

9 Acton Road, John Faneros, requests the submitted plan be found in accordance with the findings of the CVOD applicability previously issued for this site

https://www.chelmsfordma.gov/DocumentCenter/View/12491/9-Acton-Road-20210422_21088_ConceptPlan

<https://www.chelmsfordma.gov/DocumentCenter/View/12492/9-Acton-Road-CVOD-Letter>

Atty. Philip Eliopoulos, representing the applicant, appeared before the Board and explained the request. Katie Enright, engineer on the project, showed the townhouse development that is being proposed and stated that these homes are 40 feet from the street and all the front doors face the street and garages at the rear. They also looked at pedestrian connectivity. She said that it is important to show the transition between the residential use on one side and the commercial use on the other. She showed a chart that shows how much less detrimental this project is to the one that exists today. She then stated that they are looking to see if this project is worthwhile proceeding with and the Board's input. Parlee stated that he wants town counsel and the sewer department to weigh in and explain to the public how these projects get approved with sewer long after the moratorium went into effect. He said that he won't vote until Town Counsel and the sewer department take the heat, not the Planning Board. Traffic was also brought up as an issue. The Board, in general, does not want to take town counsel's letter as fact until they hear directly from the TC and the sewer representative. Raisbeck made a motion to continue to the next meeting on May 12th, seconded by Parlee. Unanimous.

New Public Hearings:

200 Turnpike Road**PB# 2021-03****Special Permit**

200 Turnpike Road, All Star Management LLC, requests a special permit per section 195-5, "Use Regulations" and Attachment 1" use Table" to operate a 2,800sq. ft. doggie day care (commercial kennel), a special permit per section 195-18 to reduce parking and section 195-144 C to reduce buffer strips and any other zoning relief that is deemed necessary. The site is located in the IA – Limited Industrial District and consists of approximately 3.85 acres as shown on Assessors Map 106-328-5 and 6.

https://www.chelmsfordma.gov/DocumentCenter/View/12452/200-turnpike-16058---Site-Plan_Stamped

https://www.chelmsfordma.gov/DocumentCenter/View/12453/200-Turnpike-16058-Site_DogPark

The chair read the legal ad to open the public hearing. Atty. Eliopoulos, representing the applicant, presented the proposed plan of a doggy day care at 200 Turnpike Road. He stated that the owner had recently been involved with rescuing dogs from hurricane ridden Puerto Rico. She found a passion in this effort it's an opportunity to use her building for a doggy daycare. He stated that the building is about 90% unoccupied. A longtime tenant had just left and relocated. The business would run like a typical daycare where owners would drop the

dogs off in the morning and pick them up in the evening. The kennel license allows for up to 100 dogs although she would not ask for that number, probably start with 40 to 50 dogs. She stated she would also be very selective about the breed. He spoke about the sewer capacity Anne said that this was a little bit different because it's already hooked up to sewer. We would not be asking for anymore sewer capacity than it is on the site now. The daycare could have up to 16 crates and the reason for the crates would be to feed the dogs and separate the dogs if needed. Katie Enright, engineer on the project, went over the site plan. She showed the play area that would be for the dogs outside play area. There would be a turf ground covering that would be placed for the dogs, and on top of the concrete walls they would place a 5'-6' vinyl fence. He went on to say that the fence would work to keep the dogs from being distracted. The depressed area where the dogs will play along with the fence will further help with noise. The chair asked the board for comment. Parlee stated that the board needs to take time to read the letters that were sent and hopefully the applicant can reach out to the abutters. He then stated he goes by a daycare every day and there's no noise that he's aware of. Araway stated that this is an industrial property and there are so many more invasive uses that could go in this spot. She stated the proposed ground layers are appropriate since she had been involved in the same type of thing at the dog park. She then stated that the inspections and the permitting for the dog waste is done through the town and she doesn't have a problem with that being handled appropriately. She agreed that they need to work with the abutters. Walsh stated it would be nice if the play area for the dogs was on the opposite side of the property. Raisbeck stated that the board had received letters late and that there are other neighbors that would like to submit something. He suggests postponing any further talk until the next meeting to give the board time to review the submissions and for people to submit. Connelly stated that it was unfortunate that the play area was so close to the neighbors although it is an industrial zone and much more onerous uses could be in there. She hopes that the applicant can talk to the neighbors and workout some sort of agreement. McDougal asked if it was only the one letter so far and the board agreed that it was just this letter so far. He wanted to know how close milestone road is to the outside play area. It was shown on the monitor the aerial shot. McDougal thought this is an appropriate place for the use. Clifford asked if there was just one other business in the building currently and it was stated that that was correct. Sarah Anderson, 199 Turnpike Road, stated that she has lived across from the Industrial Park for years and they have coexisted nicely. She went on to state that she and her neighbors have great concerns over how toxic this business will be, property values decreasing has not been addressed yet and she claims that this has happened elsewhere. She went on to state that this is a rush job since the tenant only moved out in march and she feels that when you have to have this many accommodations the use is not appropriate. She then stated that she and her neighbors are deeply concerned and losing sleep over. David Laskey, 3 Milestone Ave., stated that he is the one who submitted a letter. He thinks there would have been more letters from

