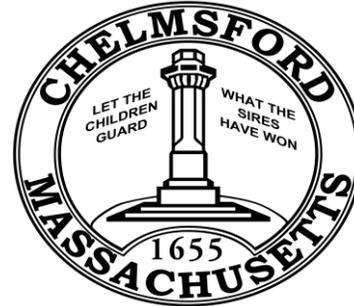


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Board of Appeals
Town Offices
50 Billerica Road
Chelmsford, MA 01824
Phone: 978-250-5231



Meeting Minutes
Thursday, May 6, 2021

Hearings for Special Permits & Variances Begin at 6:00 P.M.

Members Present: Brian Reidy, Nancy Morency, Erin Drew, Peter Casserly, Jamie Outland-Brown
Members Absent: Charlie Wojtas, Steve Mendez, Mark Carota
Others Present: Colleen Stansfield, Department Assistant, Paul Haverty, Town Counsel, Jose Negron, Building Commissioner

Town of Chelmsford Board of Appeals will be conducting a remote public hearing on Thursday, April 1, 2021, at 7:00 P.M. to hear the applications submitted by:

Administrative: NONE
Request to continue to June 3rd.

9 Longview Road, Adam Bridge – for a special permit under 195-6.1, Limited Accessory Apartment to build new space for a limited accessory apartment and any other relief that may be deemed necessary.

<https://www.townofchelmsford.us/DocumentCenter/View/12458/9-Longview-Application-5-6-2021>

<https://www.townofchelmsford.us/DocumentCenter/View/12455/9-LONGVIEW-DRIVE-CHELMSFORD-MA-plans-renderings>

<https://www.townofchelmsford.us/DocumentCenter/View/12456/9-Longview-Rd-site-plan-Chelmsford-MA-01824>

<https://www.townofchelmsford.us/DocumentCenter/View/12457/9-longview--Authorization-Letter-002>

Morency made a motion to continue the public hearing without testimony to the next meeting on June 3, 2021, seconded by Drew. Unanimous, 4-0

Continued Public hearings:

Withdrawn

24-30 Second Lane, Patrick Larkin for a finding under **MGL 40a, Section 6, Existing Structures, Uses, or Permits; certain subdivision plans; application of this chapter and 195-8 of the Chelmsford Zoning Bylaws**, and any other relief that may be deemed necessary.

Abutter letters as of 3/4/21

<https://www.chelmsfordma.gov/DocumentCenter/View/12344/Second-Lane-Abutter-letters-3-4-2021>

NEW

<https://www.chelmsfordma.gov/DocumentCenter/View/12329/24-30-Second-Lane-ZBA---3-2-2021-submittal>

Submissions from February 4, 2021

<https://www.chelmsfordma.gov/DocumentCenter/View/12144/2---24-30-Second-Lane---ZBA-Application-Part-2>

<https://www.chelmsfordma.gov/DocumentCenter/View/12145/3---24-30-Second-Lane---ZBA-Application---Checks>

<https://www.chelmsfordma.gov/DocumentCenter/View/12146/4---24-30-Second-Lane---Revised-Layout-----11-Nov-2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12147/5---24-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12148/6---26-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12149/6--30-Parkerville--Second-Lane-----Existing-Site-only--25-June-2020>

<https://www.chelmsfordma.gov/DocumentCenter/View/12150/7---28-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12151/8---30-Second-Lane---PP---11-Nov---2020-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12152/9---24-26-28-Second-Lane---Permit-Plan-Set-002>

<https://www.chelmsfordma.gov/DocumentCenter/View/12153/MGL-40A-Section-6>

Applicant submitted a letter requesting to withdraw this application. Casserly made a motion to accept the withdrawal without prejudice, seconded by Drew. 4-0

54 Richardson Road, North Chelmsford Water District, 64 Washington Street, for an **administrative appeal** of the Building Inspector's March 16, 2021, letter of determination to various zoning complaints at **54 Richardson Road, (M/P 26-93-1), Town of Chelmsford Owned Land**, under **Chapter 195-73, 1-3, 5, 17 – Aquifer Protection District**, and **Chapter 195-108 – Article XX Terminology, word usage and definitions.**

