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



Meeting Minutes
Wednesday, June 9, 2021

Members Present: Tim Shanahan, Mike Raisbeck, Mike Walsh, Nancy Araway, Deirdre Connolly, Paul McDougall, Henry Parlee
Members Absent: Erica Clifford,
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 televised and hand recorded for minute taking purposes.

Continued Public Hearing:

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

New 6/9/2021

From Applicant: https://www.chelmsfordma.gov/DocumentCenter/View/12634/200-Turnpike-16058-Site_DogPark-rev-6-2-21-002

From Victor Garofalov:

1. <https://www.chelmsfordma.gov/DocumentCenter/View/12636/Victor-Garofalov---Letters-and-Emails-Planning-Board-updated-060121-1>
2. <https://www.chelmsfordma.gov/DocumentCenter/View/12639/200-Turnpike-Letters-2-and-Emails-Planning-Board-updated-060121-1>

Letters as of Friday, May 21, 2021

<https://www.chelmsfordma.gov/DocumentCenter/View/12598/Letters-to-date-5-21-2021>

NEW [last meeting 5/26/2021](https://www.chelmsfordma.gov/DocumentCenter/View/12581/200TurnpikeMemo000-5-26-2021)

<https://www.chelmsfordma.gov/DocumentCenter/View/12581/200TurnpikeMemo000-5-26-2021>

<https://www.chelmsfordma.gov/DocumentCenter/View/12583/Acoustic-Consultant-Memo---Doggie-Day-Care-5-26-2021>

<https://www.chelmsfordma.gov/DocumentCenter/View/12584/new-plan-200-Turnpike-for-5-26-2021>

<https://www.chelmsfordma.gov/DocumentCenter/View/12589/200-Turnpike-Dog-Daycare---Chelmsford>

<https://www.chelmsfordma.gov/DocumentCenter/View/12590/200TurnpikeMemo000-5-26-2021>

Old:

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

Atty. Philip Eliopoulos addressed the Board and stated that his client is not here tonight because of a family matter, her daughter was in an accident. He updated the Board that they did meet with the abutters. He stated that the abutters were not happy after the meeting because the applicant was still moving forward with her request. He stated that the abutters wanted the application withdrawn, however, the applicant met with them in good faith to try to mitigate their concerns which were mainly about noise. The applicant had hired a sound consultant, who is here tonight, to design a plan to mitigate the noise if the dogs were actually barking to the point of disturbance. The plan was designed for the 'doomsday' scenario, if all the dogs are barking and cannot be controlled. He stated that if a dog barks, the dog goes inside. They will never be left unattended. They have also limited the dogs to 40 and that will be the max. The traffic count for turnpike is about 3400 trips per day so even if this use was not there with the added 80 trips, the count would be much higher with an industrial use. Jeff Comerer, sound consultant, addressed the Board and went over his suggestions and the technical ways sound is measured. Atty. Eliopoulos reviewed the issues that have been raised and stated the mitigation proposed, soft surfaces for noise, traffic was stated to not be an issue, kennels will be limited, and other sound mitigation is planned, fence, etc. that is in the report they submitted.

Atty. Hausler, representing the abutters, made comments that the applicant is trying to limit the impact on the abutters and doesn't want the animal officer to come every day due to nuisance complaints. He went on to say that this is about neighborhood character and social structures and whether this will address community needs. This area is inappropriate for this use. He asked the board to reject this application because the requirements of 195-103 have not been met. David Laskey, 3 Milestone, addressed the variations in the 2 sound reports. He went into detail about the software he used. Herb Singleton, spoke about the numbers he presented and could not account for the differences between the reports. Ed Winnhall, 57 Davis Road, wanted to point out that there are rules in place that will keep this from getting out of hand. He also questioned the sound reports about how the sound diminishes as it gets farther from the source. Sarah Anderson, 199 Turnpike, stated that she was afraid of the project. She started a recording of a dog barking while she talked. She listed things she felt were not addressed. Wants applicant to take the business somewhere else. John Anderson, 99 turnpike Road, stated that he looks out over a dog pen at his home. Stated that you will hear the dogs. He said he works from home now and this is going to be an issue. He was the one who took the recording. He feels he will not be able to enjoy his home. He felt unheard and went out and solicited signatures and got about 80. The Chair wanted to clarify that the board does get all the emails and cannot answer all "received". In fact, they should not get into a back and forth outside of a public meeting. The board asked to hear the bogs barking once more at a lower level if about 45 db. Jessica Porter, 5 Milestone ave., spoke about legislation that is being proposed because there is a lack of regulations in regard to dogs and noise. Board

asked about landscaping. Walsh made a motion to close the public hearing, seconded by Raisbeck. Unanimous.

