



## **ZONING BOARD OF APPEALS**

Town of Chelmsford  
50 Billerica Road  
Chelmsford, MA 01824

### **MEETING MINUTES**

**April 7, 2022**

**TIME:** 7:00 PM

**LOCATION:** Town Offices, 50 Billerica Road, Chelmsford, MA

**ROOM:** 204

**Members Present:** Brian Reidy, Chair  
Jamie Outland-Brown  
Charles Wojtas  
Glenn Diggs, Alternate Member  
Peter Casserly  
Nancy Morency

**Members Not Present:** Steven Mendez  
Erin Drew

**Others Present:** Jose Negron, Building Commissioner  
Evan Belansky, Community Development Director  
Becky DaSilva-Conde, Department Assistant

Chairman Reidy called the meeting to order at 7:00PM.

#### **ADMINISTRATIVE REVIEW:**

**None**

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

**8 Coolidge Street, Daniella Santos & Anston Silva:** Special Permit under 195-6.1 Limited Accessory Apartment (LAA) and any other relief deemed necessary. Map 12, Lot 16, Lot 29, RB District, 0.86 acre

Applicants are returning with a revised plan for review and consideration (the revised plan did not make the agenda). The new plan proposes a connecting non-heated enclosed porch as a common area between the existing home and the former barn/current living room, to bring the property to Limited Accessory Apartment (LAA) requirements. The LAA allows for 750 sq.ft. The current first floor of the former barn, currently renovated as a living space/in-law apartment, is 667 sq.ft.

Board discussion:

Concern that the second floor of the barn adds more square footage than what is allowed within the LAA. The applicants offered to close off the second floor or eliminate the renovated second floor “man cave” which currently has full plumbing/kitchen, walls and ceilings if that will allow for permit approval.

Mr. Negron confirmed that the former barn currently consists of two separate apartments/stories that are fully equipped. They were built illegally.

The Board discussed that their authority lies within permitting the LAA, and the Building Department would then conduct the follow-up building inspections to ensure the applicants follow through with their building permits during the proposed porch construction.

The Board also discussed the concern with having current stairs from the first floor living space to the second floor. Keeping these stairs allows for potential expansion into the second floor, thereby resulting in a LAA over the allowable 750 sq.ft. Mr. Diggs suggested the applicants remove the current staircase and relocate it within the enclosed porch, to provide access from the main house to the second floor of LAA.

Mr. Belansky noted that the Applicants need ZBA’s LAA approval for the new construction due to non-attachment of secondary living space (the former barn). Chair Reidy noted that approval requires having an interior door connecting both buildings for a LAA.

Mr. Wojtas noted that under LAA bylaw, the property must be owner-occupied at the time of permitting. Mr. Negron confirmed that this is also his interpretation of the bylaw. Applicants Ms. Santos and Mr. Silva stated that they are no longer living on the premises but were when they applied for the permit in January. Currently their cousins live in the main house and their son lives in the proposed LAA (the first floor of the former barn). Their priority is to keep their son living in that space.

The Board discussed whether adding the applicants’ son to the property deed would meet this legal requirement. Applicants expressed that they were willing to do so for Special Permit approval.

**Motion:** by Ms. Outland-Brown to continue the Public Hearing for 8 Coolidge Street to May 5, 2022. Seconded by Mr. Wojtas. **Motion carries, unanimous, 5-0.**

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

**203 Concord Road, James Trager:** Limited Accessory Apartment, section 195-6.1 for a special permit and any other relief that may be deemed necessary to construct an addition to existing dwelling for use as a Limited Accessory Apartment. Parcel is in the Residential B District, Map 134, Block 485, Lot 2. Mr. Edward Savard is the Applicant/contractor representing property owners James and Marcy Trager. The proposed in-law apartment is for the Tragers who plan to downsize, and their daughter and husband will move into the main house. They have already received approval from Conservation Commission.

Proposed LAA approximately 737 sq.ft. The Tragers are also proposing to add on 60 sq.ft. for an unheated mudroom.

Letters from the Board of Health and the Police Department indicated no concerns.

