



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

Town Clerk Stamp



MEETING MINUTES

April 12, 2023

(Approved September 27, 2023)

TIME: 6:30 p.m.

LOCATION: Town Offices

ROOM: 204

Members Present: Deirdre Connolly, Chair
Michael Walsh, Vice-Chair
Michael Raisbeck, Clerk
Paul McDougall
Annita Tanini
John Sousa
Chris Lavallee, Alternate member

Members Present via Zoom: Tim Shanahan

Others Present: Evan Belansky, Community Development Director
Paul Haverty, Town Counsel
Tony Reppucci, Town Engineer (via Zoom)

6:30 p.m. WORK SESSION

- Congratulations and Welcome to John Sousa and Chris Lavallee
- Welcome back to Mike Raisbeck
- Board reorganization: Chair, Vice Chair and Clerk

Motion by Raisbeck nominating Connolly as the new Chair. McDougall seconded.

Motion passes, unanimously, 8-0.

Motion by Connolly nominating Walsh as new Vice Chair. Seconded by Raisbeck.

Motion passes, unanimously, 8-0.

Motion by Connolly nominating Raisbeck as new Clerk. Seconded by Shanahan.

Motion passes, unanimously, 8-0.

Chair Connolly thanked everyone for their new Board roles, and thanked the new members and Doreen Deshler for running in the election. She also thanked former member Araway for all of her years of service to this Board.

- Liaison and Representative Appointments

Chair Connolly proposed adding new position to the existing list of roles to create a Policies and Procedures Subcommittee to address the concerns expressed recently with lacking, additions and/or revisions needed to this Boards' policies and procedures. Chair Connolly suggested reaching out to former Board members who have historical information to help this Board to properly address these concerns and work with current members to rewrite a new set of policies and procedures.

Raisbeck pointed out that the Master Plan Implementation Committee Representative also needs to be added to the list. The Board decided to remove Board of Health from the list because Sue Taylor contacts the Board accordingly if there is anything important this Board needs to be made aware of. Tanini is also the Financial Committee Representative to the Board of Health, so she will be made aware of important items. The Board also removed BPAC – Bicycle Pedestrian Advisory Committee because a liaison is no longer needed but BPAC will reach out if need be.

The assignments for the liaisons are listed below in [blue print](#):

- Voting Member appointments:
 - Master Plan Implementation Committee (meets quarterly) [Raisbeck](#)
 - Community Preservation Committee (adhoc) [Sousa](#)
 - Housing Advisory Board (adhoc) [Connolly and Shanahan](#)
 - Vinal Square Committee (meets monthly) [Walsh](#)
 - Center Village Committee (few times per year) [McDougall](#)
 - NMCOG (meets monthly) [Tanini](#)
- Non-voting Liaison appointments:
 - Historical Commission (meets monthly) [Connolly](#)
 - Conservation Commission (meets twice monthly) [Lavallee](#)
 - Zoning Board of Appeals (meets monthly, not on Zoom) [Sousa](#)
 - CEAS – Clean Energy and Sustainability Committee [Raisbeck](#)
- Planning Board's Policies and Procedures Subcommittee: [Lavallee and Raisbeck, plus one emeritus member \(i.e. George, Sue Carter, or Nancy Araway, etc.\)](#)
This Subcommittee will work on creating and drafting a comprehensive document for the Board to review, approve, and implement.

- Town Counsel Paul Haverty: Recent Massachusetts Supreme Judicial Court Decision Regarding Free Speech Rights of Citizens at Public Meetings

Atty. Haverty summarized the case for the Board. The SJC ruled that a PB cannot censor anyone during public comment, nor ask someone to leave. Boards cannot enforce a professional conduct policy during public input sessions. The public is allowed to be rude or slanderous, as long as there is no malice.

The Board, however limited, still has the right to manage their meetings and have time restrictions. It's important for this Board to have a written public input policy in place to

specify time restrictions and expectations, and state that the Board will not respond to comments but that if need be will add a concern as a discussion item to a future agenda.

The Board is not required to have a general public input session on their agenda. However, the Board must open up all public hearings to public input.

- Open Meeting Law – The Board will be discussing the potential open meeting law violation relating to workshop meetings with The Davis Companies, and potential policy changes to avoid future potential violations relating to workshop meetings.

Site visits are for the sole purpose of seeing the property and the setbacks in person. The applicant points out what has already been presented. Discussions cannot take place because it is not a continuation of a public hearing. If all Board members go to a scheduled site visit, the site visit needs to be publicly posted with the Town Clerk.