Araway made comments stating this in industrial zone. While she feels for the neighbors, they built and bought properties next to an industrial zone with all the potential uses that go along with that. The applicant has mitigated everything they have asked and she feels that the town, if this is denied, is doing an injustice with all the money and effort to bring business to our industrial areas. Raisbeck made similar comments and stated that he believes that the noise issue will not be as bad as the neighbors fear. Connolly had issues with the traffic coming and going from the building at drop off times.

Raisbeck made a motion to approve the special permit for 200 Turnpike Road, seconded by Parlee. 4-3, Motion fails.

Walsh, Parlee, Shanahan, Connolly vote nay

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Administrative Review:

Mary Avenue (off Tobin) PB# 2018-12 Request to Endorse Private Way Covenant.

SGC Development LLC, requests endorsement of the form J covenant – Private way.

Parlee made a motion to endorse the private way covenant for Mary Ave. with the date change, seconded by Raisbeck, unanimous. 7-0

Meeting minutes - 3-24-2021

<https://www.chelmsfordma.gov/DocumentCenter/View/12637/3-24-2021>

Raisbeck made a motion to approve the minutes of March 24, 2021, seconded by Parlee, unanimous.

133 Princeton Street Request for CEIOD Applicability Finding

Khlahann, LLC, 133 Princeton Street, requests a finding of CEIOD Applicability for the property located at 133 Princeton Street. The property is a split lot with the front portion being zoned CB – Roadside Commercial, and the rear portion being zoned RA – Residential

<https://www.chelmsfordma.gov/DocumentCenter/View/12631/133-Princeton-Applicability-6-23-2021>

<https://www.chelmsfordma.gov/DocumentCenter/View/12632/133-princeton-Rendering---WINESPIRITS-SK3>

<https://www.chelmsfordma.gov/DocumentCenter/View/12633/133-PrincetonRendering---WINESPIRITS-SK1-R1>

<https://www.chelmsfordma.gov/DocumentCenter/View/12635/Plan---133-Princeton-Street>

Atty. Douglas Deschenes, appeared before the board and went over the applicability of 133 Princeton St. He stated he is here with Katie Enright, Project Engineer. His applicant is under contract to purchase the property and would like to have a retail liquor store. This is a redevelopment and will be in the CB zone. The property has been condemned for some time. Enright stated that the redevelopment will basically be a high class liquor store. The building will be 12,000 sf with two stories and most of the square footage will be for storage. She went over the waivers that will be requested. She stated that they have moved everything forward to get out of the flood plain and the delivery dock will be on the side.

Parlee made a motion to approve the applicability for 133 Princeton Street, seconded by Raisbeck, Unanimous.

New Public Hearing:

61 Dunstable Road

PB#2021-02

CEIOD Application

Christopher and Kellie Sullivan, 61 Dunstable Road, for the construction of a three unit residential building and associated site improvements. The site is located in the CD general commercial zoning district and is shown as parcel Id 9, Block 10 Lot 4 consisting of approximately .58 acres. The applicant requests approval under Article XXI, **Community Enhancement and Investment Overlay District (CEIOD)** and sub-sections 195-111 D. (5), 195-116 B, and any other permit relief as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project.

<https://www.chelmsfordma.gov/DocumentCenter/View/12576/61-Dunstable-Road---Site-Plan-Review>

<https://www.chelmsfordma.gov/DocumentCenter/View/12577/61-Dunstable-Road-Engineering-Narrative>

<https://www.chelmsfordma.gov/DocumentCenter/View/12578/61-Dunstable-Road-Plans-->

<https://www.chelmsfordma.gov/DocumentCenter/View/12579/61-Dunstable-Road-Special-Permit>

The Chair read the legal to open the public hearing. Atty. Douglas Deschenes appeared before the board and explained the project. He reminded the board that they were here not long ago for the applicability finding which was approved. The legal ad requests a 3 family but as he made clear in the applicability hearing, the applicant would prefer to build a 2 family because it fits better in the neighborhood. They ask that the board condition the approval to allow a 2 family. Brian Geaudreau, Engineer on the project, went over the details including septic which will be required due to the sewer moratorium. The department letters were read into the record. Parlee made a motion to close the public hearing, seconded by Raisbeck, unanimous. Parlee made a motion to approve the project with the condition that it only be a 2 family., seconded by Raisbeck. Unanimous. Raisbeck made a motion to approve the special permits under sub-sections 195-111 D. (5), 195-116 B, seconded by Parlee, unanimous. 7-0

Continued Public Hearings:

[Request to continue to 6/23/2021](#)

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.

From 5-12-2021

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

<https://www.chelmsfordma.gov/DocumentCenter/View/12505/44-central-sq-reconsideration->

New business

Discussion / Schedule Worksession (ongoing?)

1. Itemized list of Topics

Old Business

Next meetings:

June 23, 2021

July 14, 2021

Raisbeck made a motion to adjourn, seconded by Parlee, Unanimous.