



Chelmsford Planning Board
Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Clerk Stamp



MEETING MINUTES
January 11, 2023
(approved February 8, 2023)

TIME: 7:00 p.m.

LOCATION: Town Offices

ROOM: 204

Members Present: Michael Raisbeck, Chair
Deirdre Connolly, Vice Chair
Nancy Araway, Clerk
Michael Walsh
Annita Tanini

Members Present via Zoom: Paul McDougall
Tim Shanahan
Erica Clifford

Others Present: Evan Belansky, Community Development Director

Chairman Raisbeck called the public meeting to order at approximately 7:00 p.m.

ADMINISTRATIVE ITEMS:

1. **12 Kidder Road – review of December 9, 2020 Minor Modification related to landscape buffering**

To be reviewed in the future. The applicant's attorney could not attend tonight.

Motion: by Ms. Araway to CONTINUE 12 Kidder Road to February 8, 2023.
Seconded by Mr. Walsh. **Motion carries, unanimously, 6-0.**

2. **Jackson Road (formerly 240 Groton Road) – definitive subdivision – request to establish a performance guarantee and release of lots from covenant**

Board members reviewed the documents in support of the lot releases. Mr. Belansky summarized that the lot releases are standard releases. The subdivision road/sub-road has been substantially constructed with underground utilities. The first six duplexes are complete. One of the major items holding back occupancy is the lack of electricity; a challenge the applicant is having with National Grid. The bond was proposed in two-phases; construction, bonded, occupied, and completed.

From the development team, Trevor Collins from DPW, who also helped with the bond estimate, is on Zoom tonight if the Board has any questions.

For tonight, the Board is being asked to vote on two items. The first request is to establish a \$200,000 bond per DPW memo dated January 11, 2023, which included several conditions. The second request is to release the first six lots that have duplexes on them, per the Covenant's Phase I of construction. The remaining six lots which are not constructed will remain in the Covenant under Phase II.

Member Araway expressed concern with disclosing to future homebuyers that the property remains under development. Attorney Melissa Robbins (on Zoom) clarified that the duplexes currently have buyers under agreement. Therefore, the buyers are well aware that the site is still under construction for Phase II. A phased construction approach is very common in other towns, although Chelmsford may not have experienced a phased construction subdivision in a several years.

Member Mike Walsh recused himself from the discussion and votes.

Motion: by Ms. Araway to establish a bond for \$200,000 for Phase I of Jackson Road with conditions as noted in DPW's memo. Seconded by Mr. Shanahan. **Motion carries, 6-0-1. Member Walsh abstained.**

Motion: by Ms. Araway to grant a Partial Certificate of Release to Jackson Road for Phase I, Lots 1, 2, 3, 10, 11, 12 and non-buildable Lot 13, conditioned upon the established bond and other conditioned as noted. Seconded by Mr. Shanahan. **Motion carries, 6-0-1. Member Walsh abstained.**

CONTINUED PUBLIC HEARINGS:

1. **270 Billerica Road** – DH Property Holdings – for the demolition of the existing structure and construction of an 85,000 square feet industrial warehouse building with integrated surface parking, loading facilities and on-site infrastructure improvements.

The site is located in the IA zoning district and is shown as parcel Id Map 87, Block 291, Lot 1 and consists of approximately 6.99 acres. The applicant requests special permits per Article XI, Major Business Complex, Article XIV, Aquifer Protection, and Site Plan Review per section 195-104 and any other permit relief as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project.

*** REQUEST FOR CONTINUATION TO FEB. 8, 2023 ***

Motion: by Ms. Araway to CONTINUE 270 Billerica Road to February 8, 2023. Seconded by Mr. Walsh. **Motion carries, unanimously, 7-0.**

2. **250 Apollo Drive** – 250 Apollo Drive LLC – for the construction of a 36,372 sq. ft. building addition for manufacturing and 14,100 sq. ft. office space with integrated surface parking, loading facilities and on-site infrastructure improvements.

The site is located in the IA zoning district and is shown as Parcel ID: Map 75, Block 291, Lot 36 and consisting of approximately 10.99 acres. The applicant requests approval under Article XXI, **Community Enhancement**

and Investment Overlay District (CEIOD) sub-sections 195-111.D (2), 195-115, Special Permits per Article XIV Aquifer Protection District, sub-section 195-74, Article XI Major Business Complexes, and any other permit relief.

This hearing was previously opened on December 14, 2022 without discussion.

Jim Hanley, project manager of Civil Design Consultants, Matthew DeJuros, the project architect and Bill Olsen, the construction manager were present for this hearing.

Mr. Hanley gave an overview of the project site location. They were before the Board in June 2022 for administrative review of the conceptual plans. Since then, they have been working to finalize their plans, they submitted the application in October and requested a continuation of the opening of the public hearing in order to address comments from the Town's departmental review process.

