



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

Town Clerk Stamp



MEETING MINUTES
April 13, 2022

TIME: 7:00 p.m.

LOCATION: McCarthy Middle School Auditorium – 250 North Road

Members Present: Tim Shanahan, Chair
Michael Raisbeck, Vice Chair
Michael Walsh
Annita Tanini
Paul McDougall
Deirdre Connolly
Nancy Araway, Clerk
Erica Clifford, Associate (via Zoom)

Others Present: Evan Belansky, Community Development Director

Chairman Shanahan called the meeting to order at 7:00 p.m. The following notice was read into the record:

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and, as a courtesy, via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

PUBLIC INPUT

Public input shall be limited to statements from the public relating to any issues with the jurisdiction of the Chelmsford Planning Board that are not currently the subject of a pending public hearing before the Planning Board. Public comment on any pending public hearings shall only be heard during such public hearings.

No one from the audience, nor Zoom, spoke.

WELCOME NEW MEMBER

Chair Shanahan welcomed newly elected Member Annita Tanini.

MEETING MINUTES TO APPROVE

February 23, 2022

Motion: by Mr. Raisbeck to approve the Meeting Minutes of February 23, 2022, as presented. Seconded by Ms. Araway. **Motion carries, 6-0. Ms. Tanini abstained.**

PLANNING BOARD RE-ORGANIZATION

Vote for Chair, Vice Chair and Clerk.

Motion: by Mr. Walsh to nominate Mr. Raisbeck as new Chair. Seconded by Ms. Araway. **Motion carries, unanimous, 7-0.**

Motion: by Mr. Raisbeck to nominate Dr. Connolly as new Vice Chair. Seconded by Mr. Walsh. **Motion carries, unanimous, 7-0.**

Motion: by Mr. Walsh to nominate Ms. Araway as Secretary (Clerk/Reader). Seconded by Ms. Tanini. **Motion carries, unanimous, 7-0.**

NEW ADMINISTRATIVE REVIEW

1) ANR #672 – 149 Boston Road – John Harrington – Request for Endorsement – create a new building lot (Lot 3) and Parcel A from existing 145 and 149 Boston Road parcels.

Patrick Flaherty of P.M. Flaherty Associates, representing John Harrington of 149 Boston Road, who is also present.

This request refers to 7.5 acres of total property, which stretches back to Parker Road. Request is to split the property into three (3) separate lots; lots 1 and 2 already exist. The proposed lot meets ANR requirement of 150-ft. frontage setback to a public roadway on Boston Road, and all area requirements. Mr. Flaherty doesn't anticipate that Parcel A will be used as the access way to Proposed Lot 3 (Parcel C will be eliminated). It will likely have the driveway connect to Parker Road, as shown on the proposed plan. All the land is currently owned by the John Harrington family. The land is within RB Zoning District, 40,000 sq.ft. Right now, the intent is not be build a single-family home, it is simply for estate planning purposes.

Motion: by Mr. Shanahan to endorse 149 Boston Road as an ANR with no zoning determination., as presented. Seconded by Mr. Walsh. **Motion carries, unanimous, 7-0.**

2) ANR #673 – 1 Billerica Road – S-BNK Chelmsford central, LLC – Request for Endorsement - create two new lots, new lot for the Fiske House by separating from parking lot

Ms. Connolly recused herself from this item.

Mr. Belansky updated the Board: Since the Board last approved the minor modification with condition, the Town Counsel has been working with the Historical District Commission and the applicant to finalize the Preservation Restriction. The District Commission has signed the Preservation Restriction within the last couple of night. The Historical Commission has also voted their approval and the Select Board has endorsed it. Everything is in place for tonight's Planning Board vote.

Katie Enright, P.E., with Howard Stein Hudson. Was present tonight to represent this project. The Decision was recorded earlier today, and a copy of such recordation was emailed to Mr. Belansky. The Decision appeal period has lapsed. The ANR essentially cuts the Fiske house away from the parking lot area, so that the Town of Chelmsford may purchase the parking lot area which is in the rear of the current lot.

Board Discussion:

The purpose of this ANR approval is to allow the Town the option to purchase the rear parking lot area. Per the PB's prior approval of minor modification with conditions of this lot, the PB granted these lots as shaped on this plan. The creation of this ANR is the final step needed before taking the option to purchase this parking lot to Town Meeting for vote.

Ms. Tanini expressed approval of this ANR proposal. This option allows the Town to increase parking for the small businesses in town center without needing to establish more frontage requirements by utilizing other land. Both Mr. McDougall and Chair Raisbeck both concurred.

