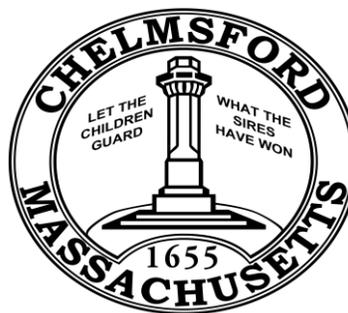


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TOWN OF CHELMSFORD  
PATRICIA E. DZURIS  
TOWN CLERK

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



## Meeting Minutes Wednesday, May 12, 2021

**Members Present:** Tim Shanahan, Mike Raisbeck, Mike Walsh, Nancy Araway, Erica Clifford, Deirdre Connolly, Paul McDougall, Henry Parlee  
**Members Absent:** None  
**Others Present:** Evan Belansky, Com. Dev. Director, Christina Papadopoulos, Town Engineer, Colleen Stansfield, Department Assistant

The Chair opened the meeting and stated that this meeting is being recorded and televised by Telemedia and is being held remotely and he read the Governor's order suspending certain provisions of the open meeting law

### New Public Hearing:

the **Town of Chelmsford Planning Board** will be conducted remotely on **Wednesday, May 12, 2021, at 7:00 P.M.** for purposes of receiving public comment to amend The Town Code, Chapter 195, "Zoning Bylaw" as follows:

To amend **Chapter 195 – Zoning**, of the **Town Code**, to replace all verbiage in the chapter from 'Board of Selectmen' to 'Select Board'.

Walsh read the legal ad to open the public hearing. Belansky explained that this is really a house keeping matter to make the language of Board of Selectmen, change to Select Board.

There were no questions by the Board and there was no one from the public to speak. Raisbeck made a motion to close the public hearing, seconded by Parlee, unanimous.

Raisbeck made a motion to recommend this article to Town Meeting, seconded by McDougall, motion passes, 6-1 (Araway votes nay)

### Administrative Review:

#### Steve Jahnle- Sewer Moratorium Discussion

Steve Jahnle gave an update on the sewer moratorium. He explained the projects that are not affected by the moratorium since they had applications in before the moratorium was in place. He also stated that small

increases to existing users are also not affected by the moratorium. Engineering letters will address the sewer issue.

**56 Pile Drive** **PB# 2019-09** **Review and approve draft decision**

**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/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>

The Board went over the Draft decision and read the letter from the Fire Prevention office. The FD did request an additional fire hydrant. The decision will reflect the modified site plan and the special permit under 195-12. Raisbeck made a motion to approve the modification to the site plan under 195-104, seconded by Parlee, unanimous. 7-0

Connolly made a motion to approve the special permit under 195-12, seconded by Parlee, unanimous. 7-0

**235 Littleton Road** **ANR #676** **Approval not required**

Brian Milisci, representing the applicant, requests endorsement of the approval not required plan for the property at 235 Littleton Road.

<https://www.chelmsfordma.gov/DocumentCenter/View/12538/Chelmsford---235-Littleton-Rd---Hillman-ANR-PLAN-2021>

Raisbeck made a motion to endorse the ANR for 235 Littleton Road with no determination to zoning, seconded by Parlee, unanimous. 7-0

**23 Chestnut Hill Road** **ANR #675** **Approval not required**

Brian Milisci, representing the applicant, requests endorsement of the Approval not required plan for the property at 23 Chestnut Hill Road

<https://www.chelmsfordma.gov/DocumentCenter/View/12537/Chelmsford-Chestnut-Hill-Rd-Gilet-ANR-PLAN-002>

Raisbeck made a motion to endorse the ANR for 23 Chestnut Hill Road with no determination to zoning, seconded by Parlee, unanimous. 7-0

**Continued to May 26, 2021**

**9 Acton Road** **PB# 2018-08** **CVOD Applicability Update**

**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/12491/9-Acton-Road-20210422_21088_ConceptPlan)

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

Raisbeck made a motion to continue the hearing, seconded by Parlee, unanimous. 7-0

**New Public Hearings:**

**1 Billerica Road / 44 Central Square**

The Chelmsford Planning Board will conduct a Public hearing on **Wednesday, May 12, 2021 at 7:30 pm**, via Zoom Meeting platform, to consider an application submitted by Americal Management Co. located at **1 Billerica Road and 44 Central Square** requesting the Board to make a determination pursuant to G. L. c. 40A, s. 16 that the new proposal contains “specific and material changes in the conditions upon which the previous unfavorable action was based” and if so then consider Site Plan Approval, section 195-104, and Special Permits under Article XXII, Village Center Overlay District (VCOD), section 195-124.C (2), (4), (5) and 195-126, and Article XIV, Aquifer Protection District, and any other relief that may be deemed necessary,

The proposed project consists of reuse and redevelopment of the Odd Fellows hall into commercial space as a 100seat restaurant and 8 apartments respectively and the subdivision of the existing property into three new lots. The site is located in the Village Center Overlay District and consists of approximately 3.5 acres as shown on Assessors Map 84, Block 334, Lots 10 and 11.

