



ZONING BOARD OF APPEALS

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

MEETING MINUTES

May 5, 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
Steven Mendez
Erin Drew

Members Not Present: Nancy Morency

Others Present: Jose Negron, Building Commissioner
Becky DaSilva-Conde, Departmental Assistant

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 Quitclaim Deed and Proclamation of Homestead listing their son, Kevin Silva, as co-owner of the property, as agreed upon at the last Board meeting. He will remain living on the premises within the LAA. These two factors will make the proposed LAA compliant with the LAA Use Restrictions requirements, as previously discussed.

The updated floor plan presented on April 7, 2022 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 approximately 667 sq.ft.

Chair Reidy read the following letters into the record:

1. Fire Prevention Office, dated April 7, 2022.
2. Jacqueline LeMasurier, 17 Coolidge Street, dated April 13, 2022.

Chair Reidy restated that as previously noted the Board's 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 Special Permit conditions and building permits during the proposed porch construction.

Mrs. Santos thanked the Board for considering her proposal to bring her property to LAA requirements and welcomes the Board to walk/inspect the property. The second floor of the barn is no longer being used, and the kitchen cabinets have already been removed.

Board Discussion:

Board summarized the proposal before them: construction of the proposed enclosed porch to connect the two living spaces to bring the property to LAA standard requirements; having interior door to connect the main house to the LAA; removal of existing second-floor barn living space within the proposed LAA (kitchen, bath, etc.) to keep LAA living space within the allowed 750 sq.ft., and removal of the LAA staircase from first floor living area to second floor proposed storage/attic area (Board previously suggested relocating the staircase to within the proposed enclosed porch).

The Building Commissioner will inspect the premises during construction to ensure that the property meets all LAA requirements and building codes.

The premises must be owner-occupied, and the other residents must be a maximum of two (2) extended-family members, living in the accessory apartment or main house.

Once approved, the premises must remain owner-occupied, and the other residents must remain extended family members. Once the property is sold, the new owner must appear before the Board to recertify the LAA. Otherwise, the permit lapses and becomes null and void.

If there is any complain of LAA misuse, the Bylaw gives the Building Commissioner authority to inspect the premises.

Ms. Brown noted that the names of the two (2) maximum allowable extended family members, residing in the main house or LAA, should be listed within the Special Permit as per the bylaw.

Ms. DaSilva-Conde stated that the applicants submit a signed and notarized agreement to the LAA Use Restrictions when applying for the LAA Special Permit. Once the permit is approved by the Board, the applicant must record both the LAA Use Restriction Agreement and the Special Permit Certificate of Approval at the Registry of Deeds. Both documents become part of the property deed record.

The current LAA Land Use Restriction form does not include space for listing the family members names. Typically, the applicant submits that information in the application narrative. Ms. DaSilva-Conde stated that she can update the form(s) so the names are submitted.

Motion: by Mr. Wojtas to APPROVE the Special Permit for 8 Coolidge Street, under Section 195-6.1 for a Limited Accessory Apartment, as presented. Seconded by Mr. Casserly.

Motion carries, unanimous, 5-0.

NEW PUBLIC HEARING(S):

70 Hunt Road, Jon Glennie – Special Permit - Variance, sections 195-8.C and/or 195-9 for the construction of a front vestibule and porch that will not meet the required 40-ft front yard setback. Parcel is in the Residential B district, Map 100, Block 402, Lot 3.

Applicant Jon Glennie was present and stated the only non-conforming portion of his proposed addition/renovation is the front vestibule and porch. He believes everything else meets the requirements.

Board Discussion:

This is a pre-existing non-conforming lot. The front setback is 40-feet. The house is already non-conforming. Therefore, a variance would further increase the non-conformity. Needs to demonstrate hardship (topography, lot shape, soil conditions, etc.) for a Variance, unless the house was built before 1956.

Letter from Fire Prevention Office, and the Building Department denial letter were read into the record. No comments from BOH, police and Town Engineer.

If applicant gets a 20% reduction in frontage, by decreasing the porch by 1.5-ft then he could receive a Special Permit instead of a Variance. Therefore, if proposed porch was 32-feet away instead of the proposed 30.9 ft, it would conform as a Special Permit with 20% reduction. The Board could grant that, whereas a Variance is hard to grant without a proven hardship.

The Applicant is willing to review it with his architect to ensure that the porch would still maintain enough width to accommodate the front door swing.