Motion: by Mr. Shanahan to endorse 1 Billerica Road as an ANR, with no zoning determination, as presented. Seconded by Ms. Tanini. **Motion carries, unanimous 6-0.**

3) 47 Chelmsford Street – VCOD Applicability – proposed single dwelling unit on the second floor, retail on the first floor, two special permits related to number and location of parking (50% reduction per section 195-126.C /195-18.B and 195-126.B)

The Board is not determining overall appropriateness or applicability of the project on its details. Rather, only giving a general statement as to whether or not it fits within VCOD status. This is also an opportunity for the Board to give general suggestions to the proponent so that they can formulate a thorough proposal for the Board's future review and decision.

Katie Enright, from Howard Stein Hudson was representing the new owner of 47 Chelmsford Street, who is interested in creating a new use for the currently vacant property that was previously Feeney Florist. The owner is hoping to open a convenience store on the first floor and change the second floor into residential single-family 3-bedroom dwelling for himself and his family..

Currently the entire lot is paved. The current parking lot is non-compliant with parking spaces along the Wilson Street right-of-way. Ms. Enright summarized the submitted Conceptual Proposed Mixed-Use Redevelopment Plan. They are planning to keep an accessibility ramp and parking space on the south (rear) side of the building, four parallel parking spaces to the west side adjacent to the medical building, and along Wilson Street (east side) two regular-size and one compact-size head-in parking spaces and one parallel, and they will likely keep the main store entrance facing Wilson Street. In addition, they will be removing access pavement to create landscaping as designated on the plan in light green color. A bike rack is also proposed.

The only items changing for this property is the single dwelling unit on the second floor. Residential is only allowed within the VCOD zone applicability. They will also meet the 5% open space landscape requirement for a VCOD lot.

The conceptual plan is fully compliant with the three parking spaces required for the 3-bedroom unit. However, they will request a 50% reduction permit for the commercial parking spaces due to the lot limitations.

Board Discussion:

Ms. Araway asked if the new parking spaces on the plan were within the property boundaries. In the past, there was an issue with the painted parking spaces actually being on the adjacent property. Ms. Enright confirmed that the property was surveyed by Mr. Flaherty and the new design is plotted accordingly, detailing the property line and existing fence that separates the two properties.

The Board is pleased to see a conceptual plan for this unused property and to see a proposal for a mixed-use lot within the VCOD.

Motion: by Mr. Shanahan to grant VOCD Applicability to 47 Chelmsford Street, as presented. Seconded by Mr. Walsh. **Motion carries, unanimous 7-0.**

4) 270 Billerica Road – conceptual redevelopment presentation – demolition of existing 103,932 sq. ft vacant office building and construction of a new 85,000 sq. ft. warehouse / distribution facility.

Chair Raisbeck noted this is not a proposal for determination of applicability, it is just a presentation of a conceptual plan for feedback.

Douglas Deschenes, from Finneran and Nicholson, representing D.H. Properties Holdings, LLC, the property purchaser. They are here for an informal presentation to take into consideration for planning and design for a final proposal for permitting in the future.

They believe they will need four permits:

1. Special permit for the major business complex,
2. Associated site plan review
3. Aquifer protection district requirements review
4. Order of Conditions from the Conservation Commission

In addition, a traffic study is underway and is also a requirement under the major business permit.

Katie Enright, of Howard Stein Hudson, gave a technical overview of the project. Currently a two-story building with parking on both sides. Proposing to demolish the vacant building. Not seeking Business Amenities Overlay District (BAOD) because not any dimensional waivers for this project. They will meet all the offsets and requirements of the dimensional standards for IA zoning.

The loading trucks and drivers will be coming out of the signalized driveway.

Under local bylaw, the building requires 162 parking spaces, which is significantly more parking than needed for this warehouse distribution center. The applicant proposes only half of the parking spaces. There will be increased open space on the lot which can be used for additional parking if the building were to be repurposed in the future.

The new building use will also cut back significantly on sewage quantities. The new building and parking lot will consist of significantly less impervious surface area. The project will require stormwater management design to meet all requirements under MassDEP state and local stormwater bylaws.

Representatives of D.H. Properties Holdings, LLC are on Zoom or livestreaming tonight willing to answer any questions the Board may have.

Board Discussion:

Mr. Walsh asked what the building height is. Ms. Enright answered that the new one-story building will be within the 45-foot height limitation. Mr. Walsh's biggest concern is whether the trucks will have enough turning radius particularly on right hand turns. Ms. Enright assured that although the signalized entrance/exit way to the lot appears tight, there is enough turning radius. They have had the Chelmsford Fire truck drive out there for confirmation.