<https://www.chelmsfordma.gov/DocumentCenter/View/12504/44-central-sq-Reconsideration-letter-Americal>

[https://www.chelmsfordma.gov/DocumentCenter/View/12505/44-central-sq-reconsideration-20210405\\_15119\\_OddFellows\\_Waivers](https://www.chelmsfordma.gov/DocumentCenter/View/12505/44-central-sq-reconsideration-20210405_15119_OddFellows_Waivers)

[https://www.chelmsfordma.gov/DocumentCenter/View/12506/44-central-sq-reconsideration-15119---Site-Plan\\_Stamped](https://www.chelmsfordma.gov/DocumentCenter/View/12506/44-central-sq-reconsideration-15119---Site-Plan_Stamped)

<https://www.chelmsfordma.gov/DocumentCenter/View/12508/1-Billerica---44-central-sq-reconsideration-request>

Raisbeck made a motion to continue the hearing, seconded by Parlee, unanimous. 7-0

**Continued 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/12452/200-turnpike-16058---Site-Plan_Stamped)

[https://www.chelmsfordma.gov/DocumentCenter/View/12453/200-Turnpike-16058-Site\\_DogPark](https://www.chelmsfordma.gov/DocumentCenter/View/12453/200-Turnpike-16058-Site_DogPark)

Atty. Philip Eliopoulos addressed the Board and stated that they did do a site visit and he said it was well attended. They tried to show what was planned for the site. This will be a day care and not have anything to do with the rescue efforts by the owner. He went over the way waste will be handled, how barking dogs will be handled and the noise mitigation that they are proposing. In regard to traffic, he stated

that Triton had over 130 employees and that this day care will not have anywhere near that amount of people driving to drop dogs off to the day care. Some of the Board members stated that they went by doggie day cares and found them surprisingly quiet. Traffic was not considered an issue by a majority of the Board. There will not be overnight dogs. Belansky went over the findings the Board will need to make. A letter from engineering was read into the record. The Board opened the hearing to the public. Victor Garafolo, Milestone Ave., stated that the meeting on Saturday was far from productive. He stated that the attorney had talked about mitigating the concerns of the neighbors. Garafolo stated that the abutters expressed their opposition to the project, their displeasure of this use near them and that they do not want mitigation. He stated that the applicant refused to allow a barking dog at the site to show how the noise carries. He then disputed the Board members comments on how quiet the day cares were that them members visited. He then stated that he is adamantly against the proposal. He stated that they are looking at 50-100 dogs and if there is a need in the community, why aren't the other day cares maxed out. He stated that it is because the need is not there. He then stated that they did not go to this meeting to mitigate the circumstances. He said they were not willing to talk to them and that in fact, the meeting ended abruptly. The chair asked the Board if they wanted to wait for the new plan to take anymore testimony or let the abutters speak now. Garafolo interrupted to state that this is a public hearing and that the Board should allow people to talk. Jessica Porter, 5 milestone Ave., wanted to know if the special permit goes with the owner or business location and how does the Board view this? Belansky stated that most special permits are granted to the land but legally the planning board has the authority to grant the special permit to the specific applicant. She then stated that you can see their concerns that if they grant this special permit, why wouldn't they approve another applicant. She then said that she had submitted a significant letter on behalf of Garafolo and herself that expressed many more concerns. She asked the board to review the letters submitted carefully because the association is very concerned with this application and that the special permit process and zoning exist for a reason and it should be considered carefully each and every time. Sara Anderson, 199 Turnpike Road, stated that she has video of some of the traffic incidents for those who are not particularly concerned with traffic. She then stated that she can characterize the root cause of the misalignment between the property owner and the residents is a belief by the property owner that she can make this space that is not well suited for kennel, suited through a number of hoops and loops and mitagations and fixes and patches and the list of things that are wrong about this property for this use are so long. It's not just noise, it's not just this some things that haven't been stated or explored I think to the fullest extent through appropriate study are in and out traffic, the fact that she doesn't have enough parking spaces to meet the proposed staff to dog ratio that she was thinking about Having. There is no appropriate place for snow removal where they were where they have historically done snow removal is exactly where she is planning to put the outside pen. There is industrial activity that is way too close to where the dogs are going to be to the point where it's likely unsafe for the dogs to be exposed to that kind of noise which is different than the activity with the other kennels. She stated that there is no complete through way through this property. There is only one in and out, you can't circle around the entire property, the list goes on and on, noise, traffic, and proper use. How are we going to do snow removal. When you have all these problems, that's what creates this challenge of the negative impact both on the dogs and on the neighbors. So I think you guys just need to ask yourself this question, if the town, ya know, maybe they need the kennel, maybe they don't, she stated that she is not an expert in them but if she is going to be renting out this space she owns other properties why does it have to be here, why are we all going through

