



Chelmsford Planning Board

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Clerk Stamp



MEETING MINUTES

February 22, 2023

(Approved March 8, 2023)

TIME: 6:30 p.m.

LOCATION: Town Offices

ROOM: 204

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

Members Present via Zoom: Erica Clifford (Alternate member)

Others Present: Evan Belansky, Community Development Director
Paul Haverty, Town Counsel

Chairman Raisbeck called the public meeting to order at approximately 6:30 p.m.

PUBLIC INPUT - None

ADMINISTRATIVE REVIEW – NEW

1. **#26, 28, 30 Wildwood Street – Request for one lot release – Form G endorsements**

Brian Milisci from Haley Ward represented the applicant. Haley Ward is in the process of drawing the as-builts plans for review by the Town Engineer. One of the releases is for the Mr. Glen Kohl’s original house lot, 26 Wildwood Street, which was not released many years ago. They are trying to properly clear the title of this lot now, the other release is for one of the new lots which already has a Certificate of Occupancy (28 Wildwood Street, which the closing is scheduled for this Friday), and the last lot (30 Wildwood Street) will be held until all project items are complete.

Mr. Belansky clarified that this subdivision dates back to 2017. It was a standard two-lot subdivision. The original lot, #26 where Mr. Kohl lives, is under a historic covenant. Rather than come to the Board twice for two separate new lot releases, the Applicant has requested to come to the Board once for all lot release endorsements under the condition that the second new

house, 30 Wildwood Street, will not receive their occupancy permit until the as-builts have been received and accepted by the Town Engineer.

The private roadway is complete, all the infrastructure is in, and the houses have all their utilities.

Motion: by Mr. Shanahan to ENDORSE all three lot releases for 26, 28, and 30 Wildwood Street, with the condition for #30, as discussed. Seconded by Mr. McDougall.

Motion carries, unanimously, 7-0-1. Mr. Walsh abstained.

2. 270 Billerica Road – Vote to ratify Certificate of Decision

The Board reviewed Mr. Belansky’s draft decision with all of the conditions previously discussed and approved at the last meeting. The Board also identified the findings that are applicable to each of the permits that were approved.

Ms. Connolly requested that the amount being paid for the parking spaces be worded to state that “the applicant agreed to pay” versus “offered to pay” and that the quantity be specified. Mr. Belansky clarified that the amount of \$18,100 based on the 181 parking spaces which is specified on Special Condition 10.

For Site Plan approval: The Board agreed that all findings are applicable, as drafted.

For Major Business Complex: All facts, except 9, 10 and 11, are applicable. Only two findings.

For the Aquifer Protection District: Facts 11, 21, 22, 23 are applicable, and Finds 1 and 2.

Special Conditions: The Board agreed to all, as drafted, in addition to adding #11 to extend the landscaping not only along the front of the building but also along side lot line adjacent to the loading area, as previously discussed.

Motion: by Ms. Connolly to RATIFY the Certificate of Decision for 270 Billerica Road. Seconded by Mr. Shanahan. **Motion carries, unanimously, 8-0.**

PUBLIC HEARINGS – CONTINUED:

1. **Zoning Amendments and Regulations Public Hearing** – For purposes of receiving public comment to amend The Town Code, Chapter 195, “Zoning Bylaw” by amending section 195-8 .E, “By-right Pre-existing Non- Conforming single and two family residential structures” by adding a new section (2) that would provide for a special permit to be granted for any non-by-right pre-existing non-conforming single and two family residential structure, and amend section 195-9.B, “Conformity Required” for purposes of expanding the existing 20% special permit reduction to the table in section 195-8.E and also provide for a special permit for an increase to the Maximum building coverage and floor area ratio per the Table of dimensional requirements (195 Attachment 2) for any single and two family dwelling and to amend the Planning Board Site Plan and Special Permit Rules and Regulations section 2.8.11, “Landscape Plan” by adding a new section titled “Quality” and also adding a new section 2.10, “Clean Energy and Sustainability Checklist”

Chair Raisbeck reported that the Zoning Board of Appeals discussed the zoning amendments and agreed that the revisions will serve their purpose.

Mr. Belansky stated that ZBA Chair Brian Reidy wanted to be present tonight but had a schedule conflict. He has committed to attend the Finance Committee and Select Board joint meeting, as well as April Town Meeting.

Mr. Walsh stated that all of the concerns he had at the last meeting were addressed at the following ZBA meeting. He watched the meeting and the ZBA discussed the ramifications in detail and were all in favor of the amendments, voting unanimously to endorse the revised zoning proposal.

