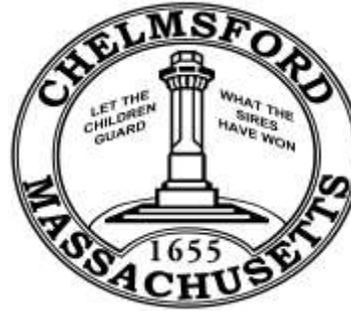


Chelmsford
Board of Appeals
Town Offices
50 Billerica Road
Chelmsford, MA 01824
Phone: 978-250-5231



Meeting Minutes
Thursday, February 4, 2021

Hearings for Special Permits & Variances Begin at 6:00 P.M.

Members Present: Brian Reidy, Mark Carota, Steve Mendez, Erin Drew, Nancy Morency, Jamie Outland-Brown, Peter Casserly
Members Absent: Charlie Wojtas
Others Present: Colleen Stansfield, Department Assistant, Shaun Shanahan, Building Commissioner

Administrative:

61 Carlisle – Thomas Marshall Estates, LLC

**Requests Extension of a
Comprehensive Permit**

61 Carlisle – Thomas Marshall Estates, LLC, requests 3 year extension to the Comprehensive Permit for 61 Carlisle Street to June 8, 2023.

<https://www.chelmsfordma.gov/DocumentCenter/View/12205/Harvey-61-Carlisle-extension-request-letter-to-Board-of-Appeals-1-29-21>

Carota made a motion to extend the Comprehensive Permit for Thomas Marshall Estates, LLC, for 3 years to June 8, 2023, seconded by Morency. Unanimous 5-0

New Public Hearings:

Morency recuses from 24-30 Second Lane

24-30 Second Lane, Patrick Larkin for a finding under **MGL 40a, Section 6, Existing Structures, Uses, or Permits; certain subdivision plans; application of this chapter and 195-8 of the Chelmsford Zoning Bylaws**, and any other relief that may be deemed necessary.

<https://www.chelmsfordma.gov/DocumentCenter/View/12144/2---24-30-Second-Lane---ZBA-Application-Part-2>

<https://www.chelmsfordma.gov/DocumentCenter/View/12145/3---24-30-Second-Lane---ZBA-Application---Checks>

<https://www.chelmsfordma.gov/DocumentCenter/View/12146/4---24-30-Second-Lane---Revised-Layout-----11-Nov-2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12147/5---24-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12148/6---26-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12149/6---30-Parkerville--Second-Lane-----Existing-Site-only---25-June-2020>

<https://www.chelmsfordma.gov/DocumentCenter/View/12150/7---28-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12151/8---30-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12152/9---24-26-28-Second-Lane---Permit-Plan-Set-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12153/MGL-40A-Section-6>

Patrick Larkin appeared before the Board and presented his plans. He stated that currently there are 4 single family homes on the property. His intention is to demo the existing structures that are in disrepair and reconstruct them with a determination that the proposed reconstruction does not increase the non-conforming nature of said structures. He showed the plan for the 4 structures placement on the parcel and