this extent and having tons of meetings and hiring experts when it is so clearly obvious that this is not the right space this kennel and if she wants to have the business, that's fine but she can have it in a place that is much better suited and more consistent with the best practices in town in terms of placement and she thinks that roots to the fact that she just genuinely hasn't had the experience of working one on one in these types of kennels before. Sure she loves dogs, she has six of her own, you know that's great but I have friends who have also stood up kennels who have stood up doggie day cares in new York in Massachusetts and all of them have interned, worked, volunteered at facilities that actually have the number of dogs that they were planning to have before they started their businesses to really see if they had the right set up, the right institutions had the experience to ultimately make the business successful. Todd, Devorjak, 11 Ruthellen Road, while he appreciates the efforts that the applicant has made to try to mitigate or at least think about noise. That is certainly my biggest concern right now. He said they have dogs in the neighborhood that bark and are further away and you can hear them crystal clear. He stated that this site doesn't seem to be a good fit for the intended use and he really sees it degrading the quality of life of quite a few families that live close and are going to be adversely affected. He thanked the members for taking the time and looking at other kennels. David Laskey, Milestone Ave. said that he really hasn't heard anyone address the scope, scale and proximity. Looking at the boston dog company that is 2 dogs and it's a very small location. Countryside is 20 dogs. He visited and spent time talking with the staff. They max out at 25 dogs. This is looking at 50-60 dogs. He wanted to show an overlaid picture that shows his property is twice as close as any other residential property is to Countryside. He stated that this is a formula for strife, disturbance, and again its not just the size of the kennel, there is no other kennel that's 60 dogs in this town. You are looking at a very stressful situation for the dogs because of the location. He said that they have confirmation from the vet that states putting this kennel in this location will stress the dogs. This is not just harmful to the neighbors. He stated that his last point he wants to make is that he had a conversation with the Westford Animal Control and he found out that in Westford, if you have more than 3 dogs, you need to get a kennel license. He then stated the applicant did not have a kennel license and that if she does not follow the law in Westford, why would she here in Chelmsford. Sarah Anderson spoke again and stated that there are no facts to consider because no studies have been done. Shawn Griffin, P4 TMR, spoke against the project and worried about public safety. The applicant spoke, Tiess, owner of 200 turnpike Road, spoke and felt she had to defend herself from the comments made Mr. Laskey and felt his statements were accusatory and defaming. The Chair asked for a motion to continue this hearing when he was interrupted by Garofalo wanting to make another statement. The Chair reminded him that he has already spoken several times and the abutters will have another opportunity to speak and voice their concerns because the Board is continuing this hearing and hoping the abutters and the applicant can try to work some of this out. Then others also tried to speak. The Chair stated again that the hearing will be continued to the next meeting and that the abutters can bring their concerns to the next hearing on May 26<sup>th</sup>. Porter interrupted and stated that the board cannot shut them down, this is a public hearing. Garofalo also stated that the Board cannot shut them down because this is a public hearing and that he has a question and should be allowed to ask it. Then Laskey interrupted the Chair wanting to speak because he said he was accosted for addressing the public nature of exposing Taiess. The chair stopped him and stated that we are not going to go back and forth, Laskey stated that he was attacked, McDougall stated that they there is no progress being made here and should just vote now. The Chair stated again that the board is not closing the public hearing and we are going to let the attorneys work with the neighbors and

then come back the next time and go from there, they will all have another chance to speak, everybody has been able to say something. Garofalo stated that the chair let the attorney for the applicant speak and never cut him off once, but you were cutting off the abutters and that's not fair. The Chair stated that Garofalo was not speaking the truth and you have spoken 4 times.. The Chair asked Garofalo what his question was. He wanted to know that if this is approved what is the appeal process. The Chair said 'That's your question?' Garofalo was told that he could call the office in the morning and the process would be explained. He just said wow. The chair stated 'we are not voting on this right now, you are preparing to lose when you don't even know. Porter interrupted again and stated that the applicant had mentioned a consulting company she has been working with out of new Hampshire that has one location and supposedly a successful second location and she wanted to know if Atty. Eliopoulos or the applicant is willing to share the name of the consulting firm and or the kennel that they operate. Atty. Eliopoulos stated that he is aware that the abutters have hired Atty. Doug Deschenes who can speak to them regarding the appeal process and he will talk to his client and he will talk with Atty. Deschenes and then he can share any information with the abutters. Porter then asked 'so for the benefit of the public this evening, you are not willing to share that information in terms of that company she is working with?'. Atty. Eliopoulos said that he does not want to go back and forth. He thinks where they have an attorney, he will just work with him. The Chair asked if there was anyone new from the public to speak and there was not. Raisbeck made a motion to continue the hearing, seconded by Araway. Unanimous. 7-0

**New business**

Belansky went over some of the feedback he has been getting back and that the Select Board voted unanimously not to support the marijuana articles

**Town Meeting Update**

**Master Plan Update**

**Discussion / Schedule Worksession**

1. Itemized list of Topics
2. <https://www.chelmsfordma.gov/DocumentCenter/View/12535/Henry-Parlee-letter-Chelmsford-Planning-Board-4>

**Old Business**

Next meetings

*May 26, 2021*

*June 9, 2021*

Parlee made a motion to adjourn, seconded by Raisbeck, unanimous