



## Chelmsford Planning Board

Town of Chelmsford  
50 Billerica Road  
Chelmsford, MA 01824

Town Clerk Stamp



### **MEETING MINUTES**

**April 26, 2023**

*(Approved 6/28/2023)*

TIME: 7:15 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, Jr.  
Chris Lavallee (Associate Member)

**Members Present via Zoom:** Tim Shanahan

**Others Present:** Evan Belansky, Community Development Director

Chairman Raisbeck called the public meeting to order at approximately 7:15 p.m.

**PUBLIC INPUT:** None

#### **ADMINISTRATIVE REVIEW**

**1. 270 Billerica Road – Vote for Endorsement of final site plans**

The proposal was already approved. The endorsement of final plans captures all final plan revisions, including all of comments and requests from Fire and DPW. DPW has submitted their letter of approval stating that all of their technical concerns have been addressed.

**Motion:** by Raisbeck to ENDORSE the final site plans for 270 Billerica Road.  
Seconded by Walsh. **Motion carries, 6-0-2.** Members Sousa and Lavallee abstained.  
(Zoom roll call: Shanahan)

#### **PUBLIC HEARINGS – NEW:**

- 1. Off of (a/k/a #200) Turnpike Road – CJ Martel Crane and Tree Removal** for the construction of a new 3,500 sq. ft. Contractor's Garage and Outdoor Contractor's Yard with associated site

improvements. The site is located in the IA Limited Industrial zoning District and consists of approximately 1.62 acres as shown on Assessors Map 106, Block 382, Lot 6. The applicant requests approval for a special permit per 195-5 "Use Regulations" E. 5a for an outdoor contractor's yard and Site Plan Review per 195-104 and any other relief deemed necessary.

Kasey Ferreira from Howard Stein Hudson represented the applicant, as well as Katie Enright. The site is on the corner of Turnpike Road and Mill Road. In 2018, this lot was subdivided off of 200 Turnpike Road via an ANR Plan to be used at 94 parking spaces for an adjacent site.

The site currently has a drainage basin which collects stormwater from 200 Turnpike Road and also has catch basins throughout the property for the previously approved parking lot.

The current proposal requests a change in use to an outdoor contractor's yard and a special permit for a 3,500 sq. ft. contractor's garage. The building itself requires seven parking spaces per the zoning bylaw. However, the applicant anticipates eight employees which is what the site plan details, including one accessible space. All commercial vehicles will be kept on site at the end of the business day. As part of the business use, the site plan also includes separate parking spaces for these commercial vehicles; two 40-ft cranes, four pick-up trucks and four trailers. There will also be 216-ft. retaining wall in the middle of the site, to accommodate for the steep topography, with its highest point being 10-ft. tall. The upper lot will have five additional parking spaces for the employees who drive the commercial trucks as opposed to those working in the building. This area will also have materials (mulch, logs, soil, etc.) storage area. The upper lot also have a stockade fence and significant landscaping for screening purposes from abutters.

The garage will be used for storing certain pieces of equipment indoors away from the elements, particularly in the winter season. No snow plowing is proposed. Hours of operation will be 7am-3pm.

Raisbeck read the departmental comment letters into the record from Fire, DPW, Water, Building, and BOH.

**Motion:** by Walsh to OPEN the public hearing. Seconded by Raisbeck. **Motion carries, 8-0.**  
(Zoom roll call: Shanahan)

Public Input:

Richard Fratus, 11 Muriel Road, Precinct 9 Town Meeting Representative – Wanted to provide information regarding how this intersection has been rated one of the most dangerous in Town. He has concerns that the proposal could impede the site lines for drivers. Is hoping that the site will improve the road visibility issues and make it safer.

Christine Bowman, 3 Julio Street, Precinct 10 Town Meeting Representative – Validates that this business use is allowable within the IA zoning district. However, does not believe that the business use is appropriate for this site which abuts a residential use. Mill Road was never intended for commercial/industrial use. This proposal would increase noise and pollution into the neighborhood, in addition to stormwater drainage impacts. Ms. Bowman does not believe that the proposal meets all of the special permit requirements criteria; neighborhood characteristics,

health and safety issues to neighborhood, negative impacts to environment, scenic road impacts, and traffic concerns. Requests that the Board deny the proposal.

*(person's name was inaudible)* Milestone Condominium Association representative – Would like to know if the Applicant conducts emergency tree removal, particularly during snow storms, that would result in overnight work. How would that impact noise and activity the this neighborhood?

The applicant explained that a handful of times during the year he gets calls for emergency tree removal, particularly during hurricanes and storms. Very rarely do the trucks get started at night for this type of work. Mr. Martel typically assesses the incident but waits for the storm to subside before having his crew go perform work, for safety reasons. Therefore, it is not typically during off hours.

Joel Luna, 10 Carter Drive, Precinct 10 Town Meeting Representative – Asked if there has been a traffic study done for this area. If not, would like to request a traffic peer review for traffic impacts, site line assessments, and traffic turning recommendations. All due to the sensitivity of this intersection. Also requests that if the Board approves this business use to limit the special permit to this current applicant/owner versus to the property in perpetuity.

Member McDougall does not think a traffic study is necessary.

Mr. Ferreira would like to meet with DPW regarding site line improvements within this property.

Jeremy Brown, 207 Mill Road – Does not believe this property or proposal will effect the bottom of Turnpike Road intersection. Had concerns that the hearing and notification was labeled at 200 Turnpike Road, however it is not the current 200 property. Concerned not all of the abutters were notified. Has concerns with the stormwater runoff onto his and his neighbors properties. Requests that the property keep lighting on motion-sensors as it is now versus on at all times. Is comfortable with the tree removal business us versus a typical contractors yard which typically look messy, full of materials, with equipment running all day and possibly trucks leaking. Would request that the Board allow this business use designation for this particular business owner only, in order to control future use of the property. Concerns with dumpster and snow storage which are not labeled on the plan.

