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TOWN OF CHELMSFORD  
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TOWN CLERK

**Chelmsford Board of Appeals  
Town Offices  
50 Billerica Road  
Chelmsford, MA 01824  
Phone: 978-250-5231**

**Meeting Minutes  
Thursday, August 2, 2018**

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

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.

**139 Dalton Road, Theodore Panagiotopoulos,** is seeking a special permit under 195-6.1 Limited Accessory Apartment that was previously approved but not recorded at the Registry of and any other relief that may be deemed necessary.

Mr. Panagiotopoulos appeared before the board and explained that the LAA was permitted but never recorded at the Registry of Deeds. He is here to correct that and have this LAA properly permitted and recorded. The letters all had no concerns. Wojtas made a motion to close the public hearing, seconded by Morency, unanimous. Wojtas made a motion to approve the application with the standard conditions, seconded by Morency, unanimous. 4-0

**100 Wotton Street, Clean Footprint, LLC,** The property is located in the Limited Industrial (IA) district. The project proposes a Commercial-scale solar photovoltaic facility and associated site improvements within the Flood Plain District. Applicant requests relief from 195-80 (C) Flood Plain District, through a special permit under 195-82, and any other relief that may be deemed necessary

Mr. DeBenedictis appeared before the Board and explained the request which requires a special permit from the Board of Appeals for work in the flood plain. Justin Humphries, Light House School, addressed the Board and stated that he wanted to understand the plan better and what may potentially affect the sensitive students that

this school serves. Morency made a motion to close the public hearing seconded by Wojtas, unanimous. Morency made a motion approve the application as submitted seconded by Wojtas, unanimous. 4-0

**204 Concord Road, Kathy Trahan** is seeking special permits under 195-8E(2) to remove a pre-existing nonconforming structure (lot frontage) to construct a new 2 story single family dwelling that will meet setback requirements but exceed the max 30% gross square footage increase and any other relief that may be deemed necessary.

Kathleen Trahan appeared before the Board and explained the house was in very bad shape and consider a tear down. She would like to raze the structure and place a new dwelling on the lot and meet all the setbacks. There were no concerns in the letters expect engineering stating the sewer would need to be capped. Wojtas made a motion to close the public hearing, seconded by Mendez, unanimous. Wojtas made a motion to approve the application as submitted, seconded by Morency, unanimous. 4-0

**7 Howard Road, Kenneth Ringle** is seeking special permits under 195-8E(2) to construct a new second level addition to an existing non-conforming structure (lot area, lot frontage) which will exceed the max 30% increase requirements and any other relief that may be deemed necessary.

Mr. Ringle appeared before the Board and explained his request which include a full upper story which is greater than the 30% allowed by right. There are no concerns in the departmental letters. DOUKSZEWICZ EDWARD, 9 Howard Road, asked about his options to maintain the privacy to the pool in the back of his house. The Board suggested arborvitaes or possibly a higher fence. Chris Cantrel, 21 Radcliffe Dr, suggested no windows on that side of the structure. Mendez made a motion to close the public hearing, seconded by Morency, unanimous. Mendez made a motion to approve the application as submitted, seconded by Morency, unanimous. 4-0

**19 Radcliffe Road, Diane & Craig Hibbard** are seeking special permits under 195-8E(2) to construct a new 25'3"x30' garage addition to a non-conforming structure (lot area & frontage) which will now create additional non-conformities on the front and side yard setback requirements & exceed the 30% increase to a non-conforming structure and any other relief that may be deemed necessary. Marc Gibbs, representing the applicant, appeared before the Board and explained the request as an oversized 2 car garage. There were no comments from the town departments. Chris Cantrel, 21 Radcliffe, had concerns about the construction schedule which was addressed by Mr. Gibbs and he stated that the goal is to have this complete before November. Wojtas made a motion to close the public hearing, seconded by Mendez, unanimous. Wojtas made a motion to approve the application and noting all the letters, seconded by Morency, unanimous. 4-0

