

Chelmsford
Planning Board
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TOWN OF CHELMSFORD

PATRICIA E. DZURIS

TOWN CLERK

Meeting Minutes
Thursday, January 13, 2021

Members Present: Glenn Kohl, Henry Parlee, Mike Raisbeck, Mike Walsh, Hank Houle, Donald Van Dyne, Nancy Araway, Tim Shanahan
Members Absent: None
Others Present: Evan Belansky, Com. Dev. Director, Christina Papadopoulos, Town Engineer, Colleen Stansfield, Department Assistant

The chair opened the meeting and stated that this meeting is being recorded and televised by Telemedia and is being held partially remote and he read the Governor's order suspending certain provisions of the open meeting law.

Agenda

Administrative Review:

59-65 Princeton St. ANR# 673 Request for Endorsement

59-65 Princeton Street, Atty Doug Hausler, representing the applicants, seeks endorsement for an Approval Not Required plan to claim to the center line of the paper street

<https://www.chelmsfordma.gov/DocumentCenter/View/12002/59-65-Princeton-Claim-Road>

Kohl Made a motion to endorse the ANR with no determination to zoning, seconded by Raisbeck. Unanimous, 7-0

9 Turnpike Road PB #2020-05 Vote to Endorse Covenant

9 Turnpike Road, Joseph Ready, for a five lot Definitive Subdivision located at 9 Turnpike Road. The Applicant requests **Definitive Subdivision approval and applicable waivers** under Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Chelmsford. The project calls for the construction of a new deadend roadway, and the construction of 5 duplexes on 5 new lots. The site is located in the RC-Residential 2 Family Zoning District. The site is approximately 3.037 acres as shown on Assessors Map 74, Block 324, Lot 5.

<https://www.chelmsfordma.gov/DocumentCenter/View/11986/9-Turnpike-Form-J-Common-Driveway-Private-Way-Covenant>

The Board heard this at the end of the meeting due to the applicant not being at the meeting.

New Public Hearings:

40 Vinal Square

Special Permit

40 Vinal Square, Canine Odyssey, Nicole Tran, (M/P 13-19-2) for a special permit under 195-5, Use Regulations. The site is located in the CD Commercial District and consists of approximately 1.48 acres as shown on Assessors Map 13 Block 19, Lot 2. The applicant requests approval under 195-5, Use Regulations, Attachment 1, Use Table, D.5. to operate a Kennel.

<https://www.townofchelmsford.us/DocumentCenter/View/11982/40-Vinal-Sq-kennel-1-13-2021>

<https://www.townofchelmsford.us/DocumentCenter/View/11982/40-Vinal-Sq-kennel-1-13-2021>

Nicole Tran, representing herself, appeared before the Board and explained her business. She stated that she runs a dog training school and trains service dogs for various skills. She will build out the space to suit and she has permission from the Property owner for use of the grassed area outside for the dogs to relieve themselves. She also stated that she will maintain that area so that there is never waste on site. Araway suggested that the client review the Town Bylaws on dogs and dog waste. There were no further questions from the Board. Kohl made a motion to close the public hearing, seconded by Raisbeck. Unanimous. Kohl made a motion to approve the application with the condition that there will be no outdoor kenneling, seconded by Raisbeck, unanimous. 7-0

CONTINUED PUBLIC HEARINGS:

Parlee recused himself from the following meeting 7:25pm

Walsh took over as Chair

Stonegate Construction, Inc., PB# 2020-03 Site Plan Approval/ Special Permits

1 Billerica Road and 44 Central Square requesting Site Plan Approval, section 195-104, and Special Permits under Article XXII, Village Center Overlay District (VCOD) and any other relief that may be deemed necessary. The proposed project consists of reuse and redevelopment of the Fisk House and Odd Fellows Hall into commercial space and a 100 seat restaurant and 8 apartments respectively. A 32 unit multi-family structure is proposed for the adjacent parking area. The site is located in the Village Center Overlay District and consists of approximately 3.5 acres as shown on Assessors Map 84, Block 334, Lots 10 and 11.