<https://www.chelmsfordma.gov/DocumentCenter/View/12454/NCWD-Appeal-North-Fire-Station-5-6-2021>

The Chair read the legal ad to open the public hearing. Atty. Barry Bachrach, representing the applicant, appeared before the Board and went over the appeal from the North Chelmsford Water District. He stated that this is an appeal of the building inspector's letter dated March 16, 2021. He stated that the NCWD is looking to enforce the aquifer protection bylaw and have the Fire Department file for that special permit. The issue arose when the Town decided to renovate the North Fire Station. This renovation will be extensive enough to have the entire staff moved from the site. The Town owns the land at 54 Richardson Road and the parcel has been in use by the town in some manner since the 1950's. There is a building on site to house a fire truck and it was proposed to bring in 2 trailers. One to

be used as office and working space and the other to be used as a residential sleeping unit since the Firefighters work 24 hour shifts. Atty. Bachrach had a presentation that he referenced. He first went over the purpose of the Aquifer protection district. He stated that this is in place for the protection of the drinking water for the health and safety of the watertakers. He went on to argue that the Fire department is and will be doing vehicle maintenance on the site and that activity requires a special permit from the Planning Board. He stated that the NCWD's position is that there is a change in use from previously being a DPW site to now hosting the Fire Department and that the change in use requires the special permit. Paul Cohen, Town Manager, addressed that issue by stating that the Town does not dispute the fact that the fire department is doing repairs on site. He stated that the town's response is the corporate entity of the Town of Chelmsford has continually operated a repair facility for trucks and vehicles for decades there and the fact that a different division of the Town of Chelmsford corporate entity, ie, the fire department verses the DPW is not relevant in terms of significance to that factor. The bottom line is He was there the day that the DPW transferred it's assets from that site to the facility at Alpha Road and immediately there upon the fire department moved its facilities to that location to repair fire apparatus which is less and less of DPW Apparatus in the community. He then stated that the site has fully contained drainage systems. If there are spills or any activities that take place while repairs are being done, they are fully contained in a tight tank and then properly disposed of. He then stated that he wanted to alleviate any concerns about how the ongoing use is contributing to greater environmental contamination at the site and that there has always been a trailer on the site. Drew made a motion to close the public hearing, seconded by Brown, unanimous.

The Board discussed the use by the fire department and stated that this is a lesser use than what has been there in the past. The issue of PFAS is ongoing and the Town does not dispute the results that have taken place so far. The irrigation well at the Dog Park has been turned off. This is a continual non-conforming use by the Corporate entity of the Town of Chelmsford. Mr. Cohen also wanted the Board to be aware that this issue has been before this Board before and therefore he asked the Board to reject this claim due to the fact that there has already been jurisdiction on this matter. The Chair asked to see the denial letter. Commissioner Negrón read the letter dated March 16, 2021, from Marty Allen, Building Inspector. Town Counsel, Atty. Paul Haverty presented his letter dated February 22, 2021, and went through it for the Board and stated that this was the basis of Inspector Allen's denial letter. In his letter he stated 'the January 21, 2020 determination found that the uses subject to the request for zoning enforcement had been the subject of a decision of the Chelmsford Board of Appeals in 2006, which was the subject of an appeal to the Superior Court that was resolved through a stipulation of dismissal dated November 10, 2010. As previously determined, because this Stipulation of dismissal was made with prejudice, and addressed essentially the same issues contained in the current request for zoning enforcement filed by NCWD, it is our determination that the current request for zoning enforcement is barred by the doctrine of *res judicata*.'

The Board discussed the nature of the use being basically the same although the intensity of the use is far less with the Fire Department that has 1 mechanic, whereas the DPW employs

several mechanics. The Chair asked if there was anyone else that wanted to speak. There being no one else to speak, Drew made a motion to close the public hearing, seconded by Brown, unanimous.

Morency made a motion to uphold the building commissioner's determination letter of March 16, 2021, seconded by Casserly, unanimous, 5-0

Morency made a motion to adjourn, unanimous.