Ms. Tanini expressed concerns with the proposal. She appreciates the comp town information forwarded by Mr. Belansky. However, the Board is including the RC district in their proposal unlike the town comps that only pertain to single-family homes. She is concerned that the amendments could have risks and ramifications within the RC district by incentivizing more of a turnover from one-family lots to two-family. She would like to have some verbiage to limit the increase in thresholds to single-family dwellings, to protect the single-family homeowners and neighborhoods. As is it currently drafted, Ms. Tanini is opposed to this amendment but would be in favor if the verbiage she expressed is added to the proposal.

Chair Raisbeck stated that she understands to Ms. Tanini, however he doesn't think it will create a wave a conversions. In addition, he believes this is something that they are doing to address ZBA's concerns with what they deal with regularly. He trusts that the ZBA's request is favorable and he is comfortable with it because this is related to ZBA's purview.

Ms. Connolly is in favor of giving homeowners the maximum flexibility to control their own properties while still under strict parameters. In particular, to add additions to their homes in this post-pandemic era where many need additional office space to work remotely.

Mr. Shanahan is in favor of this proposal to allow current homeowners/residents in Town versus having to sell their homes and move elsewhere because they are not allowed to build addition under the current thresholds.

Public input:

Erin Drew, Precinct 10 Town Representative and ZBA member -- Having had more in-depth discussion with the ZBA, Ms. Drew feels comfortable tonight speaking to this item on the ZBA's behalf. To clarify, she stated that these threshold increases does not give any homeowner by-right authority to change their home's footprint, rather they are still required to apply for a special permit and go through the ZBA's application and public hearing process. This does however allow the ZBA to issue special permits when appropriate, versus variances which are harder to issue to residents due to "hardship" requirements.

Brian Latina, 15 Jessie Road and Town Meeting Representative -- Expressed concern that any changes to the zoning bylaws could result in "creep."

Ms. Tanini clarified that the proposed amendments do not create new allowances within the bylaw. Her concern is that it may incentivize developers to buy existing single-family homes and converting them to two-family homes due to increasing the existing square footage thresholds.

Joel Luna, 10 Carter Drive – Changing from a variance to a special permit gives the ZBA more latitude in authorizing permits, which results in more granting of permits not less. He believes that the Planning Board has a better sense of overall impacts are to the community versus the ZBA. He agrees with Ms. Tanini that it should be restricted to single-family lots.

(name not audible) Precinct 9 Town Representative – opposed to single family homeowners converting to two-family dwellings.

Board Discussion:

Ms. Araway clarified that there is nothing within these proposed bylaw amendments that permits two-family conversions with the RB single-family zoning district. They are discussing the potential of converting to two-family within a two-family zoned district, RC district. Over half of those lots are 50% undersized, thereby having difficulty staying within the maximum thresholds for lot coverage percentage and floor area ratio when putting in an addition. Over 60% of the lots in Chelmsford (mostly in RB district) are undersized, they are not acre-lots.

Mr. Walsh clarified that the 20% increase in thresholds is not a direct increase, but rather an increase to the current threshold. In RB it's a 15% lot coverage threshold, by increasing that by 20%, the net increase is only 6%. This needs to be well clarified and discussed at Town Meeting because this was the big confusion at PB's last meeting.

Ms. Tanini wants to avoid unintended consequences. Therefore, she believes the changes should only be permitted for single-family residences. She is concerned that the Town does not have the infrastructure to support an increase in two-family conversions (particularly the school system).

Ms. Connolly asked how many single-family homes there are in the RC district. No one had that number with them, but Ms. Araway commented that the majority of homes in the RC district are in fact single-family. She offered to find out the numbers.

Motion: by Ms. Araway to ENDORSE the zoning amendment articles, as drafted.
Seconded by Mr. Shanahan. **Motion carries, 5-2.** Ms. Tanini and Mr. Walsh opposed.

ADMINISTRATIVE REVIEW – CONTINUED

1. 191, 195, 199-201 Riverneck Road – Request for preliminary subdivision review

Attorney Robert Buckley representing The Davis Companies, returning to request endorsement of the preliminary subdivision plan which was first presented in October, and has not been revised. The purpose of this plan is to show how this property can be subdivided under the current bylaw, and the second is to protect the zoning for the applicant (based on the October filing date for a duration of eight years). The applicant will be returning with the definitive subdivision plan for approval.

Town Counsel stated that the Board needs to vote to endorse the preliminary plan, but prior to that this is an opportunity to provide feedback to the applicant to ensure that they are on the right track with respect to zoning and the proposed subdivision. This gives the Board an opportunity to voice any concerns ahead of time. Ultimately, the applicant still needs to come back and submit a definitive subdivision plan for approval.

