



**Chelmsford Planning Board**  
Town of Chelmsford  
50 Billerica Road  
Chelmsford, MA 01824

Town Clerk Stamp



**MEETING MINUTES**

**June 28, 2023**

*(Approved August 9, 2023)*

**TIME:** 7:00 p.m.

**LOCATION:** Town Offices

**ROOM:** 204

**Members Present:**

Deirdre Connolly, Chair  
Michael Walsh, Vice Chair  
Michael Raisbeck, Clerk  
Paul McDougall, Jr.  
Annita Tanini  
John Sousa, Jr.  
Chris Lavallee

**Others Present:**

Evan Belansky, Community Development Director

Chair Connolly called the public meeting to order at approximately 7:00 p.m.

*(On June 26, 2023, Associate Member Lavallee was appointed by the Select Board and voted into office by both the Select Board and Planning Board, to fill the vacancy resulting from Tim Shanahan's resignation. The Select Board is scheduled to appoint a new Associate Member on July 10, 2023.)*

**PUBLIC INPUT:** None

**DISCUSSION:** Policies & Procedures Subcommittee updates, continued document review, and potential vote

Chair Connolly stated that the Board will not be voting on a document this evening. She would like to have a final draft to submit to Town Counsel for review and comment, then post the final document on a future meeting agenda for public comment before voting to adopt the final Policies and Procedures. The other Board members agreed.

Chair Connolly gave edit suggestions for the draft Policies and Procedures document, and the Board also reviewed Mr. Belansky's edit suggestions.

Additionally, the Chair got feedback from Town Counsel regarding subcommittee meetings. Mr. Havery stated that even if the subcommittee is comprised of only two members, they should draft and post meeting minutes. However, the Policies and Procedures Subcommittee members

have been piece-mealing the document over email without having actual meetings/discussions. Rather, the Board is posting the drafts of the document and discussing/editing during public meeting.

Town Counsel also advised that the Board keep all votes to seven (7) people each time.

Regarding associate members, Town Counsel advised the Chair that the associate member should be included in all discussions during the public hearing process even if they cannot vote on that particular public hearing. However, they do not participate in the final Board deliberation prior to a vote, unless they are voting in place of another voting member who cannot vote (due to recusing themselves or having been absent of prior hearings and does not qualify to vote under a Mullin Affidavit). Furthermore, associate members can only vote on administrative matters if another voting member is absent. The Board can only vote with seven members on any issue, to have an odd number of votes for a majority vote. Therefore, associate members only vote during times where a seventh member is needed to comprise a quorum or super majority vote.

There was disagreement between Board members regarding whether Associate Members should be voting on all matters. Chair Connolly asked for a vote from the Board to confirm whether they continue their long-standing policy of only having associate members vote on matters when a seventh voting member is needed (only when another member is absent) to keep the Board's votes for a total of seven at all times. Member Lavallee disagreed with this policy insisting that it alienates associate members particularly with administrative matters, policies, and other Board business. He does not believe a tied vote of 4:4 matters, because a tied vote defeats a motion.

**VOTE: 4:3, motion passes to maintain the existing policy of seven (7) voting members at all times.**

Members McDougall, Walsh, Connolly and Raisbeck voted to maintain the policy of having a maximum of 7 members voting at any time. Members Sousa, Tanini, and Lavallee opposed; they voted to change the policy to include the associate member's vote at all times.

Procedures for agenda: On Thursday of the week before a public meeting, the draft agenda will be distributed to the Chair who will comment by noon on Fridays. On Fridays, the final agenda will be distributed to all members. Materials/revisions that are submitted after the agenda is posted and are substantial in nature will be postponed until the following meeting. The Board has the discretion to continue the public hearing for purposes of having more time to review any materials an applicant/representative submits during a public hearing.

The Board's Clerk will keep a running list of all the concerns and/or special conditions pertaining to a special permit and/or site plan.

Member Lavallee will collate the revisions, distribute a revised document via email to all members, members will reply to Lavallee with further edits but no group discussion. Once Lavallee makes the final edits, he will redistribute the final draft.

## ADMINISTRATIVE REVIEW:

### 1. **1-3 Doris Drive** – Form G Lot release

Attorney Jonathan Gold, from Newton, (via Zoom) represents a purchaser for 1-3 Doris Drive and 249-251 Groton Road, which are abutting properties. These properties resulted from a 1988 subdivision plan. These properties combined are the former Lot 1 on the approved plan, which required a Covenant. The Covenant was created for the purpose of creating an industrial parcel at the very end of Doris Drive cul-de-sac. The roadway improvements were made as intended but the lots were never released.

Lot 1 was further subdivided via an ANR in October 2022, creating Lot A and Lot B. Lot A is 1-3 Doris Drive (existing). Lot B is 249-251 Groton Road (buildable lot). The request is to release Lot 1 to satisfy the construction lender for his client.