Regarding individual site visits: The members should make it policy to not engage in discussions with the property owners or abutters. If there is any exchange of information, then that individual should disclose it to the other Board members during the next hearing continuation.

Regarding workshops/discussions with the applicants: The Board cannot meet to gather information due to Open Meeting Law. Having three or more members constitutes a quorum and more than one mini-meeting with different members can be justified as a serial-meeting that needs to be duly posted and open to the public.

Regarding individual conversations with other residents: Town Counsel stated that if a resident has individual conversations with multiple Board members individually, it can still be constituted as serial deliberation.

The Chair asked the The Policies & Procedures Subcommittee to focus on drafting public input and communications policies.

- Chair Connolly tabled the remaining two discussions on Planning Board Procedures & Communications and Planning Board Policies to the end of the agenda tonight, for purposes of opening the public hearings in a timely manner, as posted.

Chair Connolly called the public meeting to order at approximately 7:24 p.m.

7:24 p.m. PUBLIC INPUT: None

ADMINISTRATIVE REVIEW: None

PUBLIC HEARINGS – NEW:

1. **25 Wellman Avenue – Lighthouse School** for the construction of a 23,000 sq. ft. addition for classrooms and facilities with associated site improvements. The site is located in the IA Limited

Industrial District and consists of approximately 33.4 acres as shown on Assessors Map 9, Block 6, Lot 1. The applicant requests Site Plan Review per section 195-104 of the zoning bylaw and any other zoning relief that is deemed necessary.

Brian Ga is the representative for the applicant
Scott Barttus is the CEO at The Lighthouse School.

The Lighthouse School has been in Chelmsford for 40 years. They have considered expanding their space since 2006. The school serves children with social and emotional issues. The proposal will not increase enrollment or staff. The purpose of the addition is to increase accommodations to the current student population. The Covid pandemic made them realize that they can provide better services to their students with additional space; for social-distancing purposes during the pandemic, they moved some of their students and staff to a temporary location on Mill Road. With the proposed addition, they will be able to bring those students and staff back to Wellman Ave yet have the additional space which is beneficial for their students from a learning and therapeutic perspective, as well as preventing contagious illnesses.

The new addition will be located over an existing parking lot. They also propose an additional parking lot over the field, and some parking under the new addition. There will be a net increase in the total number of parking lots from 224 to 237.

The Applicant is also working with the Conservation Commission because the site is located within the Merrimack River floodplain.

Member Raisbeck read the departmental comments letter into the record from Fire Prevention, Building, and NCWD. No other comments were received from NCWD, Police nor BOH. DPW letter was submitted on April 7th but was not printed out in the file.

The new building will be one-story with parking underneath, with specialized classroom spaces. It is not physically attached to the existing building. It is divided by a connecting courtyard. It is considered a second principal structure.

Additional sewer and water capacity are not needed because there is no net increase in students or staff. Water use records were compared for pre-Covid use at Wellman Ave, during Covid 2020-2021 with the Wellman Ave and Mill Road social-distancing location; combined the water and sewer flows stayed consistent, showing no net increase. The addition will allow the Mill Road students to move back to Wellman Ave, while providing more space for all. Tony Reppucci, Town Engineer, also commented that he did a 10-year review and calculation of the water flow usage. There has been a significant drop in flow from pre-Covid years. Therefore, there is no concern with flow quantities.

Public Input: None.

Motion: by Raisbeck to CONTINUE the public hearing to April 26, 2023.
Seconded by Tanini. **Motion carries, unanimously, 7-0.**

2. **18-20 Chelmsford Street - Boars Head, LLC** for demolition of one existing building and the construction of a new building constructed in its place that will be used for two residential units and office. The site is located in the CV Center Village District and consists of approximately .48 acres as shown on Assessors Map 73, Block 322, Lot 6. The applicant requests approval under Article XVIII Center Village Zoning, Section 195-98.1, for an accessory residential use, and section 195-98.3 for a 20% reduction in parking.

Attorney Katherine Farrell, from law firm Farrell & Robbins P.C., substituted for Attorney Melissa Robbins tonight. The Applicants, Michael and JoAnne Sargeant of Board Head, LLC, and Brian Milisci, civil engineer from Haley Ward, were also present.

The main building, 20 Chelmsford Street, on the site will remain undisturbed. This is the location of the Sargent's main business. The red accessory structure known as 18 Chelmsford Street, is currently unoccupied and in disrepair. It is this accessory building that is proposed to be demolished and rebuilt with a mixed use building. The Applicants have already received approval for this proposal from the Historic District Commission and Historical Commission.

