



Chelmsford Planning Board

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Clerk Stamp



MEETING MINUTES **July 27, 2022**

TIME: 7:00 p.m.

LOCATION: Town Offices, 50 Billerica Road

ROOM: 204

Members Present: Michael Raisbeck, Chair
Michael Walsh
Deirdre Connolly, Vice Chair
Paul McDougall
Nancy Araway, Clerk
Annita Tanini

Members Not Present: Tim Shanahan
Erica Clifford (Alternate member)

Others Present: Evan Belansky, Community Development Director
Atty. Paul Haverty, Town Counsel

Chairman Raisbeck called the meeting to order at 7:00 p.m.

PUBLIC INPUT

Brian Latina, 9th Precinct Town Meeting Representative – Formally requested that the Board specify what misstatements he and Mr. Thoren made in reference zoning, overlay district, warehousing, and potential town tax implications regarding a proposed development, as referenced by the Community Development Director later on in that meeting of June 22nd. He would like the Board to specifically list the mistakes spoken and formally correct the information.

In addition, he requested the Board address the Director's comment that none of the public's questions or requests for information from a developer need to be formally address unless directed by the Board itself. Mr. Latina asked that the Board begin directing the developers/applicants of proposed projects to do so in the future to represent the Town's people's concerns and questions.

Ms. Tanini requested the Chair add a discussion on tax implications to their work session agenda.

NEW BUSINESS

None

ADMINISTRATIVE REVIEW

1) Hillside Lane Extension – Form G – Lot Release

Request to release Lot 3D from Hillside Lane Extension subdivision plan

The subdivision was built approximately 20+ years ago. This residential lot is being resold and it was discovered from the title search that this lot was not properly released years ago.

Motion: by Ms. Tanini to RELEASE Lot 3D of Hillside Lane subdivision.
Seconded by Mr. Walsh. **Motion carries, unanimously, 6-0.**

2) 4 Steeple Drive – Form G – Lot Release

Request to release Lot 2C from the Steeple Drive subdivision plan

This subdivision was also built approximately 20 years ago. This residential lot is being resold and it was discovered from the title search that this lot was not properly released years ago.

Motion: by Ms. Tanini to RELEASE Lot 2C of Steeple Drive subdivision.
Seconded by Mr. Walsh. **Motion carries, unanimously, 6-0.**

3) ANR # 677 – Summer Street parcel / 27 & 31 Billerica Road – request for endorsement

Request to divide Summer Street town parcel (Map 84, Block 334, Lot 3) recently purchased by The Dave Flores Memorial Partnership into two parcels: Parcel E to be added to 27 Billerica Road; and Parcel MJ be added to 31 Billerica Road.

Mary Clevon of 31 Billerica Road presented. She and her deceased neighbor's father, as The Dave Flores Memorial Partnership, recently purchased the town parcel on Summer Street. The Summer Street parcel is not a buildable lot and dividing it will not create buildable lots either. It is mainly wetland. Dividing this parcel between the two residential abutting lots will allow the homeowners to maintain the land.

Motion: by Mr. Walsh to ENDORSE ANR #677 for Summer Street parcel / 27 & 31 Billerica Road, with no determination to zoning. Seconded by Ms. Araway.
Motion carries, unanimously, 6-0.

ADMINISTRATIVE REVIEW -- CONTINUED

None

PUBLIC HEARING(S) - NEW

255 Princeton Street / UMass West– Maple Multi-Family Land SE LP – for the construction of a 394-unit multi-family development with integrated surface parking, loading facilities and on-site infrastructure improvements. The site is located in the RB zoning district and is shown as Parcel ID Map 20, Block 74, Lot 1 and consists of approximately 34 acres. The applicant requests Site Plan Review, under Section

195-104, per Article XV, “UMass West Multi-Family Housing Overlay District” and any other permit relief as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project.

Mr. Belansky informed the Board that the town peer reviewer from BETA Group in joining on Zoom, as well as the Anthony Reppucci, Town Engineer. The proponent is present to give an overview presentation tonight. There is one hour allocated for this public hearing tonight. Therefore, it will likely need be continued.

Ms. Araway read the departmental comment letters from Fire Prevention Office, DPW/Town Engineer, Chelmsford Police Department, and North Chelmsford Water Department into the record. Board of Health had no comments. BETA Group submitted a stormwater peer review for the Board.

Two letters from residents were also read into the record: 1) Claude Royal of 22 Augusta Way submitted a letter in opposition, and 2) Lawrence & Florence Baturin of 17 St. Andrews Way submitted a letter in favor of the proposal.

