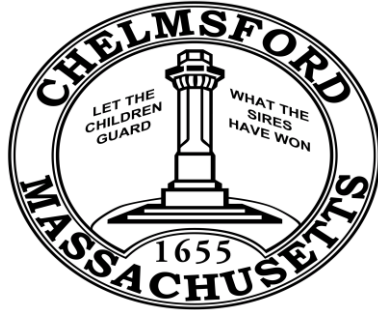


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Chelmsford Board of Appeals
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Chelmsford, MA 01824
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Meeting Minutes
Thursday, October 4, 2018

Members Present: Brian Reidy, Charlie Wojtas, Nancy Morency, Steve Mendez, Mark Carota, Jamie Brown
Members Absent: Jerry Loew
Others Present: 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.

Administrative review:

61 Dunstable Road- Request to extend existing permit for 2 years. Carota made a motion to extend the permit for two years, seconded by Wojtas, 4-1, Mendez opposes

Wojtas steps down for the next 2 applications

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 withdrawal without prejudice, seconded by Morency, 5-0

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.

Carota made a motion to accept the withdrawal without prejudice, seconded by Morency, 5-0

Morency steps down for the next application

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. Request to continue. Wojtas made a motion to continue to November 1, seconded by Mendez, 5-0

Continued to November 1, 2018

Pineview Condominiums, LLC, Melissa Robbins, is seeking a modification to a previously approved Comprehensive Permit to change the tenure of the development from rental to homeownership. No other detail of the project will change and any other relief that may be deemed necessary.

Melissa Robbins appeared before the Board and explained that the financing could not be secured for this project as rental housing. This request is to modify the project to home ownership in order to secure the financing. The issue arose that the entire project will no longer be able to be counted in the Affordable Housing Stock. Only the designated affordable units will now be able to be counted. The Board needs to take two votes. The first being a vote to acknowledge the modification is either minor or major in nature. The second is to approve the modification. There was no one from the public to speak. The Chair asked if this project would not move forward if this request is not approved and it was stated that that is the case. Mendez made a motion to close the public hearing, seconded by Carota, unanimous. The Board discussed how this loss of units will affect the Town’s affordable inventory. It was decided that the Board would like to hear from the Community Development Director, Evan Belansky, at the next meeting. Carota made a motion to reopen the public hearing to accept testimony, seconded by seconded by Morency, unanimous. 5-0. Brown made a motion to continue the public hearing to November 1, 2018, seconded by Carota.

Marose Ave., Larry Gagnon, is seeking a variance under 195-9, Conformity, and 195-10, Existing non-conforming lots, for relief of required frontage/width/ lot area to construct a new single family dwelling and any other relief that may be deemed necessary. Atty. Melissa Robbins, representing the applicant, appeared before the Board and explained the request. The lot in question was taken for tax purposes, and was won with an open bid by the applicant. Wayne

Sullivan, 11 Marose Ave., had questions about the lot lines and stated that he was against this application. The Board members decided that a site walk would help the Board understand the request better. They will meet 1 hour prior to the next meeting on November 1, 2018. Wojtas made a motion to continue this hearing to the November 1, 2018, meeting, seconded by Brown. 5-0

132 Dalton Road, John and Sarah Kivlan, are seeking a special permit under 195-8 E (2) to construct an addition which will increase the square footage over 10% allowable and any other relief that may be deemed necessary. John and Sarah Kivlan appeared before the Board and showed the changes in the plan that was made. They removed the second front door and pulled the side back from the street to 12 ft. and are no longer looking for the accessory apartment. Thomas Brothers, 134 Dalton Road, spoke in favor of this application. Mark Robidoux, 135 Dalton Road, spoke in favor of this request. Melissa Brennen, 126 Dalton Road, spoke in favor of the project. Carota made a motion to close the public hearing, seconded by Mendez, unanimous. Carota made a motion to approve the application as submitted, seconded by Mendez, 5-0

59-65 Princeton Street, Princeton Court Apartments, LLC., is seeking a variance under 195-9, Conformity, for relief of Floor Area Ratio (FAR) to construct a new 18 Unit Apartment Building and any other relief that may be deemed necessary. The applicant requested a continuance to the next meeting. Mendez made a motion to continue the hearing to November 1, 2018, seconded by Morency, 5-0