Ms. Tanini is concerned about the usage of this office space for warehouse purposes. Through her personal experience she believes that once a warehouse/distribution center is in the area, it becomes more difficult to find office space tenants to lease the neighboring buildings. There is a huge initiative in Massachusetts to move the Biotech industry out of Boston and into the suburbs. Chelmsford is listed as a platinum town by MassBIO for lab space because Chelmsford encourages life-sciences. Ms. Tanini thinks it's premature to consider a distribution center in this location without having Lisa Marrone, Director of Business Development, involved first and without talking to the other owners of the neighboring buildings who some are currently investing in their office buildings and could be negatively impacted by a warehouse distribution center nearby, including the traffic impact. This conceptual project would be taking Class A office space and converting it to the lowest level; resulting in lower tax revenue which will put the Town at a tax deficit.

Ms. Enright noted that this area of Rt. 129 is zoned Industrial District (IA), and within Chelmsford's zoning bylaw warehouse distribution centers are in fact allowed within IA district.

Mr. Belansky noted that the discussion is becoming policy based, which would be better discussed at the Board's May 4th work session and should include Ms. Lisa Marrone at that time. The Applicant today is giving an overview of how they plan to address the appropriate zoning requirements for their conceptual plan.

Ms. Araway has concerns regarding this conceptual plan. While the warehouse is indeed a permitted use for this zoning district, the proposed building is a major business complex which requires an environmental impact assessment. Heavy truck traffic is already a huge problem in Town. Ms. Araway's concern is that this project would further exacerbate the citizen complaints and negatively impact the Town and residents in this way. The Town has put a lot of effort and expense to promote this office park zone and residential development to go along with it. Therefore, although warehouses are an allowed use, this major complex will have negative traffic impacts to the area.

Ms. Connolly shares similar concerns regarding negative traffic and resident impacts. The location is at the gateway of our Town (negative aspect), but it is located right off of Route 3 (positive aspect). Would like to learn more about the life-sciences industry impacts on the water and sewer, to get a better understanding of those.

Chair Raisbeck does have some concerns as well. The traffic study should include how the direction of traffic flows, in addition to the impacts of truck traffic on a state road.

Mr. Belansky noted that he will provide his own guidance and comments on May 4th. He has been asking the Town to have this conversation about the state and future of Rt. 129 for the past two years. However, this conversation regarding warehouse distribution centers has not occurred. But he does want everyone to know that he has been trying to address this potential policy change for the past two years. Furthermore, the Town has been researching the biotech and R&D industries for over 10 years. Although this IA district is zoned for such, the market has not agreed, biotech market is not present in Chelmsford. There are a variety of reasons why biotech has not reached Chelmsford, layered on with lack of sewer capacity and anti-development issues. It will be good to further discuss these complicated issues at the Board's working session on May 4th.

CONTINUED ADMINISTRATIVE REVIEW

1) ANR # 671 – Barnes Terrace – Tidan Corporation – Request for Endorsement - create separate lots from the existing Lot 2

AND (COMBINED PRESENTATION)

2) Barnes Terrace - Tidan Corporation - Construction of a Paper Street – create new roadway to serve as frontage and access for two new lots

Applicant's representative Seth Donohoe of Dillis & Roy Civil Design Group. Barnes Terrace is a partially constructed private way off of Elm Street. This project involves 2 permits. The ANR is for creating two separate lots from the existing Lot 2, and the second portion is to construction of a paper street into a new roadway to serve as frontage and access for the two new lots. This will also include stormwater management protocols where there are none present now.

Mr. Donahoe gave out a handout to summary tonight's discussion of updates, including the proposed extension plan of Barnes Terrace's undeveloped area including new stormwater controls that meet local and state requirements. They have addressed peer review stormwater comments and forwarded those responses to the Board. They will also be improving the pavement from Elm Street all the way down Barnes Terrace to the end of the proposed extension. A new street sign will be installed emergency numbering for the two existing houses, per Police Dept comments. In addition, some of the pavement areas will be enlarged/widened, per Fire Dept comments for emergency accessibility.

Phil Paradis from Beta Group, representative for the Board's peer review of this propose project, was present via Zoom. Mr. Paradis reviewed the proposed Barnes Terrace Road development. He commented that the proposed plan details a more conventional stormwater management approach versus LID techniques due to the current septic systems.

Mr. Paradis recommended that all stormwater runoff from residential roofs be redirected to individual dwelling infiltration systems, particularly with the good quality drainage soils present at this site. They are also low maintenance, inexpensive, and have a long lifetime, while providing a LID technique.