**Motion:** by Raisbeck to APPROVE the Form G Lot Release for Lot 1, as requested.  
Seconded by Walsh. **Motion carries, unanimously, 7-0.**

### 2. **3 Meeting House Road** – CEIOD applicability

Katie Enright, from Howard Stein Hudson, representing J&C Management. They are requesting CEIOD applicability to convert an existing commercial/office building into a mixed-use. They propose to maintain the commercial use (office condominiums) on the first floor and convert the existing eight (8) underutilized office condominiums into residential condominiums. There will be four larger units at the ends of the building comprising of two-bedrooms, and 4 smaller units in the middle of the building comprising of one-bedroom units. The sewer capacity has already been taken into consideration. They are able to reduce the existing parking significantly to accommodate the residential requirements. The removal of the parking lot furthest in the back of the existing layout will result in creation of a park/greenspace.

This CEIOD application is a by-right because none of the existing dimensional requirements will change. The applicant is also speaking with the Housing Authority to address affordable housing; two of the units would need to be affordable.

Discussion:

Raisbeck: asked for confirmation of existing commercial space.

Lavallee: Asked applicant to consider having the affordable housing units be two-bedrooms.

Tanini: Does not agree with conversion of medical office space to residential due to large tax burden on the Town residents (may create \$300,000 tax shortage), and does not believe Chelmsford needs more housing units.

Sousa: Concerned that if this building converts into mixed-use with residential, the other buildings on Meeting House Road will also be converted in the future.

McDougall: No concerns/questions

Walsh: No concerns/questions

Connolly: Believes this is an appropriate proposal due to its proximity to walkability and proximity to Town Center, bus route, shops and restaurants. Curious if this area can be included in the

MBTA housing requirement calculation. Asked if applicant has plans to convert the first floor to restaurants or other residential services. Ms. Enright responded that there are no new plans for the first floor at this time.

**Motion:** by Raisbeck to GRANT CEIOD Applicability to 3 Meeting House Road.  
Seconded by McDougall. **Motion carries, 5-2.** (Tanini and Sousa opposed)

3. **Off Turnpike Road (a/k/a #200):** Review and ratify decision document

Chair Connolly stated that Town Counsel confirmed that having draft documents emailed to the Board members and having each person send edits/comments and having those comments collated into revised drafts does not constitute a violation of the Open Meeting Laws. Therefore, the Board can share comments with Mr. Belansky from now on prior to the public meeting to finalize decision documents

Board members shared their final edits for the final decision document.

**Motion:** by Raisbeck to RATIFY/APPROVE the denial decision document for Off Turnpike Road, as edited. Seconded by Lavallee. **Motion carries, unanimously, 7-0.**

4. **11 School Street:** Review and ratify decision document

No edits were made to the draft approval decision document.

**Motion:** by Raisbeck to RATIFY/APPROVE the decision document for 11 School Street.  
Seconded by McDougall. **Motion carries, unanimously, 7-0.**

**PUBLIC HEARINGS:** None

**NEW BUSINESS / DISCUSSIONS:** Liaison updates

Connolly – Housing Advisory Board: Is working toward new housing plan recommendations. Connolly proposed that the Planning Board would like their input within the MBTA housing work (and PB should probably engage the Planning Board, Select Board and Conservation Commission). HAB is also looking into accessory dwelling units as a means to address the current 10-year senior housing waitlist. They are looking into possible bylaw changes to the current in-law apartment (LAA) regulations. McDougall and Belansky stated that this effort may be fast-tracked at the state level to implement a new state-wide in-law apartment zoning law.

Sousa – Boarding of Appeals: One of the members compiled a comparison packet of in-law apartments within surrounding towns. They will be reviewing the packet and discussing this topic further.

No other updates were made.

**MEETING MINUTES TO APPROVE:** March 9, 2022, April 26, 2023, May 10, 2023, and May 24, 2023.

**Motion:** by Raisbeck to APPROVE the meeting minutes for March 9, 2022.  
Seconded by Walsh. **Motion carries, 3-0.** (Raisbeck, Connolly, Walsh voted)

**Motion:** by Raisbeck to APPROVE the meeting minutes for April 26, May 10, and May 24 of 2023. Seconded by Raisbeck. **Motion carries, 7-0.**  
(McDougall, Sousa, Tanini, Walsh, Connolly, Raisbeck, and Lavallee voted.)

**NEXT MEETING DATE(S):** July 12, 2023 and August 9, 2023

**ADJOURN**

**Motion:** by McDougall to ADJOURN at approximately 8:30 p.m.  
**Motion carries, 7-0.**

*Meeting minutes respectfully submitted by Becky DaSilva-Conde, Departmental Assistant, Community Development Office.*