Mr. Belansky stated that this plan has not be distributed for departmental review. Once the applicant applies for definitive subdivision approval, it will be.

Motion: by Ms. Araway to ENDORSE the preliminary subdivision plan for Riverneck Road. Seconded by Mr. Walsh. **Motion carries, 6-0-1.** Ms. Tanini abstained.

PUBLIC HEARING – NEW:

1. **300 Apollo Drive** – THE DAVIS COMPANIES requesting modifications to previously approved site plan and special permits (approved on August 27, 1986 and most recently revised October 19, 1998) to alter the existing fire access lane by widening it to a two (2) lane private access drive with access control gates and combine it with a newly created buildable lot. In doing so, the Applicant is requesting a special permit per Section 195-18 for a reduced parking ratio to a minimum of 3.5 spaces per 1,000 square feet of net floor area and any other permit relief as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project. The site is located in the IA zoning district and is shown as parcel ID Map 75, Block 291, Lot 1 and consists of approximately 26.65 acres.

Chair Raisbeck opened the new public hearing for 300 Apollo Drive (existing fire lane / proposed truck lane) and simultaneously reopened the continued public hearing for Riverneck Road (#191, 195, 199-201) project due to the fact that the discussions and proposals are interconnected to one overall project proposal. However, two separate motions and votes are required, separating the two proposals. Ms. Tanini is allowed to vote on the proposed access road for 300 Apollo Drive, because it is a new hearing. However, she is not allowed to vote on the Riverneck Road proposal because the public hearing process began before she became a Planning Board member.

Ms. Tanini requested that the Board address the recent meetings with the applicant before proceeding into the public hearing presentation with the applicant. Last week, there was a work session meeting between the applicant and three Board members. She understands that this is common and is not concerned because it did not constitute a quorum. However, she became concerned when afterwards there was a request for the remaining four members to meet with the applicant. There was a second meeting with an additional three members. She believes this constitutes a serial meeting and quorum on the same topic. She submitted this information to the Attorney General's office and also contacted Town Counsel for their opinion.

Town Counsel, Atty. Haverty, just learned of this matter in recent hours. He did not have the time to look into the Attorney General's opinion on this, but he does believe that this would violate the spirit of open meeting law. Having the first meeting with only three members is allowed. However, having a second meeting with an additional three members meet to

presumably review and discuss the same information would constitute a quorum of the Board. That seems contrary to the intent of the open meeting law. He recommends that the Board self-report themselves to the Attorney General's Office.

Mr. Walsh asked the Board to clarify who attended these meetings. He stated that he did not attend either meeting, nor did Ms. Tanini. Chair Raisbeck, Ms. Araway and Mr. McDougall attended the first meeting. Mr. Shanahan, Ms. Connolly, and Ms. Clifford attended the second meeting.

Chair Raisbeck asked Town Counsel to prepare the appropriate self-reporting materials to the Attorney General's Office.

Town Counsel also advised the Board that when they have a workshop with any applicant, the Board is required to disclose during public meeting what was discussed during the workshop. Workshops can only be used to gather information, but no action can be taken during a workshop; no agreements to plan revisions, or approvals of any kind.

Mr. Belansky apologized to the Board for putting them in this situation. He facilitated the meetings; this is by no means a reflection on any one of the individual Board members. The applicant has been asking to meet in workshop style meetings with the Board for several months now. He was unaware that this would constitute a quorum.

Town Counsel clarified that any meeting of Board members under the open meeting law constitutes a "deliberation." The safest course for workshop or procedural meetings should be restricted to one member, or two maximum, that way there is doubt of quorums or breaking open meeting law.

Attorney Buckley, representing the applicant, further clarified that there was no new material presented to the Board members during these two recent workshops. The plan for Apollo Drive which had already been filed was presented and they were seeking clarification on logistical issues.

Motion: by Mr. Shanahan to adopt the policy regarding meeting with applicants for workshops outside of public hearing process, as recommended by Town Counsel, no more than two Board members. Seconded by Ms. Connolly. **Motion carries, 6-1.** Ms. Tanini was opposed to any meetings outside of the public meeting process for transparency.

Present for tonight's public hearings were Attorney Robert Buckley, Jonathan Davis (Principal for The Davis Companies) and Mike Cantaluppa (Chief Development Officer). Last month, they came before the Board with a conceptual plan for Apollo Drive as a truck access road to divert truck traffic off of Riverneck Road. They already met with Police and Fire during the conceptual plan process, as they disclosed to the Board at the last hearing for the warehouse proposal, and neither department has concerns with their proposal. They formally filed for the site plan approval for this access road and are here tonight to open that public hearing.