Mr. DeJuros gave a summary of the existing conditions, which is a two-story building built in the 1980s, and the proposed addition. The approximate 40,000 sq. ft. square-shaped addition is approximately 192'x200.' The addition will be connected to the existing building via a corridor, but also having its own entry, and is located over the existing parking lot. It will be used for light industrial/manufacturing. The building will be a pre-fabricated steel structure that will be assembled onsite. The exterior is made up of connecting panels which they will be able to customize for the architectural appearance they prefer with large windows, etc.

Mr. Hanley explained that there will be no new increase in impervious surface. The property use will be clean manufacturing, so no concern there. Generally, the property's stormwater drainage patterns will be maintained. Very minor modifications to the detention basin which they got comments back from DPW. Conservation believes an RDA will suffice since they will utilize an existing detention basin.

The sewer capacity is the one challenge they are facing. They are working on a new plan but it has not been finalized. They met with the Select Board in early December to discuss their options. As of now, they are allowed an increase in 500 gallons per day with no mitigation. Based on Title IV, they will have 1,350 gallons per day which is a conservative estimate. However, they believe they'll be closer to 700-800 gallons per day. The initial site plan had a septic system in place but based on feedback from the Water Department and the Board of Health, that will not be acceptable. Mr. Hanley is in communication with DPW Engineer to develop an acceptable plan. Therefore, when this Board receives a revised plan, the sewer issue will be addressed appropriately.

Mr. Hanley is asking the Planning Board to accept the building addition proposal and reduced parking request, while he continues to work with DPW to finalize the sewer requirements.

Board Discussion:

Chair Raisbeck asks for clarification on the first/ground floor; where it is not being dug out to become a full floor, only partial. Mr. Hanley stated that there is a ten-foot drop over the grading. This provided an opportunity for office space without needing an additional floor. However, the area will not be dug out to create a full lower level that is the same size as the upper building. The sewer calculations are based on this area. Chair Raisbeck clarified that in the future if this area were to be dug up to expand the lower office floor space, then the applicant would need to return to the Planning Board for review and approval.

Mr. Walsh asked if the new addition is going to support the main building at 250 Apollo Drive, or whether this becomes a separate entity. Mr. Hanley responded that the two buildings will be owned by one owner, however the addition will have a separate tenant.

Mr. Walsh also asked if there is any plans for solar panels, since the Town has a solar initiative. Architect DeJuros said that they are looking into the feasibility of the roof top and whether it will have the capacity support it. Mr. Walsh clarified that the panels could go anywhere on the campus, including the existing building. Ms. Tanini suggested adding EV chargers into the parking lot.

Ms. Tanini asked what the hours of manufacturing hours will be and whether noise will become an issue for the neighboring residents. Mr. DeJuros did not know for certain, given they do not have tenant yet. However, other light manufacturers do have second and third shifts. Ms. Araway stated that this property is embedded in the IA district and does not believe it will be an issue.

Ms. Araway asked if the site plan can include more red maple tree plantings because the Town is losing a lot of tree cover. Mr. DeJuros replied that they are willing and open to adding more plantings.

Ms. Araway read the department comment letters into the record from Fire Prevention Office, DPW/Engineer, Board of Health, Water District, and Building Commissioner.

Mr. Hanley clarified that the site plan submitted has a septic system designed into it. However, given all of the comments from DPW, BOH, and Water District, he will be revising the site plan to tie into the Town sewer system. He will be working with the Town Engineer to come up with an acceptable treatment plan to offset the additional sewer flow.

Chair Raisbeck summarized all of the outstanding issues that need to be addressed at the next meeting date.

There was no public comment.

Motion: by Ms. Araway to CONTINUE 250 Apollo Drive to February 8, 2023.

Seconded by Mr. Walsh. **Motion carries, unanimously, 7-0.**

NEW PUBLIC HEARING:

- 1. 264 Groton Road** - Attorney Douglas C. Deschenes requesting a Definitive Subdivision approval for Newport Landing subdivision proposal consisting of a two-lot private way with a two-family dwelling in each lot (total of four new residential units) at **264 Groton Road**. This property is located in the RC zoning district and is shown as Parcel ID Map 23, Block 92, Lot 8 and consists of approximately 1.81 acres.

Attorney Douglas Deschenes and engineering consultant Matt Waterman, from LandTech Consultants, Inc., were representing the applicant.

The property currently has an existing single-family house, which will be razed. Two-family dwellings are allowed in the RC zoning district. As proposed, one building will be connected to the existing sewer main, the other building is proposed to have a septic system due to the sewer moratorium. Therefore, they have submitted a Title IV plan to the Board of Health for review. They have received comments from the Town Engineer and Board of Health, with no challenging issues to address. Overall, it's a simple subdivision project.