A letter from the Fire Prevention Office dated April 7, 2022 was read into the record.

Public Comments:

No letters were received.

No comments were received from the audience.

**Motion:** by Mr. Wojtas to Close the Public Hearing for 203 Concord Road.

Seconded by Ms. Morency. **Motion carries, unanimous, 5-0.**

**Motion:** by Mr. Wojtas to approve the Special Permit for 203 Concord Road, under Section 195-6.1 for a Limited Accessory Apartment, as presented.

Seconded by Ms. Brown. **Motion carries, unanimous, 5-0.**

**32 Fifth Lane, Michael Purrington:** Applicant applying for a Variance under 195-9 relating to Conformity and section 195-8 relating to non-conforming and any other relief deemed necessary. Applicant would like to construct a 26' x 24' addition to his home which will make the existing structure more non-conforming as well as encroach on the side set back requirements.

Parcel is in the RB District, Map 123, Block 471, Lot 2, lot size 0.48 acres.

Member Ms. Morency recused herself from this Public Hearing due to residential proximity. Mr. Diggs is a voting member.

Mr. Purrington was present to represent himself. His home is located on Heart Pond shoreline. It is a contemporary style house with a single narrow interior spiral staircase to the second floor. This type of staircase is not ideal for his family. He is proposing to build a 26X14 (correction to public notice) addition to the house to accommodate a standard staircase to the second floor.

Mr. Purrington submitted a packet to the Board detailing the existing hardships pertaining to the spiral staircase and lot constraints, and two supporting letters from neighbors.

The house layout, lot size and shape, and sewer easement location have all been considered when designing the addition. However, they are also limiting factors which do not allow for construction without an additional non-conformity.

"Addition Denial Letter" from the Building Commissioner was read into the record.

A letter from the Fire Prevention Office dated April 7, 2022 was read into the record.

Letters from the Board of Health and Board of Health indicated no concerns.

Letter from neighbors Finbarr McGrath (direct abutter) and Paula Wetmore in favor of the project were read into the record.

The Applicant is also going to file a Notice of Intent (NOI) with the Chelmsford Conservation Commission for approval. The proposed work will be outside the 50-foot Buffer Zone.

**Motion:** by Mr. Brown to Close the Public Hearing for 32 Fifth Lane.  
Seconded by Mr. Casserly. **Motion carries, unanimous, 5-0.**

Board Discussion:

Chairman Reidy noted that a hardship does exist to warrant a Variance due to odd lot shape and size, topography, proximity to the pond, and sewer easement location. Neighbors are not in opposition to it.

**Motion:** by Ms. Brown to approve a Variance for 32 Fifth Lane, under Section 195-9 relating to Conformity and section 195-8 relating to non-conforming, as presented.  
Seconded by Mr. Casserly. **Motion carries, unanimous, 5-0.**  
(Alternate Member Mr. Diggs voted due to Ms. Morency recusing herself.)

**2 Indian Drive, David Caprigno** - Variance under 195-9- Conformity and section 195-8 related to non-conforming structure and any other relief that may be deemed necessary to construct a 25' x 23' garage to dwelling that will make the existing structure more non-conforming and encroach on the front yard and side yard setbacks. Parcel is in the Residential B District, Map 50, Block 216, Lot 1

Applicant Mr. Caprigno submitted an updated and stamped Certified Plot Plan dated February 22, 2022 detailing the proposed garage as 23x28 sq.ft. (revised dimensions). The addition adds to non-conformity to the front and rear sides of the lot. The required setbacks are 40' in front and 25' to the side. The applicant proposed 26' in the front and 18' to the side.

Mr. Caprigno and fiancé Ms. Tressa Plugis are proposing to build an attached 2-car garage to the left side of his cape-style house built in 1963. They considered putting the garage on the right side of the house, but this would require the use of a full set of stairs to access the main living area. Their attempt is to provide for long-term living arrangement with single floor living (they bought his home a year ago).

"Addition/Garage denial letter" from the Building Commissioner was read into the record.

Letters from the Police Department and the Board of Health indicated no concerns.

A Letter from the Fire Prevention Office dated April 7, 2022 was read into the record.

