



Chelmsford Planning Board

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Clerk Stamp



MEETING MINUTES

March 22, 2023

(approved April 12, 2023)

TIME: 7:00 p.m.

LOCATION: Town Offices

ROOM: 204

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

Members Present via Zoom: Tim Shanahan
Michael Walsh
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 7:00 p.m.

BOARD BUSINESS

Member Araway is not running for re-election. Tonight is her last meeting after serving on the Board for 12 years. Chair Raisbeck thanked Ms. Araway for her years of service and awarded her with a gavel.

PUBLIC INPUT: None

ADMINISTRATIVE REVIEW

250 Apollo Drive – ratify the decision document

Member Araway read recent comment letters:

1. Water District cannot confirm if water main loops around the building
2. DPW – is working with the applicant to implement the Sewer Capacity Credit Transfer Policy on this site to acquire additional sewer capacity needed for the proposed addition.

Jim Hanley from Civil Design addressed the Board regarding additional comments from Water and DPW confirming their consent to have Planning Board approve the project.

The Board members read through the draft decision document presented by Mr. Belansky.

Motion: by Araway to APPROVE the draft decision document as drafted. Seconded by Connolly. **Motion carries, 6-1.** Tanini voted in opposition.

Roll call on Zoom: Walsh and Shanahan. Tanini voted in opposition due to not fully understanding the sewer capacity policy, and would have liked more clarity from the applicant that they are comfortable with the policy and moving forward with the agreement.

PUBLIC HEARINGS – CONTINUED:

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.

***** REQUEST FOR CONTINUATION WITHOUT DISCUSSION *****

Mr. Belansky informed the Board that the reason for the request was due to not getting Lot 1 approval from the Building Commissioner. There are ongoing discussions pertaining to the depth of the lot.

Motion: by Araway to CONTINUE the public hearing to April 12, 2023. Seconded by McDougall. **Motion carries, unanimously, 7-0.**
(Roll call on Zoom: Walsh and Tanini)

NEW BUSINESS

- Open Meeting Law:
Chair Raisbeck began the discussion stating that there most likely was a breach of the Open Meeting Law by this Board. Turns out that neither the Ethics Office nor Attorney General (AG) gives a formal decision. The Board tried to self-report. However, there was no one to accept the report.

Town Counsel explained the process: If someone has a claim regarding open meeting law violations, the individual reports it to the AG's Division of Open Government. The individual then returns to the Board to report the claim and receive a response from the Board. That ends the process with Division of Open Government. Atty. Haverty did reach out directly. However, was informed that they do not have a process for self-reporting. They suggested that the Board address the issues that have been raised and take proper steps to ensure that the incident does not reoccur, and ultimately address any concerns that people may have.

The Board already took action and voted that in the future they will not participate in an applicant workshop with more than one Board member. There are 2-3 potentially new Board members starting next month. Chair Raisbeck suggested having this discussion in the April work session to address this issue will all new Board members to uphold this policy moving forward.

Beyond the problem of a serial meeting between Board members and applicants/proponents, there is also concern regarding contact between Board members and opponents of projects, as was the case recently. Chair Raisbeck wants to make everyone aware that openness and transparency are not the same thing. There were times during the public hearing process with projects such as Riverneck and UMass West Campus where residents were stopping Board members to discuss matters further after the meetings, or casually at the supermarket, where unknowingly this may in fact have also been a breach of open meeting laws. It's important to really think about how to communicate individually with residents about an open project proposal. It may be best not to get into conversations, even on an individual basis, with the general public.

Town Counsel clarified that an individual member having a conversation regarding a proposal with the general public, opponent, or proponent would not violate the open meeting law. However, if the individual has individual conversations with numerous Board members, it may lead to a serial conversation and/or deliberation.

Site visits should be posted and members are not allowed to engage in conversation with any parties. It is simply information gathering to avoid deliberation outside of public hearing.

Member Tanini asked that the Board policies be forwarded to everyone and posted on the website. Mr. Belansky suggested that the Board review all of them first (some are in separate documents) and make any necessary changes before posting them on the website. The Board members agreed that they should consolidate all policies into one document so that it is most accessible to all.

All agreed to a work session on April 12th at 6:30 p.m. The board will reorganize (post election), vote for a new chair, and discuss policies and procedures.

Member Connolly wanted to personally apologize for having the impression of violating the Open Meeting Law. She hopes that they can learn how to prevent that from happening again. Chair Raisbeck stated there is nothing for her to apologize for. She flagged it right away, before the meetings occurred, but there was miscommunication in getting the answer prior to the workshops. He believes everyone regrets what was done but it was never intentional.

- Liaison Updates:

Chair Raisbeck: Master Plan committee has a meeting and there is another on May 17th. Before the end of the year, the MPC will discuss some of the initiatives within the Planning Board's purview.

Connolly: CPC met to review projects mostly for Open Space. None of the proposals are controversial.

McDougall: NMCOG: MBTA guidelines are no longer suggestions, they are punitive now.

Tanini: BOH has all of their permitting online now with new software, using iPads for all inspections. They are able to conduct all restaurant inspections twice per year now with this software upgrade. They have also installed Narcan stations at all fire stations, CCA, police etc. Fall festival was very successful, so they plan to have another this year. She will distribute the BOH memo with more details to all Board members.

MEETING MINUTES TO APPROVE – March 8, 2023.

Motion: by McDougall to APPROVE meeting minutes for March 8, 2023 without edits. Seconded Connolly. **Motion carries, unanimously, 7-0.**
(Roll call on Zoom: Walsh and Shanahan)

NEXT MEETING DATES(S): April 12 & 26. 2023

ADJOURN

Motion: by Araway to ADJOURN at approximately 8:48 p.m.
Motion carries, 7-0.

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