



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

**PLANNING BOARD  
Meeting Minutes  
Wednesday, February 9, 2022**

**Planning Board Members Present:** Chair, Mr. Timothy Shannahan, Mr. Paul A. McDougall, Jr., Mr. Michael N. Raisbeck, Mr. Michael S. Walsh, Mr. Henry G. Parlee, Jr., Ms. Nancy K. Araway, Ms. Deirdre Connolly

**Present Remotely:** Town of Chelmsford Engineer Ms. Christina Papadopolous, jwyoffa, Dianne, Ms. Katie Enright of Howard Stein Hudson, Attorney, Phillip Eliopolous of Eliopolous & Eliopolous, P.C., Mr. Frank Faust, Mr. Ben Swenson, Mr. James Weinberg, Mr. Tom Amiro,

**Attending in person:** Community Development Director, Mr. Evan Belansky, Brian Milisci of Whitman and Bingham Associates, Fred Brusseau, Katie Melville, Virginia Crocker Timmins, George Zaharoolis, Scott Rummell, Mr. Badhri Uppillappan

**Members Absent:** Ms. Erica Clifford

Chair Shanahan opened the meeting at 7:00 PM

**Administrative:** None

**Public Comment:** None

**CONTINUED PUBLIC HEARING(S):**

**9 Acton Road LLC**, Special permit per Article XXII, Village Center Overlay District, sections 195-124 C (2), (4) (5), 195-125.B, Table 2 (L1, L4, L8, L9, B9) and section 195-104, Site Plan Review, and Article XXIII, Inclusionary Housing Bylaw, as applicable, for the construction of a 22-unit multifamily townhouse development with associated site improvements and any other zoning relief that is deemed necessary. The site is in the VCOD - Village Center Overlay District and consists of approximately 57,264 sq. ft. as shown on Assessors Map 84-336-19.

Representing the owner, Attorney Phillip Eliopolous reminded the Board of previous meetings and the discussions. Since then, he met with abutters to listen to their concerns and as a result the plans have been revised.

The largest apprehension among the abutters was the matter of privacy. Due to this concern, the developer reduced the number of units by two for a total of 20 units. Mr. Eliopolous stated the lighting had changed slightly; the playground had been relocated as well as the snow storage. At this point he turned the presentation over to Ms. Enright to go into greater detail.

Using a color plan of the site Ms. Enright indicate the two units which were removed and the new placement of the playground. She explained the decrease in the number

of units allowed for an additional three parking spaces, making the parking seven spaces over zoning requirements.

Additional privacy measures will be made as the architect will be redesigning the side windows on unit 20 and unit 1, to be transom windows in place of full windows. Twenty “green giant” arborvitae trees 6 to 8’ feet tall will be planted along the east side of the property shielding the abutters. When mature, this species can grow up to 8 feet in width and 40 feet in height. Additionally, the developer’s proposal includes a six-foot stockade fence to be placed along the same side of the property. Ms. Enright feels all these measures together will resolve many of the privacy issues raised by the abutter.

Abutters to the rear of the project voiced concerns regarding the location of the playground as well as the deck lighting. Ms. Enright explained they don’t typically indicate deck lighting on photometric plans but will add this information. She explained the deck lights will be dark light compliant, pointing downward and controlled by the homeowner. The fixtures are LED 400 kelvin and meet the policy of the town. She went on to say these are not the typical bright blue LED lights, they have a warmer glow. Any other lighting is directed toward the parking area for safety and not on the back of the property.

Chair Shanahan asked the Board for comments and questions. Ms. Connolly questioned the applicability decision which was issued in 2019. To her understanding this decision expires if a final plan is not submitted within two years. Mr. Belansky explained the Covid provisions cover this period. Ms. Connolly indicated the space in the parking lot was very tight and may not allow emergency vehicles adequate space to maneuver. Mr. Belansky explained the fire department will have another chance to review and submit comments when the final engineered submission is received and is invited to speak at that meeting.

Mr. Parlee feel units 6, 7, 8, 9, 10 and 11 do not have enough parking and he would like to see additional landscaping for those units as well.

Mr. Walsh suggested the units share walkways up to the front doors rather than have individual ones to reduce the impervious surfaces and improve the appearance. He suggested the snow storage be increased and the number of units decreased to 18.

Mr. Raisbeck echoed Mr. Walsh’s comments regarding snow storage and Ms. Connolly’s regarding emergency vehicles.

Ms. Araway agreed the snow storage is not adequate and suggested relocating it due to the fact it is within the 100 ft riverfront area and contaminated. She proposed increasing the size of the rear decks.

Mr. Shanahan was pleased with the changes. He suggested the left area of the site to be used as additional snow storage.

Chair Shanahan opened the discussion up to the audience.

Mr. Tom Amiro of 90 Westford Street, a member of the Chelmsford Climate Action Team encouraged the developer make this a “green development” to minimize the carbon footprint and work towards the town’s goal of net 0 emission by 2050. He suggested a ground source heat pump, solar panels, and electric car charging stations.

Ms. Donna Ready of 11 Cushing Place, stated she appreciated the efforts on the developer's part to revise the design to appease abutting residents. She is concerned of the impact the melting snow will have on the environment near the brook. She also inquired about the plan for rubbish removal.

Mr. Joel Fitzgibbons of 19 Acton Road suggested if any additional units were to be removed, he would like it to be number one. This is the one closest to his property.

Mr. Eliopolous explained to Ms. Ready the developer is leaning towards a private trash removal company providing each unit with barrels to be put curbside for weekly pick up. Mr. Eliopolous responded to Mr. Fitzgibbons suggestion stating it was not likely another unit will be removed and explained the various reasons.