our residents but because the town choose to only notify the abutters that are 300 ft from the property and he was not properly notified. He stated that they are a condominium association that consists of 8 buildings 16 Units which the closest building is about 200 ft and the furthest building os about 1200 ft. He stated that the amount of noise created by these types of facilities is large and is loud and is documented that dogs barks can be from 100-110 decibels and even at 1000 ft away it could be 75 decibels. He referenced Carlisle Canines and then stated that there has been a number of complaints that have led to lawsuits. He also stated that he has spoken to 3 real estate agents that labeled this type of business as toxic and that those homeowners closest to the facility will lose 20% of their home value and others would lose 10%. He said that this is not a good use of the property. Ron Roehl, 201 Turnpike Road, stated that he is the closest resident to this project. He said there are 4 reasons he opposes this project, 1. Noise, 2. Smell, 3. Property values. And 4. Unnecessary , there are plenty of empty buildings. Victor Garafalo, Turnpike Road, stated that he was not notified about this hearing. He is 600 feet away and stated that he will be affected. He also said that the traffic will be a problem and that he is opposed to the project. Lucia Pacitti, 24 Freeman Road, stated that she doesn't live close to the facility but uses Turnpike Road a lot and she is concerned about the traffic. Jessica Porter, 5 Milestone, stated that she stands firm with her fellow association members and their concerns. Ray Gatti, 175 Turnpike Road, he has lived there for over 40 years. He then quoted 195-143, Not to disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between the existing office / business park, new business amenities and adjacent residential neighborhoods.

Belansky went over the comments made about the notifications. The notifications were done per Mass General Law which states that abutters within 300 ft shall be notified.

Raisbeck made a motion to continue this hearing until the next meeting on May 12, seconded by Parlee, unanimous.

Modification to a

56 Pile Drive **PB# 2019-09** **previously approved site plan**

56 Pile Drive (Map 75, Block 291, Lot 55). HUB Foundation, the property is located in the IA Limited Industrial zoning district. The project proposes an expansion of an outdoor contractor yard with the construction of a second structure (10,000 sq. ft.) and associated site improvements.

Applicant requests a Minor Modification to previously approved Site Plan Approval and Special Permit, Site Plan Approval section 195-104 and Special Permits per section 195-13 for "Multiple Principal Structures" and any other relief that may be deemed necessary.

<https://www.chelmsfordma.gov/DocumentCenter/View/12449/56-Pile-Narrative---revised>

<https://www.chelmsfordma.gov/DocumentCenter/View/12448/56-Pile-3-110-Site-Plan-Modification-Plan-Set>

https://www.chelmsfordma.gov/DocumentCenter/View/12447/56--Pile13-110-Stormwater-Report_Executive-Summary-Only

<https://www.chelmsfordma.gov/DocumentCenter/View/12450/56-Pile-PB---Mod-of-Approved-Site-Plan>

<https://www.chelmsfordma.gov/DocumentCenter/View/12451/56-Pile-PB---Special-Permit>

Atty Douglas Deschenes, representing the applicant, appeared before the board and went over the modification to the plan. His clients would like to build a second 10,000 sf structure for storage. They have equipment outside on site that will be stored inside the new structure. This requires a special permit under 195-12, multiple principal structures. Matt Waterman, engineer on the project, went over the site plan. The new building will be about 30 feet away and the drainage will not change, nor will the site plan other than the new building. The Department letters were read into the record. Raisbeck made a motion to close the public hearing, seconded by Parlee, unanimous. Parlee made a motion to have staff write a draft decision for the next meeting that the Board can review and vote on, seconded by Raisbeck, unanimous.

New business

Master Plan Update

Raisbeck gave a brief update of the Master Plan process and at the next meeting they will decide when the presentation will be done.

Discussion / Schedule Worksession

Old Business

Next meetings

May 12, 2021

May 26, 2021

Raisbeck Made a motion to adjourn, seconded by Parlee, unanimous.