David Lasky, Milestone Condominium Association – Biggest concerns are noise and activity to the neighborhood. Snow removal and storage onsite are also concerning due to limited space. Would like the Board to consider all the details of what is truly going to go on within the garage before approval (vehicle maintenance, solvent storage, etc.).

Doreen Deshler, Precinct 9 – Requests that the Board not make a decision until all of the surrounding neighbors are informed of this proposal.

Mr. Belansky informed the Board that all abutters within 300 feet radius of the subject property were informed of the hearing. The mailing was for this subdivide property, not 200 Turnpike Road.

**Motion:** by Tanini to CONTINUE public input portion of this hearing.

Seconded by Walsh. **Motion carries, unanimously, 8-0.**

(Zoom roll call: Shanahan)

Mr. Ferreira spoke to confirm the site will meet all stormwater standards and improved upon the previous condition. All of the landscaping will be maintained via O&M schedule, but they are willing to work with DPW to address any other site line issue improvements from their property. He does not believe the proposal warrants a traffic study. The proposed building is secondary to the primary use of the property as an outdoor contractor's yard. The garage is for storage and will have an internal drain as required by BOH which connects to the sewer and will have primary treatment devices installed. The lighting will be improved and will comply with the Towns lighting regulations, the applicant is willing to use motion-sensor lights. With regard to snow storage, there is a note on the plan that states in excess of the site's capacity snow removal offsite is required. The middle section of the upper parking area can now be utilized for a dumpster, because the fire access turning point has been revised and moved to the end of the lot where there will be no parking.

The garage will be roughly 18-feet tall to the ridge, with 14-foot doors. The building will be left as an open box to accommodate vehicle storage, a desk area to accommodate 1-2 employees during office hours, and a bathroom facility.

**Motion:** by Tanini to CONTINUE this public hearing to May 10, 2023.

Seconded by Walsh. **Motion carries, unanimously, 8-0.**

(Zoom roll call: Shanahan)

#### PUBLIC HEARING – CONTINUED:

1. **25 Wellman Avenue – Lighthouse School, Inc.** 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.

#### **\*\*\* REQUEST FOR CONTINUATION \*\*\***

**Motion:** by Tanini to CONTINUE without discussion to May 10, 2023.

Seconded by Raisbeck. **Motion carries, unanimously, 8-0.**

(Zoom roll call: Shanahan)

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 A Center Village Zoning, Section 195-98.1, for an accessory residential use, and section 195-98.3 for a 20% reduction in parking.

#### **\*\*\* REQUEST FOR CONTINUATION \*\*\***

**Motion:** by Tanini to CONTINUE without discussion to May 10, 2023.

Seconded by Raisbeck. **Motion carries, unanimously, 8-0.**

(Zoom roll call: Shanahan)

- 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.

**\*\*\* REQUEST FOR CONTINUATION \*\*\***

**Motion:** by Walsh to CONTINUE without discussion to May 10, 2023.

Seconded by Tanini. **Motion carries, unanimously, 8-0.**

(Zoom roll call: Shanahan)

### NEW BUSINESS

- Review of Policy and Procedures sub-committee – Chair Connolly suggested that the sub-committee remain with two people to avoid open meeting law violations. Members Lavallee and Raisbeck will continue as this committee for now.
- Continued OML discussions – This item will be addressed further through the development and finalization of the Policies and Procedures document.
- Liaison and Representative updates:
  - Lavallee updated the Board on Conservation Commission which met yesterday. They are also reviewing the Lighthouse School proposal and have continued the hearing to a future date. Peter is working with Evan and others to create low impact development guidelines to submit for grant funding in order to implement these across Town. They have also met with DPW to address stormwater issues, which will be great to have all three work on this effort. The Lunas are suggesting that the ConCom rezone the Meadowbrook River area from IA to Public, or a new zone, to protect the watershed area.
  - Raisbeck reported that the Master Plan Implementation Committee is meeting on May 17<sup>th</sup>, however, there's nothing particular that will engage this Board. As the year goes on, there will be more interest on the Planning Board's interests which will require a list of statements/concessus from this Board.
- Items from Work Session
  - Open Meeting Law discussion with Town Counsel regarding one of Tanini's questions
  - Policies & Procedures sub-committee draft document
- Scheduled next work session – 6:30-7:15 p.m. on May 10<sup>th</sup> prior to the public meeting/hearings
- Annual goals & objectives
  - Debriefing of Town Meeting
  - Debriefing of zoning articles – Chair Connolly stated that she does not believe it is fair to have Evan bring forth articles to Town Meeting on behalf of the Board, particularly if the Board will not speak out to support them. The Board needs to prioritize what zoning

articles they want and bring them to Town meeting themselves. Furthermore, if there are articles that the Board cannot agree on, then they should amend the article ahead of time and present that instead as a united Board versus disagreeing at Town Meeting.

- MBTA requirements – NMCOG is working on updating a presentation to the Board.
- Improving zoning definitions and fine-tuning where warehouse definitions were left off.
- Zoning of IA residential areas and other problem/buffer areas.
- More collaborative meetings with ZBA and Conservation, and other departments/groups to identify areas where the Boards can have joint meetings to address areas of interest or areas needing improvement. Perhaps meeting with the School Committee regarding single vs two-family dwelling impacts to the schools prior to zoning changes too.

**MEETING MINUTES TO APPROVE** – None

**NEXT MEETING DATES(S)**: May 10 & 24, 2023

**ADJOURN**

**Motion:** by Raisbeck to ADJOURN at approximately 9:05 p.m.

**Motion carries, 8-0.**

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