<https://www.chelmsfordma.gov/DocumentCenter/View/11996/Waiver-List>

<https://www.chelmsfordma.gov/DocumentCenter/View/11997/Monetary-and-other-financial-contributions-w-Property-Taxes-01-07-20>

<https://www.chelmsfordma.gov/DocumentCenter/View/11998/1-Billerica-rd-Housing-Renderings-12-3-20>

The Chair opened the continued hearing. Fred Faust stated that he would like to re-introduce the Board to the project. He went on to say that the project includes the renovation of the Fiske House and Odd Fellows building and the construction of a new building with 32 units. He stated that this project is at a crossroads and there has been a lot of time put into this project. It was a joint meeting of the various boards that goes back to October of 2019. He reminded the board that there was a major change after the letter from DEP came in. Addressing the parking situation, they are in the process of working out agreements with the church and others. He then stated that this project has many benefits to the town and center, such as Historic Preservation, property taxes, and it has benefits consistent with benefits that were defined previously for the Gristmill and in this case, in excess of one million dollars. He stated that these projects have to go as a whole because of cross easements, partialization, and zoning requirements and the need to share construction costs. The developers have committed to completing the exterior renovations within 24- 26 months and would make that a condition of the board. He stated that there is urgency here with regard to the condition of the properties, it is a complex project and if not done now or there is a problem now, given covid economics, as well as everything else, potentially how long would it take to do this project and get three

parties together that would have the financial capacity, the financing and the commitment to perform. He thanked the board for allowing him to give the big picture. With regard to the presentation, everyone can see where they are at in regard to permitting. He stated that they have received approvals from historic district commission (HDC) for the residential building and the Odd Fellows will be in front of the HDC on February 1st to finalize the approval for the Fiske House. Faust then went through the Gristmill property and showed some of the public improvements. Katie Enright presented and went through the renderings as seen from different spots. Another concern from the Board and the abutter was the lighting. Enright showed a photometric plan (rendering) that shows the lighting staying on site and mostly illuminating the parking lots and entrances. She then Went on to show the renovation of the fiske house and the odd fellows building. She described the renovation Of these historic structures as one of the most important pieces of this project. Ali ??? appeared before The board and stated that he has owned fishbones restaurant for the last 14 years. He stated That his plan was to renovate the odd fellows building for a 4000 square foot restaurant on the street level and modest apartments upstairs. Ali stated that due to the COVID-19 pandemic restaurants are not doing very well but it is his intention to renovate the outside of the building completely. The apartments upstairs will be built and the restaurant may take a few years before it's feasible to open. They have worked with the historic Commission and the historic district Commission To be sensitive to the historic nature of the building and the character fitting and enhancing the Town Center. He stated that they went over several old original structure pictures and have added windows that are similar to those of the day. There will be a patio for seating to the left of the odd fellows building. He stated that he was happy to answer any questions about the Materials and roofing. Dan Barton then appeared before the board and went over the renovations for the Fisk house Which included making the structure handicap accessible on the backside. Enright wanted to go back over AP she missed. She showed the new location of the residential building and showed how it was only rotated a little to get out of the flood zone. Enright told the board that they had received an order of conditions from the Conservation Commission and that that appeal has passed and the order has been recorded at the registry of deeds Showing that their changes were appropriate. She then pointed out that the original plan to get the structure out of the flood plain was to raise it up 18 inches. Today she wanted to inform the board that the building will no longer Need the 18 inches and is now back to its original proposal. At The last meeting they discussed alternative compliance. She had submitted a plan to the board showing layout and on another sheet the requirements versus the proposed.

Attorney Melissa Robbins took over the presentation and stated that there seemed to be some confusion at the last meeting over waivers Being requested that are all covered under the one center village special permit. Having More than one use on the property it gets complicated because each use has its own zoning table. Enright showed the plans for each project and the requested waivers as part f her presentation along with parking, and public benefits/fees.