stated that the structures will meet the current zoning. He then stated that he currently resides in Chelmsford and plans in residing in the home closest to the pond (#30) with his wife and 5 children. He stated that he is still in the process with the Conservation Commission and will have these new plans for them to review at their meeting next week. He showed the landscape plan that he is proposing and stated that he will be working with the neighbors on that plan. Larkin stated that the homes will exceed the floor area ratio required by zoning. The Board asked about the distance between the 3 homes that look similar and are furthest away from the pond. There is 20' between each structure. The Board asked about the structure that straddles the property line with Ms. Rivard's land. Town Counsel, Paul Haverty, stated that when there is a structure straddling a lot line and a portion of the structure is on the abutters property that there would be a claim of adverse possession that would go along with the application of that structure and technically any of the land area that the existing structures are covering would fall within this application and the fact that they may choose not to pursue the adverse possession claim once they remove the structure is irrelevant to the application. Aboard member asked what this is, a special permit, a variance? This is a finding under MGL 40a, Section 6, Existing Structures, Uses, or Permits; certain subdivision plans 195-8 Section b. The Board asked about the year these structures were built. Larkin stated that that information is in the application and is based on the assessors records. The Chair read the abutter letters into the record. None were in support of the project. The department letters were read into the record. Atty Philip Eliopoulos, representing the applicant, stated that the continuous use has been determined by leases and utility bills that were submitted to the Building Commissioner. Pam Rivard, 1st lane, asked if all the letters submitted from the abutters have been read by the Board members. She stated that this is a big deal for the neighborhood and feels her neighbors have put a lot of effort into their letters and captured their concerns quite well. She would appreciate all that members read the letters. She then asked that the hearing be continued until all the members have read all the letters. She then stated that the structures were used as summer cottages by her family and the year round occupancy is relatively recent. She also feels that the term single family homes is treated as a category by itself and that there is huge difference when you are looking at grandfathered in between a small seasonal cottage meant for 1 or 2 adults to equate that to a single family home with 5 bedrooms and with adult and children and then 3 large colonial homes with at least 3 bedrooms each. That is a major point to consider. This is not apples and apples and you are not replacing like with like and she brings up the spirit of that grandfathered clause. She was also disappointed that Mr. Larkin started clear cutting the property without clear property lines. The markers he used were marked approximate. She hired her own surveyor to markers in as a favor to her and Mr. Larkin. In regard to demolition, she wants to know what she can expect. He has the cottage straddling the lot line and a shed on her property and they have a garage that is sitting right on the property line that they intend to keep. The Building Commissioner asked to be part of that process. She does not think it's fair to any of the abutters and neighbors to hold a meeting like that with a brand new set of plans that we have not seen. All of our letters are based on the plan we were given. Richard Byam, 50 First Lane, stated that Larkin has listed on the information that was given to them, "the issue" and he indicate that there are 4 buildings on this 1 lot and he would like to make them more conforming. The reason that there are 4 buildings on one lot is that back in 1932, 1938, etc. people built whatever they wanted to. One of the buldings is way too close to the water, 2 of the buildings are near wetlands or on or over property lines and this was considered a problem. The town looks at situations like this and determined that we just can't have people just building whatever they want where ever they want. So, reasonable people determined that this is not good for our town and then began creating zoning regulations and these regulations are what we have to comply with. He stated that he had a cottage that was built in 1901 the 2nd one that was ever built on Hart Pond by his grandfather for \$75. In 1999 he wanted to tear it down, he stated that he had 10 acres of land and it was in his family for almost 300 years. He said that he went to the town and was told that here in Chelmsford, you can only have one primary dwelling unit on a lot. So even though he had 2 structures and 10 acres, the town said that is not allowed. So he understood that he had to follow the rules. He subdivided his lot and built his house 100' from the pond. That is for the health of the pond and that was the rule as he was told. He stated that his property is on the list of properties that Mr. Larkin is attempting to compare these dwellings to. One of these dwellings is a 1940 cottage that is 571 sf. Turning that into a 2200 or 2400 sf tract house where you have 3 of these houses that are identical sitting next to each other, that is exactly why we have rules. He stated that we as a town have decided that we don't want houses packed together. One of the things he listed was the neighborhood character, this project is not the character of their neighborhood. Mr. Byam stated that Mr. Larkin has one building lot and with a variance, he may have 2, but to take errors of the past that the town has determined we don't want and then say because somebody in 1938-1940 just built whatever they wanted to, and now we are going to knock all those down

and build 4 houses on one piece of property that according to our building codes can only sustain 1 home. He stated that he is baffled. He wants the board to look at why these regulations were put in place. They were put in place to correct the errors of the past. He stated that putting 4 houses and 3 of them 20 feet apart on Second Lane, there is no way anyone can say that this is good for our area or our neighborhood and this should never be allowed and should even be considered. Valerie Wolf, 52 Westview Ave., stated that she wants to be sure that the Board has received all the letters and has time to digest them. The Board asked to have the property cards for all the abutters and all the letters from the abutters to review before the next meeting. Pam Rivard brought up a similar project that was recently before the Board on Seventh Lane that had 1.7 acres which is also in the same neighborhood on the pond. The developer wanted to put detached condominiums (4) on that lot as well. She said what was finally agreed on was to separate the lot into 1 conforming lot and 1 lot that would require a variance. The Board went over what was requested for the next meeting. Carota made a motion to continue to March 4, 2021, seconded by Brown, unanimous. 5-0

Continued Public Hearing:

72-74 Littleton Road, Michael Smith -for a variance under 195-9- conformity, seeking relief from lot area and frontage to create a buildable lot and any other relief that may be deemed necessary.

<https://www.chelmsfordma.gov/DocumentCenter/View/11650/72-Littleton-Road-Variance-10-1-2020>

Brown made a motion to continue the hearing at the applicants request until March 4, 2021, seconded by Carota, unanimous.

125 Graniteville Road, Ronald Couture, for Administrative Appeal to the Chelmsford Zoning Board of Appeals. Applicant seeks to appeal the October 9, 2020, Building Inspector's determination of compliance for Home Occupations.

<https://www.chelmsfordma.gov/DocumentCenter/View/11814/CoutureRonald-appeal-125-Graniteville>

<https://www.chelmsfordma.gov/DocumentCenter/View/11811/10-9-2020-letter-MAllen>

Brown made a motion to continue the hearing until March 5, 2021,seconded by Mendez. Unanimous.

Meeting Minutes:	None	
Next Meeting:	March 4, 2021	April 1, 2021

Brown made a motion to adjourn, seconded by Mendez, unanimous.