Motion: by Mr. Mendez to continue the Public Hearing for 70 Hunt Road to June 2, 2022. Seconded by Ms. Drew. **Motion carries, unanimous, 5-0.**

72 Parkerville Road, KellyMarie Burke – Variance, section 195.9 A for the construction of a detached garage that will not meet the rear yard setback and any other relief that is deemed necessary. Parcel is in the Residential B district, Map 23, Lot 471, Lot 1.

Owners KellyMarie and Kevin Burke were present. Seeking 15-foot rear setback Variance for a proposed detached garage that they will access via 74 Parkerville Road's driveway under a private driveway

easement agreement. Applicants prefer to place the garage toward the end of their property to maximize their backyard area.

The 20-ft. utility easement to the left of the lot is the “Seventh Lane,” a private driveway.

The yard also pitches down toward the pond, so Mrs. Burke stated topography is also an issue to consider as a hardship.

Chair Reidy read the following letters into the record:

1. DPW re: pavement cut moratorium – Chair Reidy stated this does not apply to this project.
2. Fire Prevention Office, Police, and Board of Health had no comments.

Ms. Burke read a letter from the previous landowner/builder of Lot 2 / 74 Parkerville Road (copy given to the Board for the file), Jeffrey Brem of Quality Green Homes, dated April 28, 2022.

Ms. Burke submitted a copy of the “Driveway Easement and Use Agreement” recorded on May 3, 2022. This Easement is agreed upon between herself and new property owners of 74 Parkerville Road, Feyza Aras O’Connell and Michael T. O’Connell.

Public Comments:

Gary Baker, 24 Seventh Lane – Speaking in opposition to the Applicants’ proposal. Concerned with the proposed large garage 32 x 28 (standard 2-car garage is 24 x 24). Does not understand what the hardship is; there are 95 feet between the home and the proposed garage location. The garage can be moved closer to the home, and away from the lot line, to meet the required setbacks. Also concerned about the proposed change in lot access (referring to recently recorded private driveway easement between 72 and 74 Parkerville Road), without going before the Board again for approval/modification based on the previously approved Variance for Lot 1 & 2’s subdivision plan that only permitted two structures. Appears to be a change from what was granted in the original Variance by this Board.

Board Discussion:

Mr. Mojtas suggested a site walk to get a better understanding of the property layout.

Chair Reidy stated he has a hard time understanding why the garage can’t be moved closer to the home and toward the center of the property in order to obtain a Special Permit, instead of a Variance through hardship. Required rear setback is 30-feet. Moving the garage 15-feet forward, closer to the house, would allow them to build by right. Moving it by 9-feet qualifies for a Special Permit, instead of a Variance.

The Applicants are not opposed to changing the location and size of garage to meet the requirements of a Special Permit versus asking for a Variance.

Attorney Paul Haverty, Town Counsel – Access via the deeded driveway on 74 Parkerville Road would constitute a change in use from the original Variance granted to subdivide the former lot into Lot 1 (72 Parkerville Rd) and Lot 2 (74 Parkerville Rd). Adding an additional accessory structure to the lot constitutes a change in use, therefore requires a modification of the previously issued Variance. The

case is very clear that a Variance is limited to the approved plans only. The Variance runs with the land in perpetuity. The Applicant cannot build the proposed garage by right, even with all the necessary setbacks, without a modification to the original Variance.

The current public hearing process legally suffices public notice to the abutters and does not require that the Applicant submit a new filing. A Special Permit can be granted but the Decision needs to legally acknowledge that the new allowed use is a modification to the previously granted Variance.

A site walk was mutually agreed upon by the Board and the Applicant for Saturday, May 21st at 10:00 a.m.

Motion: by Ms. Brown to continue the Public Hearing for 72 Parkerville Road to June 2, 2022.
Seconded by Mr. Mendez. **Motion carries, unanimous, 5-0.**

4 Wildwood Street, Wildwood Street Realty Trust / Jack Fletcher – Variance, section 195-9 (lot area and lot depth) and any other relief necessary deemed necessary, for the creation of a buildable lot. Parcels is in the Residential B district, Map 52-184-6 and 52-184-10.

Attorney Douglas Hausler representing applicant Jack Fletcher and his two sisters. They are the current owners to the Trust. Their late father, Erwin Fletcher, owned and lived at 4 Wildwood Street (Parcel 11) for decades. He recently passed and the house has been sold. He also owned the adjacent Parcels 6 and 10, which is the subject matter for today's Hearing. This exact application for a Variance was granted in 1998, allowing Parcels 6 and 10 to be combined into one single buildable lot on 15, 000 sq.ft. There is not a single change to the plan or land use, as proposed today.