Enright stated that she wanted to wrap up this presentation with a little bit of the history. She stated that some of her team has been working on this project since 2015. They were able to negotiate the lease in 2019 period Which allowed for the opportunity to renovate the rest of the site. They were successful in finding some well respected, local partners that were committed to come to the table and invest. She stated that her entire team was here tonight to answer any questions that the board may have.

The chair thanked the team for the presentation and the hard work that went into it. The board was inclined to hear from the public before they decided to discuss their comments. The chair opened the hearing to the public. John Harrington , 129 Boston Rd, Stated that he wanted to give a lot of credit to Mr. Jay Finnegan who always puts out a fantastic project, as we've seen at Cushing place and many other areas in town. He

went on to state that Jay gives back to the town and does a great project period. Mr. Harrington stated that sometimes a developer forgets where his roots come from, J Finnegan does not. He stated that his next comment was about the odd fellows house which has been an eyesore for years. He also owns the property directly next door what he described as a fire hazard. He feels if this building is further ignored his family could lose a property they have owned for 70 years. He went on to state that when he heard this project was being proposed, it's A win, win for the community and for our side of the Town Center. This project will bring the Fisk house and the odd fellows building back to life and What more could we ask for? He stated he didn't believe there was another developer that would put his Time and money into this project. He ended with the fact that he fully supports the project and encourages the board to approve this project. Deirdre Connelly, 19 Billerica Rd, She started with two letters that she wanted read in from una and joseph tribiani and other abutters. She Went on to say that she had a list of several people contacting her some abutters and some townspeople expressing Significant dissatisfaction to the board. She stated their support for the renovations of the fish cows and the odd fellows building but they are very opposed to the residential unit. She stated she would send those names to the community development Department to become part of the record. She then stated she had her own comments but she will keep them offline until later. Mike Rigby, 19 billerica Rd, he had said this before but he wanted to acknowledge all of the hard work done by Katie enright on the drainage Has been exemplary. Regardless of how this particular project comes out, His hope is that this will be the game plan going forward For doing some much needed and long needed work on that property Which has been virtually abandoned. In regard to the proof plan, he stated that he's not claiming the living area above the flood plain is illegitimate, the point is you can't build there. He said if you look at the proof plan 6 of the 8 buildings are in the floodplain. The 7th is within the no build zone Which you did get approval From the Conservation Commission but you did not have that approval when you Initially presented this plan. In fact there is only one building on the plan that Allowed is by right. He said he'll come back to this because your claiming the alternative compliance basically overrides everything That's in the zoning code and is treated as a single thing rather than piece by piece. A question about the parking, He was having trouble finding the plan because he stated there was several stamped copies. Given you have the Fiske House out at 3725 square feet and you have 14 spaces, that doesn't seem correct. My math is 3725 divided by 200 gives you 18.625, so rather than 14 spaces you need 19. So with the 50% reduction that would bring it down to about 10 , I wanted to make sure you had the correct square footage for the Fisk house Or if Maybe it just didn't get updated. The chair asked Rigney to move along since there were people behind him that would still like to speak. Rigney said the point being there While it may be a minor change In the grand scheme of things It's a significant change for the project Because you would be required to have 10 spaces there rather than 7 And if you do the math there they are no longer compliant on parking. He went on to say that if you look at the site plan and the subdivision that's being proposed, the lot that the condominiums are going to sit on Is essentially a back lot. There is no provision in the zoning code for the creation of a rear lot In the CD district, He stated those are restricted to RA&RB districts. But he stated, he thinks it's an informative way to think about what's being proposed there. One of the things that's required in a rear lot, Is the ability for an SU 30 truck to turn around on site. Looking at the most recent set of stamped plans, the only place to do that Would be the parking in front of the building. His next question was about the roof of the building. He stated it appears that the roof on the condominium is a flat roof? It's not listed in her plans as nonconforming Even though it's not permitted in the CV district. Enright stated that the entire Roof is not flat. Rigney went on to state that it is a flat roof and that you intend to put equipment up there, that's very pertinent to the abutters concerns of noise. And for the building, he said, you changed the height today and you had the height at 53 feet on one of the plans, probably June. He asked if the height was still correct. He ended with saying , So what we have is an illegal building comma On an illegal lot With an illegal sewer hookup. He then spoke about town meeting and the passing of the VCOD by law. He stated this was supposed To set expectations In the town, with the developers, with the abutters For what sort of