Overview – Updates from previous hearing

1. Town review status

Town department letters and discussions to date:

- 1) Fire: no outstanding comments
- 2) Police: no outstanding comments
- 3) Water District: Comments received Feb. 16th. Finalizing agreement.
- 4) DPW: All items have been addressed, or noted as the applicant agrees to comply with request.
- 5) Building Dept: No outstanding comments

Peer reviews:

- 1) Traffic (VDA): All items have been addressed, or noted as the applicant agrees to comply with request.
- 2) Site Plan (Beta): All items have been addressed through correspondence with the peer reviewer, through the proposed conditions, or applicant agrees to discuss with the Board if needed.

2. Apollo Drive access road update and alternate alignment

- Applicant has secured a Letter of Intent to purchase land from 300 Apollo Drive owner to permit direct access to the site from Rt-129.
- Purchase and reconstruction/expansion of drive lane allows for diversion of truck traffic to Rt-129.
- Comments made previously regarding mitigation and traffic monitoring have been put into the draft conditions presented to the Board for review.
- ALL traffic will now be redirected to Apollo Drive, not just the 18-wheeled trucks (all delivery vehicles, construction vehicles, and commuters).
- Emergency services will have access to the gates to open them as needed.
- Signage and lights for truck crossing at Riverneck Road intersection will be installed.
- Modifications to Apollo Drive existing curb will be made to accommodate stormwater runoff which will actually decrease the amount of impervious surface.
- All road safety measures have been designed into the plan accordingly.
- Alternative alignment:
 - Improves sight lines – alignment now further from curve on Riverneck Rd.
 - Creates more frontage opportunity for potential bus turnout/waiting with shelter and public amenity space along Riverneck Rd.
- Alternative public amenity location on town owned land off of Apollo Drive.
- The access road is 40-feet from the residents on Monmouth Road.
- Potential soundwall installation along Monmouth Road lots and other landscaping if residents desire, to increase visual buffer.

3. Bus turnout and shelter

4. Proposed improvements in mitigation since last meeting (presented by Attorney Melissa Robbins of Farrell and Robbins)

Traffic Mitigation

- Maintain vegetation at site as part of O&M to provide adequate sight lines
- Site generated truck traffic (all size trucks) to use Access Road
- Construction related traffic to use Access Road

- Prohibit all truck traffic to/from the site between 11pm and 5am (formerly 12am-5am)
- Potential alternative alignment of Access Road
- Motion-activated signage for crossings at Riverneck Road
- Custom soundwall or berm/landscaping buffers for properties along Monmouth Street

Additional Mitigation

- Alternative public amenity space – location and use TBD
- Bus turnout and crosswalk at Clark Ave and Monmouth Street with shelter – location TBD

Site Plan Mitigation

- No light spillover to adjacent properties from site or building lighting
- Increased landscaping and more trees (270) for improved sightline and noise buffering

Ms. Tanini commented that the provided rendering gives a sight line perspective from Riverneck Road, but not from the abutters' property perspective. She is particularly interested in seeing those renderings with the size of the building and proposed grading and had requested this at the last meeting. The applicant agreed to provide those.

Ms. Araway read the departmental review/comment letter into the record (these were posted on the agenda with the exception of those from Fire Prevention Office).

Ms. Connolly asked for clarification on the proposed access road. Until now, the only number of truck trips calculated was 40 round trips, but somewhere in this new access road it mentioned up to 400 cars/trucks per day. It was clarified by the applicant's representatives that the 40 round trips remain for the 18-wheeled trucks, but the access road will be used for all traffic; 18-wheeled trucks, box trucks, delivery vans, and commuters.

The access road gates will be open daily during operational hours with signage prohibiting public traffic. The gate will be automatically locked 11pm-5am.

The site is significantly set down from the road due to natural grade. The site will require 0-5 feet of fill throughout the site to construct the new building. The building will be 40-feet high. If more landscaping is desired by the Board for additional buffering, the applicant is willing so do so.

Ms. Tanini expressed more concern for the financial impact to the Town. She spoke with the Town Assessor and was told the proposed warehouse will only generate \$300,00-310,000 annually in taxes to the town. Not only will the warehouse tax bracket be lower than the office space, but the surrounding homeowners' property values may drop 5-10% as a result of abutting a warehouse, yet their tax bracket will remain the same. Ms. Tanini urged everyone to look at this project's impact from a holistic perspective; the impacts are not just traffic-related. The Town as a whole will be picking up the burdens that may result from this project. She cannot vote on the overall project, but urges the other Board members to consider all of these impacts when voting.