Applicant narrative was read into the record (the final revised plans are slightly different than the initial project description).

A letter from neighbors Dan and Beth Morrill (direct abutters at 16 East Shepherd Lane) in favor of the proposed work was read into the record.

Public Comments:

No Comments were received from the audience.

**Motion:** by Mr. Casserly to Close the Public Hearing for 2 Indian Drive.

Seconded by Ms. Morency. **Motion carries, unanimous, 5-0.**

Board Discussion:

Hardships: Lot shape, topography, sewer location, existing basement stairs do not allow for smaller garage dimensions, existing lower level garage on opposite side of house.

**Motion:** by Ms. Morency to approve a Variance for 2 Indian Drive, under Section 195-9 relating to Conformity and section 195-8 relating to non-conforming, as presented.

Seconded by Ms. Brown. **Motion carries, unanimous, 5-0.**

**19 Horseshoe Road, Allison Bartolini** – section 195-9.B for a Special Permit for 20% reduction to the required side yard setback for construction of an addition to existing dwelling. Parcel is in the Residential B District, Map 50, Block 216, Lot 1.

Mr. Leo Bartolini from 19 Horseshoe Road was present. Proposed house addition includes a garage that will be 3-1/2 feet longer. Existing garage is 25-1/2 ft from property line. The proposed garage will be 21-1/2 feet off the property line. Garage will also be widened from 20-feet wide, to 24-feet.

A Letter from the Fire Prevention Office dated April 7, 2022 was read into the record.

Letters from the Police Department and the Board of Health indicated no concerns.

Public Comments:

No Comments were received from the audience.

**Motion:** by Mr. Wojtas to Close the Public Hearing for 2 Indian Drive.

Seconded by Ms. Brown. **Motion carries, unanimous, 5-0.**

**Motion:** by Mr. Wojtas to approve a Special Permit for 12 Horseshoe Drive, under Section 195-9(b) for 20% reduction to the required side yard setback for construction of an addition to existing dwelling, as presented.

Seconded by Ms. Morency. **Motion carries, unanimous, 5-0.**

**7 Princess Avenue, David Spang** – Limited Accessory Apartment, section 195-6.1 for a special permit and any other relief that may be deemed necessary (non-conforming structure and / or conformity required) to construct an addition to existing dwelling for use as a Limited Accessory Apartment. Parcel is in the Residential B District, Map 37, Block 119, Lot 3.

Ms. Nancy Antonopoulos spoke on behalf of her father, Mr. David Spang, who is the Applicant and property owner. Mr. Spang plans to move into the proposed LAA, and Ms. Antonopoulos will be moving into the main house.

Proposed LAA is 746 sq.ft. and attached to main house.

A Letter from the Fire Prevention Office dated April 7, 2022 was read into the record.

Letters from the Police Department and the Board of Health indicated no concerns.

Public Comments:

No Comments were received from the audience.

**Motion:** by Ms. Brown to Close the Public Hearing for 7 Princess Avenue.  
Seconded by Mr. Casserly. **Motion carries, unanimous, 5-0.**

**Motion:** by Mr. Wojtas to approve a Special Permit for 7 Princess Avenue, under Section 195-6.1 for a Limited Accessory Apartment, as presented.  
Seconded by Ms. Brown. **Motion carries, unanimous, 5-0.**

**NEW BUSINESS:**

None

**MEETING MINUTES TO APPROVE: March 3, 2022**

Minor corrections were noted; edit all "Motion carries, unanimous, 6-0" to reflect "5-0" (only five votes were taken).

**Motion:** by Ms. Morency to approve the Meeting Minutes of March 3, 2022, as amended.  
Seconded by Ms. Brown. **Motion carries, unanimous, 5-0.**

**ADJOURN**

NEXT MEETING DATE(S): May 5, 2022 & June 6, 2022

**Motion:** by Ms. Morency to adjourn the meeting at 7:25 p.m.  
Second motion requested by Ms. Brown. **Motion carries, unanimous, 5-0.**

Respectfully Submitted,

Becky DaSilva-Conde  
Department Assistant to Community Development Office