TOWN OF CHELMSFORD
PLANNING BOARD

MEETING MINUTES
September 11, 2019

Members Present: Glenn Kohl, Henry Parlee, Donald Van Dyne, Henry Houle, Mike Walsh, Tim Shanahan, Nancy Araway, Michael Raisbeck

Members Absent:

Others Present: Colleen Stansfield, Department Assistant

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

New Public Hearing Fall Town Meeting Zoning Article

The Chelmsford Planning Board will conduct a Public Hearing pursuant to G. L. c. 40A, s. 5, on Wednesday, September 11, 2019 at 7:00 p.m. at the Town Offices located at 50 Billerica Road, Chelmsford, MA 01824 for purposes of receiving public comment to amend The Town Code, Chapter 195, “Zoning Bylaw” as follows:

To amend section 195-15 “Rear Lots” for purposes of deleting sub-section A, B, C E and F and re-number the remaining sub-sections.

Nancy Araway explained her proposed changes. The Board asked why she thought this change was needed. Araway stated she thought this was making the rear lots consistent with a single lot subdivision. Colleen Stansfield, 21 1st St., stated she was 100% against this article. She cited several examples of conforming lots lacking frontage which neighborhoods came out in full force to oppose the development, including 47 Boston Rd, Marose Ave., and Bentley Lane. Raisbeck made a motion to close the public hearing, seconded by Parlee, unanimous. The Board discussed this further and it became clear the majority of the Board members did not support this article in its current form. Parlee made a motion to withdraw the article at this time, seconded by Van Dyne, 5-1-1

Fall Town Meeting Zoning Articles

The Chelmsford Planning Board will conduct a Public Hearing pursuant to G. L. c. 40A, s. 5, on Wednesday, August 28, 2019 at 7:00 p.m. at the Town Offices located at 50 Billerica Road, Chelmsford, MA 01824 for purposes of receiving public comment to amend The Town Code, Chapter 195, “Zoning Bylaw” as follows:
1. To amend section 195-8 “Non-Conforming Uses and Structures, sub-section 195.8.E (1) “By-right non-conforming single and two-family structures” for purposes of amending applicable provisions, and

Parlee made a motion to recommend this article at town meeting, seconded by Raisbeck, 6-0-1 (Araway abstains)

2. To amend Article VII, “Signs and outdoor lighting”, sub-section 195-37 “Sign Advisory Committee” for purposes of deleting in its entirety, and

Parlee made a motion to recommend this article at town meeting, seconded by Raisbeck, 7-0

3. To amend Article XVIII “Planned Open Space Development”, section 195-93.A to reduce the minimum 10 acres down to 5 acres, section 195-93.C to reduce the perimeter setback from 100 ft to 75 ft., section 195-94 to revise the definition / formula for providing open space and to amend the Use Regulation Schedule, Attachment 1, line A.7 to indicate “by-right” in the RA and RB zoning districts, and...

Parlee made a motion to recommend this article at town meeting, seconded by Raisbeck, 6-1 (Walsh votes nay)

4. To amend Article XXI “Community Enhancement and Investment Overlay District”, sub-section 195-113 “Residential Uses” to delete the prohibition of multi-family within IA zoning districts, and..

Parlee made a motion to recommend this article at town meeting, seconded by Raisbeck, 7-0

5. To adopt a new zoning bylaw, Article XXVI, “Historical Preservation and Reuse”, for purposes of providing zoning options and regulations for the preservation and reuse of historical structures.

Raisbeck made a motion to recommend this article at town meeting, seconded by Parlee, 4-3 (Shanahan, Kohl and Walsh vote nay)

6. To adopt a new zoning overlay bylaw and associated zoning Map amendments, Article XXV “Continuing Care Community Overlay District (CCCOD)” for purposes of adopting a new zoning overlay to permit a mix of uses and to amend the zoning map to create the new CCCOD and to revise the zoning of properties directly abutting and north of Rt. 40 and west of Rt. 3, from RC to IA, to include properties identified by Book and Lot as 10-22-1, 16-22-1, 16-22-2, 17-22-1, 17-22-2, 17-22-3, 17-22-4, 17-22-5, 17-22-6, 17-84-1, 17-84-2, 17-84-3, 17-84-4, 17-84-5, 17-84-6.
Raisbeck made a motion to recommend this article at town meeting, seconded by Parlee, 6-1 (Van Dyne votes nay)


Administrative Review:

12 Kidder Road  PB#2016-07  Request Endorsement of Mylars

12 Kidder Road, John Bachini requests endorsement of the mylars for the project at 12 Kidder Road.

Paul Haverty, Town Counsel, addressed the Board and discussed the issue of the permit being lapsed. The 2 year limit was in in the language of the decision and is also a standard condition. Counsel stated that the litigation over the lot line and placement of the fence is what the developer claimed kept him from obtaining the building permit. The board disagreed and felt the developer could have asked for an extension before the special permit lapsed. It became clear that the Board needed to make a determination on if the permit had indeed lapsed. Raisbeck made a motion to vote that the permit is expired, seconded by Shanahan, 7-0. Unanimous.

New Public Hearing  PB# 2019-09  Site Plan / Special Permit

56 Pile Drive (Map 75, Block 291, Lot 55), HUB Foundation. The property is located in the IA Limited Industrial zoning district. The project proposes an outdoor contractor yard with a 4,000 sq. ft. structure and associated site improvements.

Applicant requests Site Plan Approval, section 195-104 and a Special Permit for the use per Chapter 195, Attachment I, subsection E.5.a and any other relief that may be deemed necessary.

https://www.townofchelmsford.us/DocumentCenter/View/10200/56-Pile-Drive---Site-Plan-Review--
https://www.townofchelmsford.us/DocumentCenter/View/10201/56-Pile-Drive---Site-Plans--
https://www.townofchelmsford.us/DocumentCenter/View/10202/56-Pile-Drive--Special-Permit-App--

Attorney Douglas Deschenes, representing the applicant, appeared before the Board and described the application that includes a contractor’s yard, road improvements and drainage improvements. He stated that he is still working on a few submittals for the application but he wanted to get feedback from this Board in moving forward. This plan shows a much better drainage system and they pull back the disturbance away from the wetland. He showed the paved area in gray on the plan. The site will be mostly for storage. He went on to state that they are still working on the lighting plan but he did point out where they intended to place the lights which includes some 10 foot poles. The engineer explained the drainage flow. The applicant asked for a continuance until the October 9th meeting. Raisbeck made a motion to continue the public hearing to October 9, 2019, seconded by Shanahan. Unanimous.
New Business-
- Master Plan update committee

Meeting Minutes - August 14 & August 28, 2019
Raisbeck made a motion to approve the meeting minutes of August 14, 2019, seconded by Van Dyne, unanimous.

Raisbeck made a motion to approve the meeting minutes of August 28, 2019, seconded by Shanahan, unanimous.

Adjourn the regular meeting (not to return) to Executive Session for purposes of discussing litigation regarding 152 Turnpike Road.

Raisbeck made a motion to go into executive session for the purposes of discussing litigation regarding 152 Turnpike Road, not to return, seconded by Shanahan.
Araway – Aye
Walsh – Aye
Raisbeck – Aye
Van Dyne – Aye
Shanahan – Aye
Parlee – Aye
Kohl – Aye
Houle - Aye