Mr. Cantaluppa stated that he believes the tax revenue generated from this building will benefit the Town in many ways. His consultant has calculated a far greater tax revenue, and it will help offset the tax losses the Town has been experiencing from so many vacant commercial buildings.

Chair Raisbeck suggested that before starting the public input of the hearing, the Board take a non-binding poll of how they are inclined to vote for this project to give the applicant direction as to how they should pursue with this proposal. He asked that each member state their vote, followed by the reasons why they are so inclined, and what additional revisions they would suggest to the applicant whether they are in favor or opposed to the proposal.

Members Walsh, Araway, McDougall, Clifford also expressed interest in taking a poll. Member Connolly wanted to move into public input before taking a poll. Member Shanahan requested that the applicant state whether they want to poll the Board at this time. Attorney Buckley confirmed that his clients would like a poll.

Ms. Tanini asked for clarification on whether Ms. Clifford is allowed to vote on this project given she was reported absent on the May 25th hearing approved minutes, and the Sept. 14th approved minutes to not list her as present or absent. Ms. Tanini asked Town Counsel to provide input on how to proceed, because she does not want the Town to face any litigation as a result of the ambiguity. She would like Town Counsel to state whether the meeting minutes should be amended. Mr. Belansky stated that his meeting notes indicate Ms. Clifford was present on Zoom during the Sept. 14th hearing as of 6:52 p.m. Ms. Clifford stated with certainty that she was present for the Sept. 14th meeting, however she needs to confirm the May 25th meeting date.

Town Counsel clarified that if Ms. Clifford only missed the May 25th meeting, she can view the meeting video recording and submit a Mullin Affidavit to remain eligible to vote.

Motion: by Mr. Shanahan to AMEND meeting minutes for September 14, 2022 to indicate Ms. Clifford as present via Zoom. Seconded by Mr. Walsh. **Motion carries, 7-1.**
Ms. Tanini opposed because she wants to see the Zoom meeting audit report.

Board non-binding poll results

In favor: Chair Raisbeck and Shanahan

In opposition: Walsh, McDougall, Connolly, Tanini (regarding access road only), and Araway

Neither: Clifford

Chair Raisbeck is in favor because believes the project is consistent with the IA district. Although the design is not perfect, he believes the revised proposal drastically reduces the traffic concerns. Without those revisions he would be opposed to the project. Furthermore, he feels the alternatives to this project may not be as good. The realty market has not been conducive to increase office space in Town, as everyone would prefer for this property. With CEIOD option, high density housing might be an option in the future but our sewer moratorium won't allow that currently. With the wetlands concerns in the area, a septic system not be an viable option either. The only use options are manufacturing and transport. The proponents do own that land, and he is concerned that they will subdivide the land (as presented earlier today) if

they cannot proceed with this proposal. The potential new buildings may have configurations and uses that are less desirable and less controllable by the Town.

Mr. Walsh is opposed to the proposal. Regarding CEIOD special permit, he does not believe it meets the social, economic and community needs aspects of such a permit. Regarding traffic and the Major Business Complex special permit, he believes it is the wrong size building for that area). He appreciates that the applicant has worked so hard to make revisions to accommodate some of the Town's concerns, including the access road that he had suggested at the beginning of this public hearing process. He had asked for a member poll back in September and wishes that the Board had done so to save the applicant time and resources over the past six months.

Mr. Walsh further expressed concern about the zoning conflict in this area. There are numerous residents living in single-family dwellings within and abutting IA district. However, given the opportunity to show support regarding the recent Planning Board proposal to change their zoning to RB, the residents were opposed. He stated that the area is zoned IA with means that future proposals for warehouses under 20,000 sq.ft. will be allowable by right, not special permit by this Board.

Mr. McDougall is opposed for similar reasons as Mr. Walsh stated; size of the building, neighborhood conflicts, hours of operation). Furthermore, the truck access lane proposal goes against previous agreements made for this area (referring to the fire lane access along Apollo Drive remaining as such).

Mr. Shanahan is in favor because he believes this project is consistent with the IA district. However, he still wants to work out some details to improve the plan before voting to grant the project. He appreciates the developer has been agreeable to all of the Board and resident complaints; they have addressed traffic, bus stop improvements, signage, willingness to work with the resident abutters to provide buffers and sound barriers. He has concerns that future proponents will not be as willing to work with the Town or abutting residents.