development might happen in that zoning district. He then said that this is the third project to try To do an end run Around the VCOD requirement. By using the special permit Or using alternative compliance. If there's a problem with the wording in the VCOD, He suggests that it be properly addressed By changing the wording Of the VCOD And bringing it back to town meeting for approval. The chair asked Mr. Rigney to wrap it up because there are more people waiting to speak. Peter Schultz, 36 Westford St, had questions about snow removal and where it would go. His next concern was traffic into the center. He asked if there were plans in place to control the ingress and egress at Santander Bank. He was also concerned about water. He stated we are on well water and we are not digging new wells, and then our water capacity keeps going down and the water pressure keeps going down. He said in the same goes for the sewer, what's happening there? When are we going to know when we're beyond capacity? He then stated that he's been in the town for 40 years and every summer the water pressure goes down. He then went to talk about parking and stated that he had brought this up with the previous gristmill And wanted to know what they were going to plan for the restaurants. The chair again asked Mr. Schultz to wrap up, there are more people waiting to speak. Mr. Schultz then ask for a winter view of the photo presented tonight from the Rigney's back deck. Mr. and Mrs. Galasi, gristmill one, wanted to say a few words. First thing he said was that he wanted to support this proposal. He stated they have been at the gristmill since 2018, They are longtime Chelmsford residents and they picked this location because of their ability to walk To the merchants in the center. They said it's worked for them. He then stated that he's aware they have heard a lot of questions a lot of concerns With the proposal , But they are proved point that The attractiveness of the village centre Is an attraction and and to be able to walk and visit the local merchants and restaurants Is a value to them. They want to support this proposal Because if approved it will bring a reasonable amount of people Into the center of town to Additionally support the local town businesses. He finished by saying that he and his wife support this project and believe it is an asset to the town and they would like the board to feel that way as well. Donna ready, 11 Cushing Place, She stated that she wanted to support the project. She lives at gristmill any unit XX. She stated that she loves the building it's a very well constructed building. She and the other residents are really enjoying all the amenities that are also provided. She said she thinks what's really important here Is that this building really speaks to what The town had in mind When they were doing the center village masterplan. What is it's trying to do is showcase the town's history and its culture while taking care of two Very deteriorated buildings. They are also trying to add to the diversity of businesses Including office space and restaurant space that we can hopefully get moving after this covid pandemic. She pointed out that A pedestrian friendly center of town was very important to the committee. She believes this project has many of the aspects that master plan was looking for When the town created that committee to look at the center. Being a real estate agent she also Is very aware of The number of people who have a great desire to live work and play All in the same area. There are a number of people that just can't wait for this building to be completed. They want to get into this atmosphere that was created with gristmill Condominium that she is living in now. She said there is a pent up need and in her building there are a lot of Chelmsford residents who are just downsizing and want to live in a place where they don't have to take care of the yard and want to be able to walk to places and enjoy the bike trail and enjoy the common and hopefully soon, all the events that are held there. She thinks that it's really important for people to realize that this is a three pronged project. Of course everybody wants to see the renovations of the Fisk house and the Odd fellows building get done, but this is also an investment property. You have to look at it from a business point of view Because a business property has to make sense financially. It doesn't make sense for them to just fix up the two historic buildings to be there in the center of town. You need You need to have this third piece In there to make it a financial go. In the long run There are some things that we need to compromise And through the compromise we're getting two buildings restored And a showpiece which is what we've all wanted For the town in the center. Make the center beautiful for people to visit the restaurants or work at the Fisk house and just be able to enjoy a beautiful town period. If in fact we don't