There were no additional comments. Mr. Eliopolous and Ms. Enright will attend the Planning Board meeting of March 9, 2022 with revised plans to continue the discussion.

Mr. Raisbeck made a motion to continue the matter to the March 9, 2022 meeting, seconded by Mr. Parlee. Roll call vote unanimous, motion passed.

### **NEW PUBLIC HEARING(S):**

#### **1 Billerica Road & 44 Central Square**

Application submitted by Americal Management Company, Inc., requesting a Minor Modification to a Previously Approved Site Plan, section 195-104, Modification of previously approved Special Permits under Article XXII, Village Center Overlay District (VCOD), special permit per sections 195—126.C & 195—127.A, a waiver from VCOD table 2-line item O1 and any other relief that may be deemed necessary.

The project proposes to subdivide / reconfigure the previously approved Lot 2 into two separate lots: Lot 2 and Lot 4. The newly proposed Lot 2 will contain the existing structure known as the Fiske House as well as three parking spaces. The newly proposed Lot 4 will contain the remaining parking area in the rear of the site.

The site is in the Village Center Overlay District and consists of a portion of the 3.5 acres as shown on Assessors Map 84, Block 334, Lots 10 and 11.

At this time, Ms. Connolly recused herself from the meeting.

Representing Americal Management Company, Inc., Mr. Fred Faust of The Edge Group came to the podium. Using a plan for visual aid he indicated the parcel his client is interested in subdividing into two parcels. The Fiske House sits on the front parcel and the back parcel is a parking area. These newly created lots have parties interested in purchasing them.

Mr. Faust explained the Fiske House parcel would have three parking spaces after the lot split and the potential for an additional seven with some minor configurations to the lot. He mentioned a cross agreement was put into place before the Odd Fellows building was sold, to share 10 parking spaces, for a total of 20 potential spaces for the Fiske House property. This exceeds the minimum required.

Mr. Faust cautioned the Board, without approval the property cannot be conveyed or developed. He clarified this meeting was simply for an approval of subdividing and does not give new owners the right to make alterations to the land or buildings. Anyone wanting to do so, are required to go in front of the Planning Board, the Building Commissioner as well as the Historic Commission, giving them a say regarding what happens to the properties.

Mr. Faust informed the Board of a recent news. A short time ago, the owner of property entered into a good faith agreement with Town of Chelmsford to hold the back parcel from sale until an appraisal could be completed. The appraisal was submitted to the owner who expects to review the document and reply to the Selectboard by Monday February 14, 2022. The hope is an article will be added to the agenda for the April 28, 2022, Spring Annual Town meeting.

Mr. McDougall asked Mr. Belansky for clarification on the process after this meeting. Mr. Belansky replied, to his understanding, the Town Manager will be asking for authorization on Monday to present the appraisal under executive session. If approved, it will be added to the warrant and signed on February 28<sup>th</sup> to be added to the April Town Meeting.

The members discussed the process, ramifications of approving or not approving the subdivision, possibility of development on the site as well as preservation of the Fiske House.

Ms. Araway read town department letters into the record. Mr. Swenson addressed the remarks from the Board of Health, particularly the possible contamination to the site.

Ms. Connolly of 19 Billerica Road voiced her opposition based on her feeling it is more than a minor modification. She is also concerned about the negative affect a reduction in parking will have on existing businesses and fears the Fiske House may be demolished.

Mr. Mike Rigby of 19 Billerica Road explained the opportunity to acquire the back parcel containing parking will fulfill a long-standing objective of the Master Plan, which is a positive. He discussed the bylaw requirements, the purview of the Planning Board and his approval of the project.

There was no more public comment. There were no further questions from the Board.

Ms. Araway made a motion to approve the application with the restriction that prior to the splitting and sale of the property, the current owners put a deeded preservation restriction on the Fiske House with conditions that are reviewed by the Historical Commission and the Historic District Commission. Motion seconded by Mr. McDougall. Roll call vote was unanimous, motion approved. (Ms. Connolly did not vote as she was recused.)

### **313 Littleton Road ~ Garrison Place / Nancy Chen**

Onsite managers apartment  
Parcel ID: 99 / 405/ 1 District: CB

Ms. Araway read the department comments regarding this project. Ms. Chen addressed the comment from Fire Prevention.

Members of the Board were unsettled with the number of rooms, the layout, and overall size of the apartment. Mr. Belansky explained the Planning Board's job in this matter is to approve or deny the apartment only. To lessen their fears, he went on to say no construction could take place without the Building Commissioner's approval as he is the enforcement authority.

After some discussion and clarification, the Board determined that although the configuration is odd, the apartment does qualify as a dwelling.

Ms. Araway made a motion to close the public comment. Seconded by Mr. Parlee and approved unanimously, motion passed.

Ms. Araway made a motion to approve the application with contingencies that the department letters are incorporated and conditioned and that occupancy is restricted to a single-family dwelling unit to be occupied by only the building manager and his/her immediate family. Motion seconded by Mr. McDougall. Roll call vote was unanimous, motion approved.

**New Business:** none

**Administrative:**

Mr. Raisbeck made a motion to approve the minutes from December 2, 2021, seconded by Mr. Parlee. Roll call vote unanimous, motion passed.

Mr. Raisbeck made a motion to approve the minutes from January 12, 2022, seconded by Mr. Parlee. Roll call vote unanimous, motion passed.

Mr. Raisbeck made a motion to approve the minutes from January 26, 2022, seconded by Mr. Parlee. Roll call vote unanimous, motion passed.

Mr. Raisbeck made a motion adjourn, seconded by Mr. Shanahan. All in favor, motion passed, meeting adjourned.

Next meeting(s): February 23, 2022, in the McCarthy School Auditorium.

Prepared by Sheryl Belley