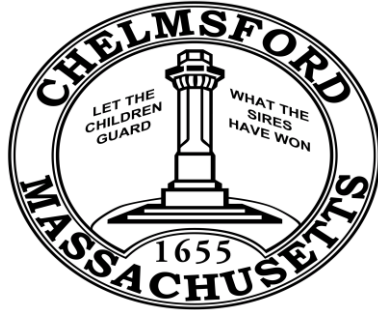


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Chelmsford Board of Appeals
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Chelmsford, MA 01824
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Meeting Minutes
Thursday, September 6, 2018

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

27 Sunset Ave, Jennifer Battelle is seeking a variance under 195-9, Conformity, to create a non-conforming lot (frontage, width, square footage) and any other relief that may be deemed necessary.

Continued October 4, 2018

3 Sunset Ave. William Killion, seeks a special permit under 195-8 E(2) to construct a 18x18 sf 3 season porch addition. The applicant explained that they wanted to take down the deck and replace it with a full foundation for storage and an addition. There were no questions from the Board. Letters were read into the record with no concerns. There being no one from the public to speak for or against the application, Wojtas made a motion to close the public hearing, seconded by Carota, unanimous. Wojtas made a motion to approve the application as submitted, seconded by Mendez, unanimous. 5-0

132 Dalton Road, John & Sarah Kivlan, seeking special permits under 195-6.1 Accessory Apartment and 195-8E(2) non-conformity to increase the sf over 10% allowable. The applicant appeared before the Board and described the project. The Board had questions about the second front door that was proposed. There was also a concern about the setback on the Miland Ave. side of the addition. It was stated that the home and lot are currently pre-existing and non-conforming. Letters were read into the record. Engineering stated that their office should be contacted to move the sewer connection that is under where the addition will be placed. Fire Prevention had the usual concerns about address and smoke detector upgrades. The applicant also submitted signed letters from the abutters stating their support of the proposal. There was no one from the public to speak for or against the application. Wojtas made a motion to approve the in accessory apartment application, seconded by Morency. 3-2, motion fails. Application is denied.

17 Marina Road, Janice Power, is seeking a special permit under 195-8 C (1) to alter a pre-existing non-conforming structure on a pre-existing non-conforming to construct a 7'x12' addition for a bathroom and a 5'x19' sf addition on the other side of the home for a staircase. The Board had questions about the stairs and it was stated that the stairs went to a new room over the office is and is allowable by right and not part of this application The letters were read into the record. Fire Prevention had the standard letter stating the requirement to upgrade the smoke detectors to current code. There was no one from the public to speak for or against the application. Wojtas made a motion to close the public hearing, seconded by Carota. Unanimous. Wojtas made a motion to approve the application as presented and noting the Department letters, seconded by Mendez. Unanimous. 5-0

176 Mill Road, Susan Hagel, for a special permit under 195-6.1 Accessory apartment. The applicant appeared before the Board and explained the request. She stated that she would live in the apartment and her son and family would live in the house. The floor plan was shown with a loft area for storage. The letters were read into the record. Engineering has requirements on the drainage that was approved by Conservation. There was no one from the public to speak for or against the request. Carota made a motion to close the public hearing, seconded by Mendez, unanimous. Carota made a motion to approve the request and noted that the loft area is being considered as part of the approved square footage, seconded by Unanimous. 5-0

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.

Carota made a motion to accept the request to continue to October 4, 2018, seconded by Morency. Unanimous. 4-0

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.

The applicant requested a more informal presentation and possibly a straw poll and then went on to apologize for not reaching out to the abutters. He explained the ANR process that took place to allow these lots. The Board had many questions and Town Counsel addressed the legality of the ANR process and agreed the process was legal. The question was if the applicant could use the square footage that is at the end of an approximately 105 foot long by 2 feet wide sliver that connects the larger 2 parcels. Town Counsel stated that the definition was unclear and he would like time to review before giving an opinion. Chris Terpinig, 4 Hildreth Street, had concerns about how long the lot in question will be in a state of construction. Bruce MacMaster, 6 Hildreth Street, stated he was never approached by the applicant to inform him of his intentions for the property and expressed concerns over the size of the duplex that is being proposed. Carota made a motion to continue the hearing to October 4th, 2018, seconded by Mendez, unanimous.

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.

Atty. Gregg Haladyna, representing the applicant, went back over the request since this has been before the Board for some time and there have been some minor changes to accommodate an abutter that currently is land locked. The proposal would now allow that abutter to have access to a public way on Woodbine Street by extending the road and correcting issues that have been in place since the sale of land to develop the Market Basket. Audrey Dumainian, 55 Woodbine Street, wanted the road and drainage put in prior to selling the lot. She also requested the Board to give her frontage to her lot. It was explained that she

does not have frontage and only has access and that the Board cannot grant frontage. The letters were read into the record. Mendez made a motion to close the public hearing, seconded by Morency, unanimous. Wojtas made a motion to grant the variances for 53 Woodbine, Seconded by Morency, unanimous. 4-0

Mendez made a motion to adjourn, seconded by Morency.