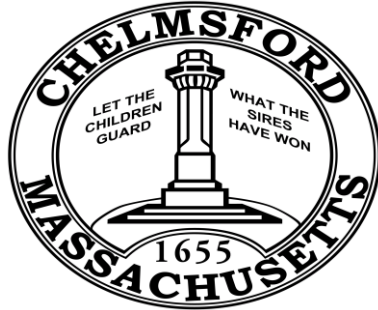


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Meeting Minutes
Thursday, February 1, 2018

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

152 Turnpike Road, JJN Realty Trust, for a variance under 195-5 to allow for multiple principal structures on a lot and a variance under 195 (and 195 attachment 2) to allow for increased coverage and floor area ratio and a special permit under 195-9 (b) to allow for a 20% reduction in the dimensional requirements and any other zoning relief as may be required under the Chelmsford Zoning Bylaws to allow for the proposed use / project. The project proposes six dwelling units. The property is zoned RM – Multi-family and contains 31,212 sq. ft. of lot area shown as Map 96, Block 328, Lot 10.

Attorney Melissa Robbins, representing the applicant, appeared before the Board and read a letter requesting a withdrawal of the full application without prejudice. Mendez made a motion to accept the withdrawal without prejudice, seconded by Morency, unanimous. 5-0

24 Garland Road, Mark Beati, is seeking a special permit under 195-8 E(2), and any other relief deemed necessary to construct a new 20'x22' addition to a non-conforming structure (lot area/frontage/side setback) which will increase the non-conformity on the side setback. The applicant did not appear for the hearing. Morency made a motion to continue the hearing, seconded by Wojtas, unanimous. 5-0

Pam Vega, 54 Parker Road, a variance under 195-9, conformity to split existing conforming lot with a nonconforming structure (front setback-corner lot) into two (2) non-conforming lots. Attorney Douglas Hausler appeared before the Board and requested to withdrawal the application without prejudice. Loew made a motion to accept the withdrawal without prejudice, seconded by Wojtas, unanimous. 5-0

Donald Ave, Robert Pace, M/P 54-251-4, is seeking a variance under 195-9 (conformity) to construct a new home on a lot that will not/does not conform (frontage/lot area) to the requirements in the RB District and any other relief that may be deemed appropriate. Attorney Douglas Hausler, representing the applicant, appeared before the Board and explained the application request. He stated that this was very similar to a request approved by the Board also on Donald Ave. for relief from the frontage requirement. The Board had questions about the water connection from East Chelmsford Water District. Atty. Hausler stated that the district would address the water service for the whole street. John Ferriera, 67 Riverneck Road, stated that the parcel is wetlands and in the summer the water is a problem. Bill Wilson, 12 Donald Ave., also concerned with runoff water. There being no further comments from the public, Carota made a motion to close the public hearing, seconded by Mendez, unanimous. The Board discussed the Grandfathering of the lot and requested that the title search be done. The applicant agreed and the Hearing was re-opened. The applicant requested a continuance to the next meeting so that the proper research could be done and presented. Morency made a motion to continue to March 1st, seconded by Mendez, unanimous.

104 Turnpike Road, Tracey Cole, for Administrative Appeal pursuant to G. L. c. 40A, § 15, of the decision of the Planning Board of the Town of Chelmsford approving a 168-unit multi-family development. The Petitioner alleges non-compliance with various Articles and sections of the zoning bylaws (Article III, IV, XII, XXI, XXIII and XXIV) and Zoning District Map, BAOD map, Chapter 195 attachments 1, 2 and 3. The property is located in a Limited Industrial (IA) zoning district and within the Rt. 129 BAOD at 104 Turnpike Road, Map 86, Block 328, Lot 21.

Brian Latina, 15 Jesse Road, requested that Attorney Haverty to step down as legal counsel due to his advising the Planning Board on this matter and because he spoke with him about the Mill Road project. Attorney Haverty addressed all these concerns and also spoke about his advice to the petitioner to file this matter in court and that the Board of Appeals does not have jurisdiction over matters decided by the Planning Board. Morency made a motion to reject the appeal due to a lack of jurisdiction, seconded by Carota, 4-1. Mendez voted nay

Thomas Gonsalves, 132 Tyngsboro Road., AKA Lot 1A Dunstable Road is seeking a variance under 195-9, Conformity, and a special permit under 195-9 B conformity required, to create a new lot from an existing lot, which will not conform to the requirements in the RB zoning district (lot frontage / lot width / lot area / side setbacks). The Chair read a letter requesting a continuance to March 1, 2018. Wojtas made a motion to continue the hearing to March 1, 2018, seconded by Mendez, 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. The Chair read a letter requesting a continuance to March 1, 2018. Wojtas made a motion to continue the hearing to March 1, 2018, seconded by Mendez, unanimous. 5-0

61 Carlisle Street – Application Comprehensive Permit

Application for a **Comprehensive Permit**, pursuant to MGL Ch. 40B and the Local Initiative Program (LIP), submitted by **Thomas Marshall Estates Development LLC**, for property located at 61 Carlisle Road (Map 66 Block 268 Lot 1). The project proposes to construct a new residential building that will contain five rental units of which two will be affordable. The site is zoned RB – Single Residence District. Atty. Bill Harvey appeared before the Board. A letter from the abutter at 88 Carlisle Street was read into the record. Atty. Harvey described the neighborhood which he stated did not reflect the RB – Single family housing. Dan Sullivan, 4 Shedd Lane, presented a list of abutters that oppose this project along with a letter outlining the reasons for the opposition. Brian Milisci, engineer on the project, explained the parking area which he showed as part of an easement to give both structures rights to the parking lot. Christiansen, 66 Carlisle Street, had concerns about traffic and the historic nature of the property. Carota made a motion to continue to March 1, seconded by Mendez, unanimous.

95 Drum Hill Road, AutoFair Realty, LLC for a Variance of the Zoning by-laws 195-135, Sign Bylaw, to allow for temporary advertising fixtures on the premises at 95 Drum Hill Road, AutoFair Realty Chelmsford, LLC. Attorney Melissa Robbins, Representing the applicant, addressed the Board and showed the marketing tools (“balls on sticks”) that are being proposed. She stated that what is being proposed is temporary and is not prohibited nor animated. Katie Enright, Engineer, went over the probable uses and stated that they would only be used on the weekends and holidays. Carota made a motion to close the public hearing, seconded by Morency, unanimous. Carota made a motion to reject the application, seconded by Mendez, 4-1. Wojtas voted nay.

7 Gorham Street & 1 Pineview Avenue – Comprehensive Permit Review Decision/Vote Application for a Comprehensive Permit Under MGL Chapter 40B for the property located at 7 Gorham Street & 1 Pineview Avenue, by Pineview Condominiums,

LLC, consisting of a total 52 townhouse style units located in six separate buildings and associated site improvements

Attorney Melissa Robins, appeared and went over with the Board the draft decision. The dates and minor facts were updated.