Ms. Connolly is opposed. She does not believe it meets the CEIOD requirements. She appreciates the amount of time and resources the applicant has put into this proposal. She was never in favor of the truck access road. However, she is even more opposed to it now that it will be used for all site traffic, which will drastically adversely impact the Monmouth Road residents. It was these neighbors understanding and agreement years ago to allow for the emergency access lane, but not for the potential future development of it for private traffic access and/or a public roadway. She feels strongly that the current Planning Board needs to honor previous Board members decisions and promises to the residents. Nor does not believe the size of the building is suitable for that neighborhood.

Ms. Clifford prefers not to vote in favor or against at this time; her opinion is still very much in the middle.

Ms. Araway is opposed strictly due to the abutting neighbors being so opposed to it. The revised proposal suits the IA district, and she believes the applicant has made many positive revisions to the plan. She was opposed to the initial proposal due to the truck traffic issues, but appreciates all the time and resources put into the revisions to make it more acceptable. In fact,

she views the truck access road as a viable way to potentially remove all truck traffic off of Riverneck Road in the future. She believes it is a good plan given the current planning and zoning bylaws constraints.

Ms. Tanini is opposed to the truck access road. She grew up in east Chelmsford. She recalls Mercury Corp. developed the area and she remembers when the emergency access lane was constructed and what promises were made to the abutting residents, because she knew some of the residents personally. For these reasons, she is opposed to the truck access proposal.

(Board took a 5-minute break)

Mr. Cantallupa spoke in response to the poll taken. He and his team listened to the Board's concerns, and they believe they have been very responsive to everyone's concerns and want to continue to be responsive. The traffic access road was not formally requested until now, even though it was suggested by member Walsh in the beginning of the public hearing process, because it has taken months of negotiations behind the scenes with that property owner to come to secure an agreement for the truck access road. He and his team are requesting another continuation to allow them time digest all of the discussion tonight and decide how they want to proceed.

Chair Raisbeck suggested opening up the meeting now for new public comment then continuing the hearing as requested.

Mr. Walsh suggested that the Chair polling the other members before continuing public input, because he is in favor of closing the public hearing now and would like to know how many other members feel the same way. Based on the previous poll, the applicant does not have enough members in favor of the revised proposal. Therefore, he doesn't believe the hearing should continue. Tanini and McDougall agreed with Walsh. Shanahan disagreed out or respect for the applicant's request to continue. Connolly and Araway agreed with Shanahan. Walsh agreed to another meeting, but stated that if nothing has changed he wants the Board to close the hearing and take a formal vote.

Mr. Cantallupa clarified the loading truck volumes: 18-wheeled trucks are capped to 40 round trips, the other smaller loading trucks are estimated at 150 trips, plus deliveries and commuters.

Chair Raisbeck opened the meeting to public input, but requested that the public keep their comments to additional facts for consideration, versus personal opinion. Town Counsel agreed and stated it does become a grey area and suggested the Board be lenient toward accepting public input.

Public Input:

Sean Campbell of 19 Monmouth Road – He stated that it was his parents and neighbors that were promised that the emergency fire access lane would remain as such in perpetuity and not be turned it into a roadway. If the access road was proposed to be turned into a roadway for public safety, such as hospital access, or for education/school access, he would be in favor of

such for the public/community benefit purposes. However, he is not in favor of turning the access way into a private roadway for commercial purposes.

Chris Lavallee of 10 Edgewood Street and Precinct 10 Town Meeting Representative – He sent the Board a letter just before the meeting that he summarized with a list of design issues not being addressed or remediated for in the proposal.

Issues not being addressed (*full letter added to public record/project file*).

- Noise: Beeping from trucks backing up echoing through wetlands, Jake brakes on Riverneck Road (the Town cannot restrict)
- Diesel emissions
- Design faults
 - High Pollutant Potential Loads (LUHPPLs) are closest to the wetlands and Zone I
 - Trailor parking directly abuts the wetlands without a barrier for potential spills/overflow to enter the compensatory flood storage area, which could lead to groundwater contamination
 - Stormwater management system has a spill containment area at the end of the design with only a single valve shut off. If the catch basin overflows during larger storms, it would overflow into spill containment area then potentially overflow directly into the wetlands and drinking water
- Safety at access road intersection for truck crossing without a stop light
- Sight distance study was conducted for car stopping distance not for trucks
- Incoming truck restrictions on Riverneck
- Snow removal
- Draft approval special conditions: Mr. Lavallee asked the Board to work through the finalizing any special conditions during the open hearing due to the complexity of the project (versus closing the hearing then ratifying the conditions)
- The Board has not been given an overview of the stormwater management plan for approval
- Only 30 new jobs will be created by this new building

Ruth Luna of 10 Carter Drive – Researched the Town records from the 1980s for Apollo Way stated that it is clear in the meetings and the Definitive Subdivision Plan approval that the residents were promised that the access road would only be used for emergency vehicles. That same single plan page was submitted to MEPA in the mid-80s as well. Ms. Luna questioned whether a change to the emergency access lane to a truck access road may require a new filing, or modification, with MEPA for approval.