Erwin Fletcher did not proceed with the construction of the single-family home on Parcel 6 and 10 within the time period when construction was supposed to commence, within two years. He believed that once the Variance was granted and recorded that it was grandfathered. Therefore, he did not request a Variance Extension.

The Applicant is here today asking the Board to reaffirm the original Variance, as was originally approved in 1998, so that he and his sisters may build the single-family home as originally planned.

Chair Reidy read the departmental comment letters:

1. Christine Clancey, DPW/ Town Engineer – reaffirming that a sewer stub was left for this property, therefore exempt from the sewer moratorium
2. Fire Prevention Office
3. No comments from Building Commissioner, Police, or Board of Health.

Public Comments:

John Toto, 5 Juniper Street – speaking in opposition to the application. He directly abuts the rear portion of Parcels 6 and 10. He is concerned that the proposed lot does not meet the square footage and lot depth requirements for the current RB zoning district. It is his understanding that there is a 40,000 sq.ft. minimum for this neighborhood. He is also concerned that there is a drainage easement located along his property and passing through the proposed lot, which may be impacted by construction of a new home. The easement is located above the stormwater catch basin connection pipe running from Juniper Street to Wildwood Street.

Atty. Hausler stated that the construction will not occur within the drainage easement.

The representative submitted a certified plot plan dated March 10, 2022 which shows the proposed buildable lot envelope and the proposed house placement within.

The Applicant, Jack Fletcher of 43 Stedman Street, stated that the drainage of the easement and Lot 10 will remain as open space which should address some of Mr. Toto's concern. Mr. Fletcher proposes to build a single-story house that blends in with the size/style of houses currently in the neighborhood. Their family has been in the neighborhood for four generations, since 1898. He plans to sell his current house and move into the new proposed house for one story living.

Motion: by Mr. Wojtas to close the Public Hearing for 4 Wildwood Street.

Seconded by Mr. Mendez. **Motion carries, unanimous, 5-0.**

Board Discussion:

This lot was already approved in 1998. It seems unreasonable to overturn the original decision without just cause. Appears reasonable to regrant the original Variance.

Motion: by Mr. Mendez to regrant the Variance, section 195-9 to 4 Wildwood Street, to create a buildable lot with area of 15,000 sq.ft., as was originally granted in 1998.

Seconded by Mr. Casserly. **Motion carries, unanimous, 5-0.**

52 Ansie Road, Matthew Carstens – Special Permit, section 195-6.1 for the construction of an addition for a Limited Accessory Apartment and any other relief deemed necessary. Parcel is in the Residential B district, Map 104, block 387, lot 41.

The Applicant is proposing the LAA for his father, George Carstens, the property owner. The existing house is non-conforming, built in 1962. The proposed LAA meets all of the setback requirements, as shown on the submitted plot plan. Mr. George Carstens would prefer to make the garage flush with the existing home for esthetic reasons. However, this would increase the non-conformity.

Proposed LAA is approximately 727 sq.ft. (subtracting the ingress, egress, hallway, and staircase from the gross square footage) and meets all of the required setbacks.

Board Discussion:

The Board can allow the applicant to redesign the proposed garage to be flush with the existing house, because it would not increase the existing non-conformity. The non-conformity would remain the same. We do not need to require a new plot plan, as well as the change is noted in the Decision as: "not to exceed the current main house frontage setback."

Chair Reidy read the Building Commission's denial letter, and the letter from the Fire Prevention Office. No other departmental comments. No public comments.

The Applicant's narrative letter was read into the area.

Motion: by Ms. Brown to close the Public Hearing for 52 Ansie Road.

Seconded by Mr. Mendez. **Motion carries, unanimous, 5-0.**

Motion: by Ms. Brown to approve the Special Permit for 52 Ansie Road, under Section 195-6.1 for a Limited Accessory Apartment, to include the modification to the garage dimensions, not to exceed the current main house frontage setback, as discussed and presented.
Seconded by Ms. Drew. **Motion carries, unanimous, 5-0.**

12 Chatham Road, Richard Volpicelli – Special Permit, section 195-8.E (1)(a) for the construction of a new farmers porch which does not meet the required front yard setback and any other relief deemed necessary. Parcel is in the Residential B district, Map 85, Block 324, Lot 52.