Mr. Waterman gave an engineering summary of the design proposal. The roadway will remain a private way. A homeowners' association will be established to maintain the roadway, stormwater drainage, and septic system.

They are requesting a few minor subdivision waivers due to the small scale of the proposed development and to minimize impacts to the surrounding area. They are requesting that the right-of-way be reduced in size from the town road width standard of 52' to 50' in order to maintain as much vegetation/tree cover in the area. To eliminate the sidewalks due to the small-scale size of this development. To be allowed to construct a T-turnaround area for emergency vehicles versus a full circular turnaround design. Lastly, to be allowed to install bituminous asphalt/cape cod berm style curbing versus sloped granite.

Chair Raisbeck expressed wanting to maintain some sort of subdivision development standards, such as sidewalks and granite curbing similar to the Jackson Road subdivision currently under construction just up the road. Mr. Belansky clarified that Jackson Road is being built to public roadway standards (to be accepted by the Town via future town meeting vote), whereas this project is a proposed private-way.

Ms. Araway read the departmental comment letters into the record from Chelmsford Water District, Board of Health, North Chelmsford Water District, DPW/Town Engineer, and Fire Prevention Office.

Board Discussion:

Mr. Shanahan does not feel inclined to vote for the waivers. Mr. MaDougall feels the same.

Ms. Clifford had no comment.

Mr. Walsh asked for clarification regarding the width of the right-of-way directly abutting the property line. Mr. Belansky stated that just like any other residential driveway can be expanded to the property line. There is no setback requirement for a driveway, only for structures.

Mr. Walsh asked are what the proposed number of stories for these dwellings. Mr. Waterman stated that the architectural plans are not yet finalized. But he believes the intent is to create 2-1/2 story buildings to look like single family dwellings even though they are duplexes, not three-story units like Jackson Road development.

Ms. Connolly asked if there are future plans to make this a public roadway. Atty. Deschenes stated no.

Ms. Araway asked if there a plan for a homeowners association. Atty. Deschenes stated yes. Ms. Araway then commented that the Board will need to see the HOA agreement. Mr. Belansky reminded the Board that they have standard forms for a shared driveway covenant. Mr. Walsh asked what is the difference between a shared driveway and a private way. Mr. Belansky clarified that a private way falls within the subdivision purview, whereas a shared driveway is a zoning matter. The covenant would be for a private way/driveway in this case. Ms. Araway stated that a shared driveway would need to have a rear lot qualification, which this is not the case it is a subdivision of one lot. The covenant will also need to address the utilizes, drains, etc. as mentioned in the departmental comments.

The proposed septic system for one building will be located in the front area of the lot/lawn. The consultants have tested the soils.

Public Comment:

Jerry Hall, of 34 Lovett Lane – Feels that this is another case of a developer seeking exemptions in order to profit financially at the abutters expense. He is asking why the Town is permitting developers to install septic systems when the Town spent a lot of money installing sewer mains years ago to protect the residents' health. Mr. Hall feels this is backwards.

Mr. Waterman clarified that the requests for waivers was to reduce impacts to the neighborhood; reduce impervious surfaces and tree clearing. The waivers are proposed by the engineering team not the applicant. Atty. Deschenes stated that if they are held to build by public road standards, then they will

likely seek that the Town accepts the new roadway to maintain it as public roadway. Their submittal goal is to minimize impacts to the area and to the Town as a whole.

Scott Rummel of 24 Lovett Lane – His concern is why the existing woodland on the existing lot is described as a small woodland when in fact is larger than the proposed Lot 2. He is concerned that clearing this much woodland would change the quality of life for the abutters who will not have much vegetation left as a buffer, and also clearing much of the wildlife habitat corridor for this neighborhood. The proposal only details the development plan, we don't have an as-built plan nor do we know how much tree clearing the future homeowners may conduct to open up their backyards. Furthermore, the proposal does not provide renderings of the future buildings and how they may visually impact the abutters. Mr. Rummel does not believe that this proposal will preserve the character of the surrounding neighborhood. The proposal is squeezing in two moderately priced duplexes between smaller single-family home lots. He does not understand how this proposal will improve the character of the neighborhood or benefit the Town in anyway. He is also very concerned about the proposed T-shaped turnaround area for fire vehicles. He is opposed to the proposal and the requested waivers.

Pam Armstrong of Scotty Hollow Drive, Unit C06 – She is neither in favor or opposed to the plan. She would suggest a landscaping plan detailing how much they are clearing, how much they are leaving, and what they propose to plant. Also if there is a homeowners association, could it limit certain things like treehouses, trampolines, swimming pools, etc. to reduce the impact to the direct abutters?