Ms. Luna presented a scaled model of the proposed warehouse with the abutting average-sized homes, average sized people, and an 18-wheeled truck to give everyone a visual of what the project will truly look like. The size of the project has been a concern all along, but has not been addressed. Why not reduce the size of the building to the existing building size, which will not require a special permit? Such a proposed large building will adversely impact stormwater management, drinking water well protection, wetland resources, neighborhood (visual and noise), etc. Many of these issues can be addressed by drastically reducing the building size. Ms. Luna summarized the individual stormwater performance standards that are not being met with this proposal. Furthermore, the applicant is requesting a special permit for Aquifer Protection District which requires meeting MassDEP best management practices (BMPs). This requires soil

testing in the area being used for infiltration. DPW informed the applicant in December that they need to do so before the definitive site plan can be approved. The applicant has yet to do so. Therefore, Ms. Luna requested that if the Board is so inclined to grant approval for this project, that they not do so until all of the soil and hydrology testing and calculations are complete, peer reviewed, and approved first to ensure proper stormwater management and groundwater quality in the aquifer district is protected.

A structural engineer and hydrologist peer review also needs to be conducted to ensure that retaining wall along the wetland. In some instances, the wall will be in 4-feet of seasonal groundwater. In addition, the retaining wall along Clark Road and associated sandy soils in the area also need peer review to ensure proposed integrity will not have any adverse effects to the neighboring homes.

The landscaping plans need to be peer reviewed by a landscape architect, as well. They are currently proposing wetland plant species along a slope with sandy soils. They are also proposing trees with shallow roots that require a lot of watering. Whereas the water district is asking for zero-scaping type of landscaping to conserve water. Also, in the compensatory flood storage areas which will be inundated they are proposing a seed mix that will not germinate when inundated.

The Chelmsford Water District has also requested monitoring with annual reports twice per year. Furthermore, Ms. Luna is requesting the Planning Board place a performance guarantee on this project to ensure every requirement from the Chelmsford Water District is met.

Furthermore, the proposed compensatory flood storage area is directly adjacent to the truck parking area. This in essence creates a wetland resource area right next to the trucks parked along the loading docks. Once the groundwater breaks through and becomes surface water, anything running off the parking lot into this water storage area will have zero treatment before entering the groundwater at this location.

Lastly, this application as it is proposed triggers MEPA thresholds which will require they also file an EIR (Environmental Impact Report) with MEPA. The MEPA process is optimal when completed before local permits are issued. The Board should also take this into consideration.

Armen Jeknavorian, Jr. of 5 Bailey Terrace – Mr. Jeknavorian spoke with Mr. Trombone, the Apollo Drive developer, and was able to get copies of the original agreement recorded at the Registry Deeds that indicated the access lane is for emergency access only (copies were handed out to the Board members). The most recent quitclaim deed references this same document. Therefore, the agreement remains tied to the land and remains a binding agreement.

Mr. Jeknavorian asked the Board if there will be a new traffic study conducted for Apollo Drive at Billerica Road? Now that we are post-Covid will more people be returning into those Apollo Drive office buildings?

Linda Jones of 242 Riverneck Road – Read her letter of opposition to the Board into the record. Her main concern is the building, which has not been decreased at all throughout this hearing process, and the adverse effects to the surrounding neighborhood (traffic, noise, air quality, etc).

Bob Delaney of 22 McFarlin Road – Submitted a couple of comment letters while Superintendent of Chelmsford Water District, regarding building location and water concerns with special conditions. They have not been addressed. Traffic calming signs/lights proposed may not be sufficient to allow tractor trailers to cross Riverneck Road in the allotted automatic gate at the access road.

Seung Wook Kim of 36 Monmouth Street – Thanked the Board for this review process and the poll taken tonight. He appreciated the Boards votes and thoughtful consideration of each member sharing what they did and did not like about the project, even from those who are in favor. He expressed he does not believe this will be a missing opportunity, but rather that the owner/developer will come with a better plan proposal because they knew of the zoning district and limitations when they bought the property, just as he did of his home’s zoning when he bought his.