Mark Baranski of (consultant) represented the applicant and gave an overview presentation of the proposed project. Since Town Meeting, the proposed “UMass West Multi-Family Housing Overlay District” has been approved by the Attorney General’s Office and formally adopted by the Town. The state has issued the hydro-geo certificate for the project site, the approval of the proposed wastewater treatment plant for the site. Prior to usage, a groundwater discharge permit from the state will be required.

The consulting team will be addressing all of the departmental comments accordingly and relatively soon.

The original landscaping and fencing plans have been amended to address input they received in prior meetings.

Once of the major revisions, to comply with the Fire Department’s requests that at least one of the three-story buildings have an elevator built in. It did not make sense to keep this building at only three-stories from a planning perspective. Therefore, they revised Building 3 from 3-stories into 4-stories. The building now has an additional three units (from 48 to 51), and a minimized footprint to accommodate the additional story. To do so they removed three units from another building in order to maintain the total number of units at 394.

To make the development greener/energy-efficient the apartment buildings will all be electric. The townhouses will not. There will be gas service to heat the townhouses, pools, and fire pits and grills. There will also be electric car charging stations onsite, and the building’s roofs will be solar-ready. The intention is to install solar panels for electric power.

Phil Paradis, the Board’s peer reviewer from BETA Group, Inc., gave an overview of some of his recommendations that have been forwarded to the applicant/engineers.

Mr. Baranski also informed the Board that they have recently submitted a Notice of Intent application packet to the Chelmsford Conservation Commission.

Board Discussion:

Regarding the resident letter with sewer concerns: The applicant signed an agreement with the Town that prohibits them from connecting into Town sewer at any time in the future. Therefore, the developer will have their own wastewater treatment plan onsite.

The development cannot install sidewalks along their property on Princeton Street due to the “no disturbance” wetland zone but the local bylaw.

Ms. Araway asked for a detailed landscaping plan with plant species for her review prior to the next Board meeting. She would like to see a plan that locates where each planting will be in addition to the overall listing of plants. In addition, the current lighting plan is not clearly labeled. Perhaps having a separate lighting plan with light intensity details, as well.

Public Comment:

Bill (*last name was not audible*) of 15 Muirfield Way – Concerned with aesthetics from the abutting neighborhood viewpoint, along Augusta Way and Princeton Street. The area is not well groomed on the Chelmsford area, it is very overgrown and has an old chain-link fence. He would like the Board to have the developer clean up the vegetation, and clean up the water in the wetlands, and put in a maintenance and enforcement rights into the future. The roadway and Augusta Way the 6-foot PVC fencing may be distracting to the adjoining neighborhood. He believes that area should not be fenced but rather professionally landscaped as the neighboring property is currently maintained.

Resident of The Village at Meadowood – She has worked diligently with this developer/engineers to get the aforementioned fence planned for this project. The purpose of the green PVC fence is to keep from trespassers from entering into Meadowood. There is currently a fence along the Augusta Way portion of the neighborhood that has been purchased and maintained by Meadowood to cover up the current barbed wire state-installed fencing on the vacant property, which is camouflaged, and no one has ever really realized it has been there for some time now.

Brian Latina, 15 Jessie Way, 9th Precinct Town Meeting Representative – Would like the Board to ensure that all of the new sidewalks be AD- compliant and generous at that with widths and pitches, not just the minimum required because the minimums are still challenging for wheelchair users. The Town now has a new Disabilities Commissioner, Frankie Radgowski, who can be contacted for input.

Edward Duffin of 270 Princeton Street – Had wetland concerns which will be reviewed and addressed by the Conservation Commission. Speed safety concerns daily along Princeton Street. Speeding and racing at 50-70 mph are a regular occurrence. The cut-through traffic along the side streets are also a major issue. He stated the traffic issue is a disaster on a daily basis and needs to be properly addressed. He has resided there for 31 years, and it keeps getting worse. His concern is that there will be many T-bone accidents occurring at the entrance of this property.

Brad Friedlander of 33 St. Andrews Way – Asked if anyone has looked into the site view and potential solar glare/reflection impacts of the proposed solar panels.

Michael Fulton of 8 Muirfield Way – Agrees with the nightly traffic speeding and racing along Princeton Street. In addition, there is a blind spot along the curve before the site entrance. It is a state road but if possible, having a speed monitor, or other traffic calming measures, be placed along the road would be very useful in helping to slow traffic down.

Motion: by Mr. Walsh to continue this Public Hearing to August 10th.
Seconded by Mr. McDougall. **Motion carries, unanimously, 6-0.**

PUBLIC HEARING(S) -- CONTINUED

None

NEW BUSINESS / DISCUSSION

Citizen Petition: Zoning Article Presentation by Christopher Lavallee of 10 Edgewood Street, Precinct 10
Town Meeting Representative

Member Tanini stated for the record that she signed and submitted a “Disclosure of Appearance of Conflict of Interest” form with the Town Clerk regarding that Mr. Lavallee is married to her sister.