Mr. Edward Greaves was representing the Applicant. The proposed project consists of a 2nd story addition with a 7 x 24' farmers porch. The porch is 1.7 feet too close to Fleetwood Drive due to a New England Power Company easement. The house was built in 1960.

Chair Reidy read the comment letters from the Fire Prevention Office and Building Commissioner.

Motion: by Ms. Brown to close the Public Hearing for 12 Chatham Road.
Seconded by Mr. Mendez. **Motion carries, unanimous, 5-0.**

Motion: by Mr. Mendez to approve the Special Permit, for 12 Chatham Road, under section 195-8.E (1)(a), for the construction of a new farmers porch, as presented.
Seconded by Ms. Drew. **Motion carries, unanimous, 5-0.**

OFF Westford Street, Lot 4 Donovan Family Trust – Variance, 195.15.B & D for creation of rear lot and construction of a dwelling that will not meet the required setbacks and frontage, and any other relief deemed necessary.

Applicant Douglas Shaw, his wife Jillian Shaw, and their attorney, Atty. Gould, were present. Mr. Shaw stated that his family has owned this property since the 1960s. Clover Hill Road was built by his grandfather back then. The proceeds of the sale of this proposed house are intended to fund the long-term care of Mr. Shaw's brother. His mom is now retired and cares for his brother. Mr. Shaw plans to care for his brother when their mom passes. This is the last lot inherited from Mr. Shaw's deceased grandfather. Mr. Shaw acknowledges that this is a difficult project, but nonetheless is asking for his Variance(s).

Chair Reidy read the Building Commissioner's letter regarding the need to create a buildable rear lot. It is currently deemed non-buildable.

A buildable rear lot requires two builder's acres (80,000 sq.ft. total) and 40' front, side and rear setbacks. Lot 4 consists of 90,000 sq.ft. of land with 42' of frontage (bottle neck shaped access) but requires 50' frontage to be a buildable lot.

Atty. Gould stated she believes the Board is allowed to approve a Special Permit of 20% non-conformity versus granting a Variance because 20% of 50' is 10', and this lot meets that calculation at 42' frontage versus 40'.

Board Discussion:

Mr. Mendez was concerned that the proposed lot does not meet the 30' rear setback, the plan shows 25'. The lot is 5-sided. There was question as to which lot line constitutes the side versus rear lines due to the 5-sided lot shape.

Mr. Wojtas noted that a "rear lot" requires 40-foot setbacks on all sides.

Chair Reidy read the rear lot bylaw requirements and clarified that the 40-foot requirements are for the linear length of lot sides, not the depth of the setbacks from each side. The bylaw also states that at no point the rear lot width may not be less 50'. The bottle neck area of the lot is 42'.

Town Counsel does not believe the Board has the authority to reduce the frontage from 50 to 42 feet. Section 195-9 conformity requires reduction of dimensional requirements, Section B reductions to conventional requirements for purposes of single and two-family dwellings the ZBA may issue a Special Permit for purposes of the reduction of no more than 20% from the front side and rear yard dimensional requirements within the table of dimensional requirements. It does not say anything about the frontage. Therefore, Counsel believes the Board needs to move forward on a Variance for the 42' frontage, not a Special Permit. Furthermore, the Board would need to grant a Variance for the 42' frontage with a condition for Applicant to obtain a Special Permit from the Planning Board. The Planning Board would then decide whether to deem it a buildable lot.

Chair Reidy believes that the Board would need to grant two Variances, one for the 42' frontage AND the other for a reduction in rear lot width requirement from 50' to 42'.

Town Counsel stated that this Board may simply grant a Variance for reduction of frontage from a standard lot requirement of 150' to 42', without deeming this lot as buildable. The Applicant would then apply for a Special Permit before the Planning Board to deem this a buildable lot.

Chair Reidy's concern is that such a Variance would reduce the standard frontage by two-thirds, which the Board has never done. That would set a precedent for this Board. Although the Board is not held to precedent, it is something to consider. Allowing the frontage reduction for a "rear lot" is a lot less offensive than a "standard" lot. Particularly when they (the Donovan family) created this lot shape when subdividing the land years ago into the existing lots.

The Board would like to review the Planning Board's decision for subdivision of this land years ago.

Chair Reidy read the department letters into the record:

1. Water district (2 letters).
2. Fire Prevention Office – requires that the driveway be built to roadway standards to accommodate the weight of a standard fire truck, and also provide adequate turnaround area,
3. DPW – a sewer stub is present for this lot.