The proposed new structure will contain an office and two residential units. The applicants/owners intend to live in the new apartment located on the second floor, and they intend to move their elderly mother (in-law) into the apartment on the first floor. There will an office on the right side and a garage in the middle. This proposal will allow the Sergeants to live and work within the same location.

The request for reduction on parking allows up to 50% reduction, however the proposal is only for 22% reduction; for reduction to 17 instead of the required 22 spaces.

Brian Milisci gave an overview of the engineering aspects of the proposal. The site sits lower than Chelmsford Street and has a retaining wall along the Bruce Freeman rail trail to the rear of the property. Most of the unit is already paved and has an existing stormwater collection system. The project will reduce the impervious surface area by 600 sq.ft. by adding in a few landscaped areas.

The existing two buildings share a single sewer connection. DPW has asked the owners to split that connection.

The existing #18. red barn, once had tenants in two separate units approximately 8 years ago. The proposal is for two residential units and one small office in the new accessory building.

Member Raisbeck read the letters into the record from CWD, DPW and Fire Prevention. No comments were received from BOH.

Public Input: No one commented.

The Board will continue the hearing to receive supplemental materials; follow up DPW letter, follow up CWD water connection, and the consult will provide a response-to-comments letter.

Motion: by Raisbeck to CONTINUE the public hearing to April 26, 2023.
Seconded by Tanini. **Motion carries, unanimously, 7-0.**

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 *****

Motion: by Raisbeck to CONTINUE the public hearing to April 26, 2023.
Seconded by Tanini. **Motion carries, unanimously, 7-0.**

WORK SESSION – CONTINUED:

- Planning Board Procedures & Communications
Chair Connolly suggested that the draft agenda be sent to her on Wednesdays prior to the agenda being posted on Fridays the week before the meeting. She would also like to establish a firm policy on what the cut off is for new materials being submitted for discussion prior to a meeting date. She does not concur with updated materials being accepted 1-2 days prior to the meeting.

Public Input: Virginia Crocker Timmins, Select Board Member, explained that the Select Board does have a deadline for submitting materials for their Board to review prior to their meetings. She and the Town Manager would review a draft agenda prior to it being posted. Once the agenda was posted, nothing else was posted. Their meetings are on Monday, therefore their agendas are posted by Thursday afternoon of the week before. When she would Chair, she and the Town Manager would review the draft agenda for noon on Wednesday, then it would go out to the rest of the Board Wednesday afternoon, and the rest of the members would have to submit agenda comments by Thursday morning. Agenda materials/attachments were due by Wednesday but not attached to the draft agenda, only the topics are listed.

Chair Connolly suggested that the Planning Board's draft agendas be sent to her on Thursday by noon, comments from the Chair back by Friday morning at the start of business, then the agenda will be posted on Fridays, as usual, and distributed to the entire Board.

In addition, Chair Connolly also wants to have a final letter from each department stating that all of their previous concerns have been addressed, prior to the Board voting to approve a project.

Regarding public communications: Chair Connolly suggested that the members not post Board business on social media. Raisbeck stated it's important to come across as being impartial.

- Planning Board Policies (existing)
This item will be tabled until the subcommittee can review and draft a document that incorporates these items for the Board's review.

NEW BUSINESS:

- Zoom availability for Members: The Board agrees to keep Zoom option for members to join remotely, but Chair Connolly encourages everyone to come in person as often as possible.
- Member deliberations: Regarding Lavallee's question about deliberations eligibility, the Board has a policy in place stating that only eligible voting members can deliberate during Board discussions. However, Lavallee and Tanini question whether the policy is consistent with MA general laws. The P&P Subcommittee will take this item up in their work sessions.
- Work session (future) items
 - Applicability Administrative Review: How in-depth should the Planning Board get in the applicability phase to avoid lengthy public hearings later on and not approving a project?
 - Time schedule: 6:30-7:15 p.m. prior the public meeting
- Annual goals & objectives – not discussed
- Schedule next work session – next Board meeting on April 26th will have a presentation by DPW.

MEETING MINUTES TO APPROVE – March 22, 2023.

Motion: by Tanini to APPROVE meeting minutes for March 8, 2023 without edits.
Seconded by McDougall. **Motion carries, unanimously, 5-0.** Sousa and Lavallee abstained.

NEXT MEETING DATES(S): April 26th, May 10th, May 24th, June 14th, June 28th.

ADJOURN

Motion: by McDougall to ADJOURN at approximately 9:30 p.m.
Motion carries, 7-0.

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