Mr. Lavallee presented his slide show which was web-linked to tonight’s agenda for viewing. His proposed definition changes are based on the Town of Acton’s model. His presentation proposes three new warrant articles:

- Proposed Warrant Article 1 replaces the current “warehouse” definition
- Proposed Warrant Article 2 defines and adds “distribution center”
- Proposed Warrant Article 3 prohibits distribution centers from all zoning districts

Atty. Haverty clarified that it is legal to prohibit this type of business use. The prohibited use would take effect as on the first day of public notice of a public hearing for any proposed zoning changes. Any proposed project that is currently under the permitting process would not be prohibited from that use, because they had applying for a special permit or building/occupancy permits prior to the public notice of proposed zoning amendments. A zoning freeze of eight (8) years is applied to all permits granted and recorded (including all preliminary subdivision plans that are followed by a definitive subdivision plan within nine months). The freeze applies to all dimensional and zoning requirements that existed prior to the zoning changes. There is a three (3) year freeze on all approved ANRs (Approval Not Required plans). The effective date of any adoption or amendment to the zoning bylaws is the date of acceptance at Town Meeting.

This is a citizen petition for a warrant article. The purpose of tonight’s presentation is to inform the Board of the proposed changes, give the Board a chance to fully comprehend the petition, ask Town Counsel questions for clarification of legal implications, and if needed ask the petitioner to revise the proposal. If the petitioner agrees, it becomes a partnership moving forward to Town Meeting. However, the petitioner has the right to present to Town Meeting without the Board’s approval or input.

Atty. Haverty did suggest that the Planning Board and/or petitioner take some time to think through and tighten up the definitions in order to include wanted used and specifically exclude uses that are not wanted in Town. He presumes that the proponent wants the Board’s support on these warrant articles before going to Town Meeting.

Mr. Belansky suggested thinking through different scenarios that the Board and the citizens may want to eliminate versus business uses to maintain in Town (for example, e-commerce use versus bio-pharma distribution centers, or business-to-business distribution centers).

Mr. Lavallee is open to making minor adjustments and further clarify definitions. However, he is not in favor of allowing the use, with added restrictions. He believes it is important to limit the use overall.

Ms. Araway suggested editing the definitions as follows:

1. For the first article, under warehouse definition, remove “a personal self-storage facility or mini-warehouse.” Reason being there already exists a definition for “self-storage units” in the zoning bylaw. Keeping it as proposed is unnecessary and is confusing as to whether the article is permitting or prohibiting this use.
2. For the second article, create three definitions: “distribution center – small” buildings under 25,000 sq. ft., “distribution center – medium” buildings 25,000-75,000 sq.ft., and “distribution center – large” at 75,000+ sq. ft.
3. For the third article, add four lines: Distribution center – small, distribution center – medium, distribution center – large, and transport center. Transport center is only allowed in IS-district. Distribution center – small permitted in IA and districts, and distribution center – medium permitted in IA districts. CC districts are shopping centers / strip malls. This way businesses such as Wal-Mart and Stop-n-Shop are defined and permitted. This suggestion clarifies matters for the Board and for the Zoning Enforcement Officer.

Mr. Lavallee is comfortable with these suggestions as long as these three categories are only permitted by special permit to allow for traffic impacts. Currently over 20,000 sq. ft. the applicants require a Major Business Complex Special Permit.

The petitioner/proponent can revise his current proposal if he accepts the suggestions. Once formally submitted to the Community Development Director, Evan Belansky, it will be filled with the Town Clerk’s office on August 1st. Mr. Belansky will submit the legal notice to the newspaper for August 10th & 17th, and the public hearing will be held on August 24th. This Board will vote to endorse, or not, after the public hearing is complete.

- NEXT MEETING DATE(S):**
- August 10 – Public Hearing – Room 204
 - August 24 – work session with NMCOG & Town Counsel – Room 205/Zoom
 - NMCOG district maps
 - Clarifications on zoning terminology with Town Counsel
 - How Board members can/should express concerns to applicants to avoid appeals
 - Misc.
 - September 14 – Public Hearing – TBD

ADJOURN

Motion: by Ms. Araway to adjourn the meeting at approximately 9:48 p.m.
Seconded by Mr. McDougall. **Motion carries, unanimous 6-0.**

Meeting minutes respectfully submitted by Becky DaSilva-Conde, Departmental Assistant.