Public Comments:

Tom Amiro, Town Meeting representative, 90 Westford Street – The current proposed plan is incomplete. Another requirement for a rear lot under section G states that there shall be a turnaround at the house suitable for an SU-30 vehicle and there should be a pull out on the access driveway every 250-feet. Furthermore, this lot was deemed as unbuildable when the land was subdivided because of the vast amount of wetland present on site. The brook that runs through this property is a tributary to Beaver Brook, not a drainage ditch as presented on the plot plan. Mr. Amiro pointed out that it is a perennial stream and is depicted as such on the USGS map. The parcel is registered as Lot 12 not a building lot recorded at the Northern Middlesex Recorded Registered Land of the Registry of Deeds Book 110 Page 85 dated July 8, 1969. It has been assessed as unbuildable and taxed as such by the

Town Assessor since 1998 when the current owner/trust acquired that categorization. If it is deemed buildable, shouldn't the current owner have requested a tax category change and started paying their taxes at a higher rate? Even if the Board grants a Variance, this project still requires full review and approval under the Conservation Commission for full wetland resource impacts and mitigations, including requirements under the local wetland bylaw.

Mr. Amiro submitted photographs of the brook located onsite.

Tom Pinn, 15 Clover Hill Road – 18 years ago the neighborhood went through this same thing with Ossipee Realty Trust for variance approvals of curbing, lighting, pavement, underground utilities, sidewalks, trees and as a result he had a river in his yard and others for five years due to the natural slope in the area from Westford Street to Clover Hill Road. It personally cost him over \$10,000 to install French drains to mitigate for the removal of 40 trees and the resulting stormwater runoff coming from Pine Hill Road. His concern is that this proposed project is that much closer to wetlands and a creek than that Ossipee project. For those reasons, he is respectfully in opposition to this project.

3 Clover Hill Road, Nicholas Vecchietti – Direct abutter to the east side of the proposed lot. His property would abut the rear side of the proposed house. Some of his concerns have already been addressed by his neighbors. His other concerns are related to the proximity of the proposed house to the lot line along his property. The proposed house is 3,500 sq.ft. He is concerned that he will lose all privacy in his own lot. His other concern is all the drainage issues that will occur once all of the trees are removed. The property is sloped, therefore a lot of runoff will result onto his property. He does not feel that he should have to incur the costs to mitigate for that, as other neighbors have already expressed from previous neighborhood projects. Furthermore, the proposed house is much larger than the styles of the surrounding houses. He does not know if that is a consideration for this Board but wanted to point that out. He is also concerned that the proximity of the proposed house to his property could be dangerous if there were a fire. In addition, he is concerned about the overall negative environmental impacts to the brook, and subsequent impacts to the fauna, flora, and overall biodiversity in the neighborhood. He is upset that the plan labels the brook as a drainage ditch, as this is very misleading. He is in opposition to the proposal.

Peter Yargmin, 4 Pine Hill Road – Would like to reiterate the other neighbors' concerns, and the pollution impact of the proposed driveway into the wetland resource area; the amount of salt and snow that will be plowed into the wetland in the winter months. Also, the detrimental impact to the neighborhood pertaining to drainage/flooding and overcrowding. The proposed large house and is not in keeping with the neighborhood style. Lastly the detrimental displacement and loss of biodiversity in the area. Mr. Yargmin has taken an environmental stewardship role in the area over the years by removing trash, tires, etc. from this wetland/lot in an effort to maintain the area. He is in opposition to this proposal. He believes this is the type of land/lot that should not be built on due to the biodiversity.

Attorney Morris Mason, 147 East Merrimack Street, Lowell, MA representing direct abutter Maureen Mason at 7 Clover Hill Drive. Although many have spoken to the various environmental concerns and potential impacts, no one has spoken to the actual hardship requirement under a Variance. This is what needs to be considered tonight by the Board; whether the applicant meets the uniqueness of a hardship for being granted such variance. He does not believe that a true hardship exists. The grandfather of the current owner created their own hardship; a 42' right-of-way. Therefore, Atty. Mason asks the Board to deny this application.

Jim Carpenter, 100 Westford Street – Stands in opposition to the project for environmental/biodiversity reasons, including flood zones due to changing the topography and stormwater drainage of the area. The project proposes fencing along both sides of the driveway. This is concerning as Westford Street is a

busy road, and this could impede the line of sight for the direct abutters (himself and #98). That is a major safety concern. Regarding snow removal: where is all the plowed snow going to go? That is another concern. The wetland is wet all year round, not seasonally.