agree to having projects like this in the center, this is going to go away And all the work and everything these people have done To put it together We'll just end up on the chopping block and the town Will have two buildings that will continue to deteriorate. This has to be a financially viable project. We should allow the residential building which, she believes, is a huge bonus, and along with that, we get the renovation of two historical structures in the center of our town. Deirdre Connelly, 19 Billerica Rd, wanted to say a few more words. She started by saying that she has a number of people that are strongly opposed to this. She wants to start with reading just a couple of sentences from the village center master plan. After she read, she stated that back in 2014 The planning board made these parameters and brought it to town meeting who applied them. At that time, town meeting was trusting you, this board, to go by these parameters. The only way this special permit will be approved is by you, this board, in granting multiple variances. She stated that Melissa and Katie went on for more than 30 minutes explaining this is multiple variances. The variance of height, The variance of lot size the Variance of lot width and the variance of number of units. She said she was asking you the planning board, please to plan. I understand that the man from California stated he has water issues and it needs to be urgently addressed, and it's interesting that it needs to be addressed today after 20 years. You only have 1 historic center district and I ask you to behave in a manner that preserves it for the town and let the children guard what the sires have won. She wants the board to do its job, please. Jim Moriarty , 11 Cushing place, he stated he has been a resident of Chelmsford for the past 37 years And he moved into the grist mill in November of 2019. He is here to speak in favor of the project . He said he couldn't say enough good things about the gristmill. The units built by Mr. Cates and Mr. Finnegan Across the street are just tremendous. The location is center of Chelmsford is ideal for me and my wife. You can walk to The library, The drug stores, five different churches 31 different places to eat, a number of doctors , a dentist And that's all before you take a walk on the Bruce Freeman rail trail . Not only would it be a home run for the town and finances as the town will collect over \$250K in taxes with no plowing, no trash pick up, and most likely no children to put a strain on the school system. He thinks this project is a win-win for the town. The Board asked a few more general questions and Walsh wanted to know in the rendering of the aerial view how many trees are real and how many did they place virtually. She stated that it was not significant and showed the google maps aerial with all the real trees. The team wanted to remind the Board that the building is now out of the flood zone. Kohl explained the flood plain is an elevation not an area like a wetland. Araway stated that when they reviewed the applicability they did so with concerns about height and she stated that they have continued to say that height is an issue. She said that she has seen nothing done about the issue as they have gone along and they are getting to the end of this project, is there any expectation to address the concern over the height? Enright stated that they have been consistent thought the entire project from over a year and a half ago. They have stated that this project works economically with 5 stories. It took about 5 meetings with the historic district to get the building approved. The looks of the building have changed substantially through that process. Materials have changed and the screening on top of the building has changed. That is about 3-4 feet added to the height and now the height has been brought back to the original proposal. The team feels that they have addressed the height. Atty. Robbins added that the VCOD does not say that you can't see the building from the road. It actually wants the buildings brought forward. She stated that this applicant has gone out of their way to ensure that what they see is within the intent of the bylaw which was pointed out by the abutter is the preservation and compatibility with the historic fabric of the center village. She went on to state that they have done everything they have been asked for by the Historic District, the Historic Commission, and anybody else that has brought up historic issues including the with the new building. So, yes you can see it, but she does not feel that that in itself is a reason to deny it based on its height. She feels that the applicant has gone out of their way to fit within the VCOD and the intent of the bylaw. Houle asked about the letter from Fire Prevention and it was stated yes that they are all set with the turning template. Walsh asked about snow removal and dumpster locations and the height of the buildings with the equipment and screening. He then