The engineer did not provide an adequate operations and maintenance plan, which is required by bylaw. They are requesting that it be conditioned into the permit.

The applicant has indicated that the both the observation well and the drawdown device to the stormwater Infiltration basins are not appropriate for this small basin, but there is no scale in the Town's regulations to substantiate the concern. Mr. Paradis recommends that everything be built to Town standards in case the private roadway becomes accepted as a Town road in the future.

Lastly, because the applicant has not provided an operation and maintenance plan, it is unclear whether the site will not direct runoff during construction into the infiltration basin. Therefore, it is recommended that the basin NOT be constructed to full depth, so that once the site is fully stabilized, they can remove the sediment and 6-12 inches of native soils, to restore the infiltration capacity of the basin.

Board Discussion:

Chair Reidy noted that in the past he believes the Board limited development on paper streets to 2 dwellings. Mr. Belansky noted that in the past the Board conditioned the private roadway / paper street to require Board review for any more dwellings.

Mr. Walsh would like to see the applicant formally address the peer-review comments by incorporating the responses into their revised documents; going through each comment individually and stating if they accept the recommendations, or if not explaining why to Board. Given the Board just received the peer review comments tonight, Mr. Walsh stated he is not ready to vote on this proposal tonight.

Ms. Connolly noted she is not clear on the difference between the traditional street design proposed versus the Low Impact Design (LID) techniques that the peer-reviewer had recommended. Mr. Paradis stated that due to the septic systems needed for this site, they cannot engineer individual infiltration areas/basins on each residential lot for LID techniques. Therefore, they need to use traditional catch basins and one larger infiltration basin.

Motion: by Mr. Shanahan to continue this public hearing to April 27th. Seconded by Ms. Connolly.
Motion carries, unanimous, 6-0. Ms. Tanini abstained.

CONTINUED PUBLIC HEARING(S): TO BE CONTINUED WITH NO TESTIMONY

1) 9 Acton Road LLC, requests a 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.

Peer review presentation. Review revised plan showing 18 units and updated architectural elevations and floor plans.

Motion: by Mr. Walsh to continue this public hearing to April 27th. Seconded by Ms. Araway.
Motion carries, unanimous, 6-0. Ms. Tanini abstained.

2) The Davis Companies on behalf of DIV Riverneck, LLC, for properties located at 191, 195, 199-201 Riverneck Road for the demolition of the existing structures and construction of a 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.

This meeting will focus on the presentation and review of the site plan and associated elements (landscaping, lighting, circulation, parking, stormwater, etc).

Motion: by Mr. Shanahan to continue this public hearing to April 27th. Seconded by Ms. Walsh.
Motion carries, unanimous, 6-0. Ms. Tanini abstained.

PLANNING BOARD RE-ORGANAZATION

Vote for Liaison and Representative Appointments

Voting Member appointments

Community Preservation Committee – reappointed Ms. Connolly
Housing Advisory Board – reappointed Mr. McDougall, Mr. Shanahan volunteered to be backup
Vinal Square Committee – reappointed Mr. Walsh
Economic Development Committee – appointed Ms. Tanini
Center Village Committee – reappointed Mr. Shanahan
Northern Middlesex Counsel of Governance (NMCOG) – delay reappointment until next month
Clean Energy and Sustainability (NEW) – appointed Mr. McDougall

Master Plan Implementation Committee

1. reappointed Mr. Raisbeck.
2. need one Town Meeting member or resident-at-large.
Mr. Belansky will post the vacancy to the public on the website and see who volunteers.

Non-voting Liaison appointments

Bicycle and Pedestrian Advisory Committee (BPAC) – the Board will pass on reappointment
Historical Commission – reappointed Ms. Araway
Conservation Commission – appointed Ms. Clifford
Board of Health – appointed Ms. Tanini
Zoning Board – reappoint Ms. Araway

NEW PUBLIC HEARING(S)

None.

NEW BUSINESS

- PB liaison appointment to the Clean Energy & Sustainability Committee – for the Climate Resiliency Regulatory (ZONING) Audit and Action Plan
- PB appointments to the Master Plan Implementation Committee
 - o Town Meeting member or Resident-at-large
 - o Member of the 2021 Master Plan Committee

NEXT MEETING DATE(S)

April 27, 2022
Work session – May 4 at 7 pm

ADJOURN

Motion: by Mr. Shanahan to adjourn the meeting at 8:37 p.m. Seconded by Mr. Connolly.
Motion carries, unanimous 7-0.

Respectfully Submitted,

Becky DaSilva-Conde
Department Assistant