Maureen O'Sullivan, 98 Westford Street – Direct abutter to the driveway. There is a storm drain (catch basin) currently between her house and Mr. Carpenter's house. This is problematic as this storm drain is crumbling and floods with every major rainstorm or when the DPW plows during snowstorms. The drain is often clogged with road trash. Mr. Carpenter and Mr. O'Sullivan often need to unclog the area to keep the flooding from getting worse and entering their basements. Like many other neighbors she too has a French drain and sump pump to prevent her basement from flooding. She runs the sump pump and a dehumidifier throughout the summer due to the high-water table and moisture. Mrs. O'Sullivan is also concerned with the brook. With heavy rains, the brook often overflows over the bank. She's not sure how they can build the driveway over the culvert and the brook without major impacts. She does not want to deny the Applicant the opportunity to make a living, however, the adverse impacts to the surrounding area need to be considered.

Erin Carpenter, 100 Westford St – Concerned with the negative impacts to the neighbors, as previously stated, and the negative environmental impact to the overall biodiversity of the area. Birds are a great indicator of biodiversity, and this area has a diverse population of birds. Also concerned with the current flooding issue on Westford Street along the proposed driveway to the project. This street area has sunk in several times, so Ms. Carpenter is concerned with the roadway stability and the potential for increased negative impacts to it, including increased flooding for all the neighbors.

Courtney Yagmin, 4 Pine Hill Road – Has all the same concerns as previously stated, particularly the flooding issue, and the potential for more basement flooding. Concerned that the project may cause flooding damage to her and her neighbors' homes, which will be costly to each homeowner. Also concerned with the traffic issue and the potential safety issue that the fencing may cause in blocking the line of sight for the abutting neighbors.

Atty. Gould stated that one of the property hardships is the fact the Town has created an artificial wetland at the neck of the property along Westford Street by directing so much stormwater drainage onto the property. She understands the concern for the wetland resource areas further back on the property. The proposal is to improve the existing stormwater drainage issues and the culvert at the entrance.

Board Discussion:

Mr. Wojtas suggested/questioned whether the Applicant should get approval from the Conservation Commission first before this Board grants a Decision. Chair Reidy stated the Applicant can choose which to apply for first. If they receive their Variance, and the Conservation Commission requires that the house be located elsewhere, then the Applicant would need to return to this Board for a modification.

Chair Reidy noted that this Board's decision does not take the natural resources into consideration. The wetlands concerns, although very valid and appreciated, are out of this Board's purview. The permitting authority for wetland habitat impacts is the Conservation Commission. The Applicant will need to apply for the Commission's approval, as well, before and building permits are issued.

The Board requested a site visit on May 21, 2022 with 10:30-11:00 a.m. arrival. The Board would like to get a better sense of the onsite brook and the stormwater drainage within the area. The applicant agreed to the site visit and advised the Board to park on Lantern Lane when arriving.

Town Counsel advised the Board that a vote needs to be taken within 100-days of application submittal for a Variance. Therefore, the Board needs a 30-day Extension request by the applicant to extend the Public Hearing process.

Applicant agreed to submit a 30-day extension request to the Board.

Motion: by Ms. Brown to continue the Public Hearing for Variance request at Lot 4 off of Westford Street. Seconded by Mr. Wojtas. **Motion carries, unanimous, 5-0.**

NEW BUSINESS

None

MEETING MINUTES TO APPROVE: April 7, 2022

Motion: by Ms. Brown to continue the Meeting Minutes review and approval to the following meeting on June 2, 2022. Seconded by Mr. Wojtas. **Motion carries, unanimous, 5-0.**

EXECUTIVE SESSION

The Board entered into Executive Session for the purpose of discussing pending litigation and potential settlement relating to the property located at 24-30 Second Lane, with no intention of returning to Public Meeting except to adjourn.

Roll call was taken at 9:50 p.m. to enter Executive Session.

Roll call was taken at approximately 10:50 p.m. to exit out of Executive Session.

ADJOURN

Motion: by Mr. Mendez to adjourn the meeting at approximately 10:51 p.m.
Second motion requested by Ms. Brown. **Motion carries, unanimous, 5-0.**

Respectfully Submitted,

Becky DaSilva-Conde
Department Assistant to Community Development Office

(Supporting Documents are listed in the body of the minutes.)