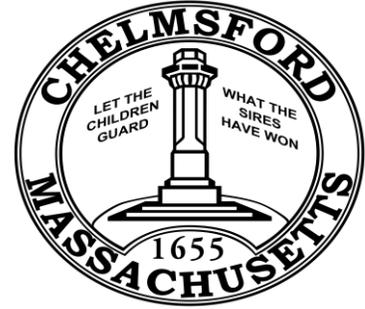


**Town of Chelmsford
Zoning Board of Appeals
Town Offices
50 Billerica Road
Chelmsford, MA 01824
978-250-5231**



**ZONING BOARD OF APPEALS
Meeting Minutes
Wednesday, January 6, 2022**

Members Present: Chair Brian P. Reidy, Charles Wojtas, Nancy Morency, Peter Casserly, Erin E. Drew, Alternate Member Albert Glenn Diggs
Attending remotely: Member Steven A. Mendez.
Members Absent: Jamie Leigh Outland-Brown.
Others Present: Evan Belansky, Com. Dev. Director, Jose Negron, Building Commissioner, Attorney Melissa Robbins of Farrell and Robbins, P.C., Jay Burgland, Burt Hamel, Rlan, Tony, Thao Lan, Lisa Camanaties, Doug Dufresne, Troy O'Neil.

Chair Reidy opened the meeting at 7:00 PM

Administrative:

7 Gorham Street, PineView Condominiums: Minor modifications to a previously approved 40B Comprehensive Permit. Modification to interior layout of end unit garages, to allow for all ADA units to be one story "flats" instead of two-story townhouses and the addition of three additional parking spaces.

Attorney Robbins presented the alterations of the plan to the Board explaining the modifications were to interior layout only of ground floor units to make them handicap accessible to better accommodate the residents. These changes would only be interior and not change the appearance of the building from the outside.

Attorney Robbins went on to say additional handicap parking spaces were added in front of each flat. Adding these spaces involved removing garage doors, moving visitor parking spaces elsewhere. She stated the Town of Chelmsford Public Works Director, Christina Papadopoulos and Fire Captain, Danielle Koutsoufis both submitted letters of support. She read them into the record.

Chair Reidy asked the Board if they had any questions. Mr. Wojtas asked if the entire project was a 40B ownership. Attorney Robbins answered the entire project was 40B ownership and the 13 affordable units would count towards the towns subsidized housing inventory.

Ms. Drew asked for clarification regarding exterior alterations. Chair Reidy and Attorney Robbins addressed her question and concern.

There were no other questions from the Board, those attending from remotely or in person.

Ms. Morency made a motion to close the public hearing, seconded by Mr. Wojtas. Roll call vote was unanimous 6-0.

New Public Hearing:

11 & 13 Third Street, Daniel Ruggiero:

Applicant is seeking a variance under 195-9; Conformity for relief from floor area ratio for the construction and front setback to build a farmer's porch and garage and any other relief deemed necessary.

Owner of the property, Daniel Ruggiero explained the desire to add a farmer's porch off the front of the duplex with living space above. This additional square footage (420) would increase the allowed floor area of 20 percent by 7 percent. The addition of the porch encroaches the front setback decreasing the already non-conforming set back from 14 square feet to 8 square feet. Mr. Ruggiero showed the Board a plan of the property on which he drew the proposed structures and their setbacks.

Chair Reidy read the denial letter from the Building Inspector into record.

The Board asked questions of the applicant and discussed the overall project. Chair Reidy clarified the addition of the farmer's porch would be a further non-conformity to the front set-back, but the new garage would be an improvement on the non-conformity.

Chair Ready read comments on the project from the town's engineer Christine Papadopoulos, and Fire Captain Koutsoufis. He stated there were also three letters in support of the project from residents.

He asked Mr. Ruggiero if he had engineered plans showing the existing structures as well as the proposed. He did not. Chair Reidy suggested to continue the hearing for 11 & 13 Third Street until Mr. Ruggiero could obtain engineered drawings. A decision by the Board could not be made until such plans were provided.

Ms. Morency made a motion to continue the public hearing on 11 & 13 Third Street to the February 3, 2022, meeting, seconded by Ms. Drew. Vote was unanimous 6-0.

55 Woodbine Street, Audrey Dumanian:

Variance under 195-9 Conformity, to acquire ownership of driveway in front of 55 Woodbine Street and any other relief that may be deemed necessary.

Ms. Dumanian explained to the Board the property has been in her family for 60 years. It has recently been discovered the land used for the driveway of 55 Woodbine Street is part of 53 Woodbine Street. Acquiring a small parcel of land from 53 Woodbine Street would give frontage to 55 Woodbine Street as well as legal ownership of the driveway. The variance is needed due to the fact that the square footage acquired will still not meet the minimum required. The frontage of the land at 53 Woodbine Street is already non-conforming.

Chair Reidy read a letter submitted by the applicant into record. There were no comments from any town boards or committees.

The Board discussed previous variances to lots surrounding this property with clarification from Ms. Dumanian. The hardship in this matter would be without the variance 55 Woodbine Street would have no frontage property once the street is completed.

Chair Reidy asked if there were questions from the Board, there were none. No audience members had questions or comments.

Ms. Drew made a motion to close the public hearing, seconded by Ms. Morency.

Chair Reidy stated his opinion that reducing the frontage of 53 Woodbine Street by 31 feet did not seem detrimental and in turn would increase the frontage of 55 Woodbine Street and allow them to have legal possession of the land on which their driveway sits which they believed to be part of 55 Woodbine Street for years. Nothing physical on either lot would change as a result.