Joel Luna of 11 Carter Drive – If the Board is inclined to grant this permit, Mr. Luna asks that the Board look at the Westford asphalt plant special conditions, regarding long-term traffic monitoring and the performance guarantees. Furthermore, the size issue of the building and the hours of operation go together. The size of the building has a direct impact on the adverse effects, and the hours of operation will have a direct effect as well. In the past, the use of the Mercury building was during the weekdays only. They did not operate on the weekends, which allowed the neighbors normalcy. The proposed use is a change in use from office space to warehouse, and the size of the building will dictate the hours of operation.

Eric Finney of 8 Clarke Ave – With the proposed elevation changes, he is concerned about the amount of time the landscaping will take to grow in to truly create the needed buffer. Most of the current trees have matured and become leggy. How tall will plantings be or how tall with the sounds barrier panels be? Who will maintain the buffers in the long-term?

Katie Melville of Monmouth Street – The current access road proposal just worsens all of the issues for her and her property. She wanted to clarify her position regarding rezoning of the neighborhood: she and others just want this issue resolved first. Then they’d like to have their property zoned as residential. She felt misunderstood after the last meeting regarding zoning. The project scared her and if allowed, she wants to the neighborhood. But overall, she wants to have this project denied so that she can remain in her home. She invited all Board members who have not walked her property yet to do so, to get a better perspective of the adverse impacts this project will have on her property and the overall neighborhood. The two members who already did expressed to her that the lot line is a lot closer to the access road then they imagined.

Glenn Thoren of 18 Pinewood Road and Precinct 7 Town Meeting Representative – He does not live anywhere near this project. Therefore, he will not have direct adverse impacts. However, everyone lives in the same Town, therefore it will have an overall impact on the Town as a whole. He wanted to point out that the residents elect Town officials to place trust in them and their decisions. The point of the overlay districts is not to have negative impacts to the neighboring residents. This project will clearly impact the neighbors. Therefore, the proposal does not meet the requirements to be approved for this overlay district.

Alex Melville of 6 Monmouth Street – Expressed concerns with the noise and air quality pollution of the trucks to the residents in the area, and what it actually takes to scientifically reduce the noise decimal volume and air pollution volumes to background levels. The soundwall would need to be 15 feet, and the distance of the trucks would need to be 600 feet at minimum, not the proposed 50 feet. Some public health organizations suggest that this type of noise and air quality pollution be kept at minimum 600 feet away from hospitals, schools, etc. Therefore, these are reasons to state that this proposal will in fact reduce the quality of life for the neighborhood.

Motion: by Mr. Shanahan to CONTINUE the public hearing to March 8, 2023.
Seconded by Ms. Araway. **Motion carries, unanimously, 8-0.**

PUBLIC HEARINGS – CONTINUED:

- 2. 191, 195, 199-201 Riverneck Road** – The Davis Companies on behalf of DIV Riverneck, LLC – for the demolition of the existing structures and construction of a new 247,860 +/- square feet industrial warehouse building with integrated surface parking, loading facilities and on-site infrastructure improvements.

The site is in the IA and RB zoning districts and is shown as parcel Id Map 64, Block 275, Lots 4, 5, 7 and 16 and consisting of approximately 21.03 acres. The applicant requests approval under Article XXIV, Route 129 Business Amenities Overlay District (BAOD) and Article XXI, Community Enhancement and Investment Overlay District (CEIOD) sub-sections 195-111 D, 195-115, 195-116, and associated Special Permits per Article XIV Aquifer Protection District, sub-section 195-74, Article XV Floodplain District, sub-section 195-82, Article XI Major Business Complexes, and any other permit relief, including but not limited to Articles V and IX, as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project.

Motion: by Mr. Shanahan to CONTINUE the public hearing to March 8, 2023.
Seconded by Ms. Araway. **Motion carries, unanimously, 8-0.**

- 3. 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). 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.

Motion: by Ms. Araway to CONTINUE the public hearing to March 8, 2023.
Seconded by Mr. Shanahan. **Motion carries, unanimously, 8-0.**

MEETING MINUTES TO APPROVE – December 14, 2022 (*postponed from January 25, 2023 meeting*)

(A formal motion was not made to accept these minutes; the Board confused the motion with that of the September 14, 2022 minutes.)

NEXT MEETING DATE(S): March 8 & 22, 2023

ADJOURN

Motion: by Mr. Shanahan to ADJOURN at approximately 10:05 p.m.

Motion carries, unanimously, 8-0.

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