Virginia Crocker Timmins, of 28 Lovett Lane, is a direct abutter to this property and is also here tonight as a Precinct 3 Town Meeting Representative. Mrs. Crocker Timmins shares the rear property line. As a direct abutter, her concern is tree clearing and proposed building height / line of sight from her property. She reached out to the developer with her concerns and he agreed to share the proposed plans with her and meet for discussion. However, he did not reach back out to her. She has only received the plans through the Town's public hearing process / abutter notification. She shared a handout with the Board with her points of concern. Overall, she does not believe the subdivision plan fits with the existing lot or neighborhood. Her first point of concern is the lot depth as proposed. She asked the Board for clarification on the legal depth of the proposed lots and whether the proposed lots meet the zoning bylaw requirements. Second, she believes the emergency vehicle turnaround and sidewalk waivers would be a safety compromise not worth the compromise. Third, the list of waivers signifies that the existing lot is too narrow to subdivide as proposed and would not meet the requirements of a "subdivision." Fourth, if the roadway is a private driveway, does a driveway constitute frontage or does it need to be a true roadway for the lots to have frontage off of? Lastly, she believes the esthetics of the lot are detracting from the neighborhood, because one house will face sideways whereas all the other homes face the Groton Road.

Furthermore, she has concerns with the installation of a septic system and questions its location and whether it is due to bedrock on the rear portion of the property. If that is the case, she has concerns with potential blasting/noise during construction of the new buildings because her home, and her neighbors homes, have shook considerably with the construction of the nearby Jackson Road development. Large rocks and boulders have been removed from that project, as well. She suspects this project may have similar soils/bedrock just as she has experienced in her own yard.

Mrs. Crocker Timmins also has wildlife habitat concerns related to the proposed tree clearing. She submitted photos of the common wildlife that travel through her property on a regular basis (deer, fox, coyote, turtles, etc.). She does not believe that clearing this small forest and replacing it with a few maple trees will be appropriate.

Mrs. Crocker Timmins requested that if the Board approves this project, to do so with detailed conditions specifying building height, size, and stories to avoid another Jackson Road development which are

technically 4-stories tall. In addition, she is also asking that the Board specific regarding foliage, trees, and screening. She does not feel confident with the developer given his history of the previously proposed development a few years ago, in which he referred to the Town and the residents as “opposers,” and he has not reached back out to her for discussion on this proposal whereas he had agreed to do so via email (copied in her handouts to the Board). Therefore, she does not believe he is willing to work with the Town or the abutters.

Joe Tierney of 3 Grant Street – He is the current Chair of the Vinal Square Committee. Mr. Tierney thanks the Board for all of their time and support. One of the primary concerns in North Village is traffic, especially along Route 40. He has concerns about any waivers and how this may impact traffic to the area.

Member Tanini suggested that the developer/engineers work closely with the abutters to seek options that satisfy all parties.

Member Connolly asked what year the house was built. Atty. Deschenes stated that it was built in 1925, and they have gone through the Historical Commission process to obtain their tear-down permit.

Atty. Deschenes asked to speak in light of public and Board comments. He believes there is a lot of hostility toward Mr. ??? and perhaps himself as the representative. However, he wants to remind everyone that his client is asking for a subdivision approval. Through the state law and Town bylaws, his client meets every requirement for the subdivision. He is not obliged to provide building details or architectural plans. However, they want to in good faith to the Board and in asking for the waivers. His client needs to be treated fairly under the laws regarding subdivision.

Ms. Tanini would like to see how the subdivision plan would like without the waivers for comparison purposes. Mr. McDougall agreed.

Motion: by Ms. Araway to CONTINUE 270 Billerica Road to February 8, 2023.
Seconded by Ms. Tanini. **Motion carries, unanimously, 7-0.**

DISCUSSION – Atty. Deschenes asked the Board if he may give a quick update as to why he had requested a continuation for **270 Billerica Road**. The Board already granted the continuation to February 8th prior to Atty. Deschenes arriving tonight. He wanted to thank the Board for their patience and willingness to continue the public hearing once more. His client has been reanalyzing his project feasibility given economy fluctuations and increasing building costs. He has decided to pursue his project with a larger building size. They will submit a new plan to the Board next week that addresses all of the Town’s previous comments/concerns and details the build size increase. They will be entering into a new contract for new peer review. In speaking with Mr. Belansky and Town Counsel, they have also decided to re-notify current abutters of the project change, prior to the Feb. 8th public hearing continuation meeting.

MEETING MINUTES TO APPROVE – None

NEXT MEETING DATE(S):

- January 25
 - Riverneck Road – continuation
 - Zoning bylaws public hearing – opening hearing
- February 8
 - 12 Kidder Road
 - 270 Billerica Road – continuation
 - 250 Apollo Road – continuation

ADJOURN

Motion: by Ms. Araway to ADJOURN at approximately 9:18 p.m.

Motion carries, unanimously, 7-0.

Meeting minutes respectfully submitted by Becky DaSilva-Conde, Departmental Assistant.