**15 Columbia Street, Paul Catalano** is seeking special permits under 195-6.1 C-1 (2) and 195-8 E(2) to construct a new 33'x24' side/rear addition for LAA to existing non-conforming structure (lot area/frontage/rear & side setbacks) which will increase sf over the 10% allowable & create new nonconformity on the rear setback, exceed FAR and lot coverage allowance and any other relief that may be deemed necessary. Matt Jones, home owner, appeared before the Board and described his request for an LAA for his mother-in-law. Morency made a motion to close the public hearing, seconded by Mendez, unanimous. Morency made a motion to approve the application as presented, seconded by Wojtas, unanimous. 4-0

**55 Turnpike Road, Joseph Roscioli**, is seeking a variance under 195-9 Conformity to construct a new 14'x16' side addition to an existing conforming structure which will now create a non-conformity on the side setback and any other relief that may be deemed necessary. Robert McCrensky, representing the applicant appeared before the Board and explained the request which was a bedroom and added a nonconformity on the side setback. There

were no concerns in the department letters. Morency made a motion to close the public hearing, seconded by Mendez. Unanimous. Mendez made a motion to approve the variance noting the hardship to be lot shape and topography, seconded by Wojtas, unanimous. 4-0

**30 Linwood Street, Larry Gagnon**, is seeking a special permit under 195-8 E(2) to construct a new 5'x39' Farmers Porch to an existing non-conforming structure (lot area/front setback/side yard setback) which will now increase non-conformity on the front and side setback and any other relief that may be deemed necessary. Larry Gagnon with the homeowner, Robert Moulton, and described the proposal which was the farmers porch addition which encroaches on the side set back. The applicant showed the elevations along with the plot plan. The applicant submitted letters of support from the abutters and the Chair read the department letters into the record. Mendez made a motion to close the public hearing, seconded by Morency. Unanimous. Wojtas made a motion to approve the application with all the letters read into the record, seconded by Morency, unanimous. 4-0

8:40pm - Charlie Wojtas recused himself from the rest of the hearings

**91 Billerica Road, William Harvey, Trustee, for Administrative Appeal** of the decision of the Building Commissioner of the Town of Chelmsford, rescinding a previously issued building permit for the construction of a single-family residential structure. Such rescission was based upon the Building Commissioner's determination that the property located at 91 Billerica Road lack sufficient lot area pursuant to the definition of Lot Area contained in Article XX of the Chelmsford Zoning Bylaw. Town Counsel, Paul Haverty, advised the Board that the administrative appeal would require a unanimous vote of the three members sitting on this matter. The applicant wanted to take a few minutes to consult with Town Counsel. The applicant asked to continue the hearing until September 6, 2018. Mendez made a motion to continue the matter to September 6, 2018, seconded by Morency, unanimous. 3-0

**91 Billerica Road, William Harvey**, is seeking a Variance under 195-9, Conformity, for relief of the requirement contained in the definition of "Lot Area" in Article XX of the Chelmsford Zoning Bylaw that where there is less than fifty feet (50') of width in any portion of a lot, the smaller portion of the lot shall not be used for computing minimum lot area. The Applicant seeks a variance to allow the smaller portion of a lot having a lot width of less than fifty feet (50') in the computation of lot area and any other relief deemed necessary. Mendez made a motion to continue to September 6, 2018, seconded by Morency. Unanimous. 3-0

**10-12 Dulgarian Terr. / 53 Woodbine St. & lot 41-140-69 Woodbine St., Gregg Haladyna**, for a variance under 195-9 Conformity.

**1)** Create 2 new non-conforming lots from existing non-conforming lot (53 Woodbine St. & 41-140-69) that will not conform to the requirements in the RB District (lot area / lot frontage)  
**2)** Subdivide existing nonconforming lot (2 houses on one lot) lot 41-140-42 (10-12 Dulgarian Terr.) into 2 lots that will not conform to the requirements in the RB District (lot area / lot frontage) and any other zoning relief that may be deemed necessary. Morency made a motion to continue this hearing to September 6, 2018, seconded by Mendez, unanimous. 3-0

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