Ms. Morency made a motion to favorably approve the variance for 55 Woodbine Street to allow possession of the driveway. Motion seconded by Ms. Drew. Mr. Wojtas voted in favor as did Chair Reidy, Mr. Casserly. Mr. Mendez voted no. Variance granted 5-1.

Push Muscular Restoration, LLC

Special permit under 195, Attachment 1, to operate a business with massage and any other relief that may be deemed necessary. Thao Lan, owner and applicant.

Ms. Lan described her business as a deep tissue massage for athletes, muscle injuries and chronic pain issues. She stated the business is not a massage business for relaxation purposes, it is more specialized. She has been in business in Westford for three years and would like to relocate to Chelmsford. The special permit is necessary for approval of her business certificate as she and her staff are not licensed physical therapists, which is what the Building Inspector understood it to be.

Chair Reidy read the letter Ms. Lan submitted with her application. He then asked the Board if they had any questions, there were none. Chelmsford resident Lisa Camanities, spoke in favor of Ms. Lan and her business as a client and supports her moving to Chelmsford.

The Board discussed the proposal and the bylaw requirements for the business.

Mr. Mendez a motion to close the public hearing, Ms. Morency seconded.

Mr. Mendez made a motion to approve the special permit under 195 Attachment 1 to allow Push Muscular Restoration, LLC to operate their massage therapy business, seconded by Mr. Wojtas. Roll call vote was unanimous 6-0.

8 Coolidge Street, Daniella Santos

Special Permit under 195-6.1 Limited Accessory Apartment and any other relief that may be deemed necessary.

Ms. Santos described her family situation and need for the accessory apartment. Her barn is currently being used as a living space in which her son and a friend reside. The second floor has plumbing, electric and other amenities which qualifies as an apartment as well, however it is vacant. Ms. Santos rents the main home and does not live on the property.

Building Inspector Jose Negro provided additional information to the Board. Upon receiving a call reporting an illegal apartment, he visited the property. His inspection found the barn to have two apartments. He discovered no permits had been issued for this conversion. Mr. Negro stated the space(s) would have to go through all inspections which would involve opening walls to look at the electrical, framing and more. It is his determination that the apartments are illegal.

Mr. Mendez asked for clarity of the definition of a limited accessory apartment, it was his understanding the property owner must be living in the home. Chair Reidy read this section of the by-law into record. The Board discussed the situation of the main home not being owner occupied and connected to the home as well as the lack of proper permitting.

Chair Reidy read a comment from Fire Captain Koutsoufis. There were no other department comments.

Chair Reidy read a petition into record with 12 signatures of residents opposed to granting the special permit. He then asked if there was anyone in the audience who would like to speak. Mr. Douglas Dufresne of 43 Harding Street expressed his opposition to granting the special permit as did Mr. Troy O'Neil of 13 Coolidge Street, both citing personal experiences.

Property owner, Mr. Tony Santos came to the podium to explain and defend his position. Ms. Santos did as well, she stated they are willing to work with the town to make the apartment legal.

Chair Reidy suggested to the Santos', if they are indeed plan to move forward, that they obtain architectural drawings showing the interior of the space and a certified plot plan indicating the structures on the land. Mr. Belansky suggested continuing the public hearing or withdrawing as the drawings will take some time.

Mr. Wojtas made a motion to continue the public hearing to the meeting of March 3, 2022, Ms. Morency seconded. Motion approved unanimously.

Scott Wiggins, 11 Queen Street,

Applicant is seeking a Variance under 195-9 Conformity, seeking relief from frontage requirements to construct a proposed porch and any other relief that may be deemed necessary.

Mr. Wiggins explained his request for a variance stating his family has outgrown his home and would like to stay in Chelmsford, for this to happen they would need to expand on the home. The existing home is currently 38.2 feet from road, the porch 36.2 square feet from the road. Mr. Wiggins is planning to build a second floor which is not part of the variance. The odd shape of the lot limits Mr. Wiggins ability to add additional living space, thus the porch and the decreased frontage.

The Board looked over plans, asked questions and discussed the proposal as well as possibly issuing a special permit.

Chair Reidy read comments from the engineering department. There were no other comments from the town departments.

Chair Reidy asked if any Board or any audience members had questions. There were none.

Ms. Morency made a motion to close the public hearing, seconded by Ms. Drew. All in favor.

Ms. Morency made a motion to approve the variance for 11 Queen Street under 195-9 to construct a porch with relief to frontage, seconded by Ms. Drew. Vote was unanimous. Motion approved.

Continued Public Hearing:

14 Kelshill Road, Visoth Nuon

WITHDRAWN - Variance under 195-9 relating to conformity. Applicant originally applied for relief in order to construct a 40'X24' detached garage that does not meet the side setback requirement and any other relief that may be deemed necessary.

Chair Reidy read a letter from Mr. Nuon asking to withdraw his variance application.

Mr. Wojtas made a motion to withdraw without prejudice, the request for a variance for 14 Kelshill Road, seconded by Ms. Morency. Vote was unanimous.

New Business / Old Business:

- Ms. Drew made a motion to approve the minutes of July 1, 2021, with the correction of removing Ms. Morency's name as she was not in attendance.
- Mr. Mendez made a motion to approve the minutes of August 5, 2021, with the corrections to the spelling of "conformity" in two places and changing "an" to "and" on the last page. Seconded by Ms. Drew, motion approved unanimously.

Next meetings: February 9, 2022, March 3, 2022

Chair Reidy closed the Public Hearing at 8:53 PM.

Minutes Prepared by Sheryl Belley