83 Westford St., Paul And Jennifer Hardy, is seeking a special permit under 195-8 E(2), to construct a new 25'6"x9' mudroom addition and side garage addition with bedrooms on second floor, 26'x30'to a pre-existing non-conforming structure on a pre-existing nonconforming lot (lot area & side setback) which will increase the square footage over the 30% allowable and further encroach on the side setback, and any other relief deemed necessary. Atty. Douglas Hausler, representing the applicant, appeared before the Board and explained the request. This included an addition over the garage which will include 2 bedrooms and a new bathroom for an approximate 1,000 sf of space. Department letters were read into the record. There was no one from the public to speak in favor or against this application. Wojtas made a motion to close the public hearing, seconded by Morency, unanimous. Wojtas made motion to approve the application, seconded by Carota, unanimous. 5-0

251 Dunstable Road., Matthew Caissie, is seeking a special permit under 195-8 E(2), to demolish a structure and build a new 1,604 sf single family home a new 102 sf side garage on a pre-existing nonconforming lot (lot area / frontage / width) which will now meet zoning setbacks and increase the square footage over the 30% allowable. Mendez made a motion to continue the hearing and have it properly re-advertised, seconded by Morency, unanimous.

129 Graniteville Road., Joseph Barrila, is seeking a special permit under 195-8 E(2), to construct a new side garage addition 30'x30 and a master Bedroom, 35'x40' to a pre-existing

non-conforming structure on a pre-existing nonconforming lot (lot area & front setback) which will increase the square footage over the 30% allowable and further encroach on the side setback. Joseph Barilla, Applicant appeared before the Board and explained the request which included a master bedroom and a garage. The Department letters were read into the record. There was no one from the public to speak. 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 Mendez, unanimous.

5-0

101 Main Street, Brian and Lucy Sullivan, M/P 23-92-26, is seeking a variance under 195-9, Conformity, to create a new buildable lot from an existing lot and any other relief that may be deemed necessary.

Atty. Philip Eliopoulos, representing the applicant, appeared before the Board and explained the request for a variance from the lot size requirement. The applicant seeks to cut off the back side of the odd shaped lot to build a home right next to the parent's home. The department letters were read into the record. Atty. Eliopoulos addressed the lot size in the neighborhood and stated that there are several lots that are only ½ acre and that this lot was not part of the Burton Lane subdivision. Gina Hunt, 101 Main Street, spoke in favor of the application for her daughter and her family that would keep her close by. Tammy Arena, 3 Burton Lane, a direct abutter, spoke in favor of the application. Ken Lavalley, 2 Burton Lane, also spoke in favor of this application. Robert Lambert, 91 Main Street, Spoke in favor of the request. Carota made a motion to close the public hearing, seconded by Mendez, unanimous. Wojtas made a motion to continue to the November 1, 2018 meeting and to have the Board do a drive by to look at the site, seconded by Brown, unanimous

59 Moore Street, Josh Kelly, is seeking a special permit under 195-6.1, to construct a Limited Accessory Apartment, and 195-8 E (2) which will increase the square footage over 30% allowable and any other relief that may be deemed necessary. Josh Kelly appeared before the Board and explained the request for the Limited Accessory Apartment and stated the entrance is in the rear of the new addition to keep the home looking like a single family home. The department letters were read into the record. There was no one from the public to speak on the application. Wojtas made a motion to close the public hearing, seconded by Morency, unanimous. Mendez made a motion to approve the application as presented, seconded by Morency, Unanimous. 5-0

2A Groton Road, Zhao Qiong, is seeking a special permit under 195-5 D (33), to conduct a massage service establishment in the CD – Commercial Business District and any other relief deemed necessary.

Atty. Gregg Haladyna, representing the applicant, appeared before the Board and is required by the town by-laws to come before this Board for a special permit to run a massage establishment. He went on to state that she would need the Board of Health approval as well. There was no one from the public to speak. Mendez made a motion to close the public hearing,

seconded by Carota, unanimous. Mendez made a motion to approve the application, seconded by Brown, unanimous. 5-0

Meeting Minutes: Wojtas made a motion to approve the meeting minutes of September 6, 2018, seconded by Mendez, unanimous.

Next Meeting - **November 1, 2018**