



Chelmsford Planning Board

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824

Town Clerk Stamp



MEETING MINUTES **August 10, 2022**

TIME: 7:00 p.m.

LOCATION: Town Offices, 50 Billerica Road

ROOM: 204

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

Members Present via Zoom: Tim Shanahan
Annita Tanini
Erica Clifford (Alternate member)

Others Present: Evan Belansky, Community Development Director

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

PUBLIC INPUT

No one from the audience, nor Zoom, spoke.

NEW BUSINESS

None

ADMINISTRATIVE REVIEW

1) 314 Dunstable Road – Form G – request for confirmatory lot release

Mr. Belansky summarized that there is still a punch list of remaining work to complete. This is the release for one lot. Another lot remains on hold until all work is complete.

Attorney Beth Ahern from Eliopoulos & Eliopoulos, P.C. representing the applicant, Groton Ledge, LLC. Last month they requested lot releases on four of the six lots on Nabnasset Drive for Lots 1, 2, 3 and 5. That was approved and recorded. However, at the time they were unaware of the sequencing of septic installations and closings. Now they realize that they actually needed Lot 4 released instead of

lot 5. Therefore, they are asking for a Confirmatory Release on Lots 1, 2, 3, and 4 but not release Lots 5 and 6. The remaining two lots will serve at the performance guarantee.

Motion: by Ms. Araway to release Lots 1, 2, 3, and 4 at 314 Dunstable, and hold the release of Lot 5. **Seconded by** Mr. Walsh. **Motion carries, unanimously, 7-0.**

2) ANR # 678 – 270 Billerica Road– request for applicability and endorsement of plan

Request to create two conforming lots utilizing existing frontage. Parcel ID: Map 87, Block 291, Lot 1.

Attorney Douglas Deschenes, from Finneran & Nicholson, P.C., representing the applicant’s request. He believes that plan meets all of the Town’s rules and regulations. By doing so, the ANR guarantees grandfathering of the property for three years should the zoning bylaw change at the upcoming Fall Town Meeting.

Motion: by Ms. Araway to ENDORSE ANR #678 for 270 Billerica Road with no determination of zoning. **Seconded by** Mr. Shanahan. **Motion carries, unanimously, 7-0.**

CONTINUED ADMINISTRATIVE REVIEW

None

PUBLIC INPUT

Brian Latina, 15 Jessie Road, 9th Precinct Town Meeting Representative – Received an email from the Board correcting some of his statements at the last meeting regarding tax benefits. Mr. Latina elaborated and clarified on previous comments and information from the Assessor’s Office. He concluded that a warehouse will produce less tax revenue for the Town as he previously stated.

Mr. Latina added that it is the responsibility of applicants/developers to complete their application packet and state their project’s the benefit to the Town. The Board should not have to do its own research. The onus falls on the applicant. Therefore, the Board should hold the applicant to that and only open hearing on fully complete applications.

Mr. Latina was also very concerned about the way Town Counsel, at a recent meeting, indicated how developers can go about getting their projects permitted/grandfathered prior to changes in zoning laws. He believes that this undermines the residents’ intentions to protect their neighborhoods.

CONTINUED PUBLIC HEARINGS

1) 150-152 Dalton Road – Luke Fougere – for the construction of a 40 ft. x 60 ft. detached garage that exceeds 900 sq. ft and requires a special permit per Section 195-11. The site is located in the RB Zoning District and consists of approximately 1.16 acres (Parcel ID: Map 51, Block 131, Lot 82).

Chair Raisbeck stated that a new detailed packet was just submitted to the Board today, which looks very useful but the Board has not had sufficient time for review. The Chair suggested that the

Board continue this hearing in order to give the Members due time to review the packet accordingly.

Attorney Pam Brown, representing the applicant, requested that she walk the Board through the materials to summarize but also show some graphics to assist the Board in their review of the new information packet.

Mr. Belansky updated the Board stating that the Building Commissioner is reviewing both the applicant's attorney's information packet and the opposing abutter's attorney's packet, while also consulting with Town Counsel on this matter.

Applicant Luke Fougere stated for the record that his intention is not to grow his business, rather he has been downsizing it and wants to continue with it as it is now.

Chair Raisbeck discussed that perhaps if an approval decision is granted, that special conditions may be placed on the Decision that would limit business expansion (i.e. limiting number of employees).

Public Comment:

Opposing Attorney Henry Dayne, representing Larry Thatcher of 77 Linwood Street, stated that what he is looking for is a permanent restriction/limitation on the future commercial use of this property versus what the current activity is now. He suggested a Special Permit with special conditions, or a restrictive covenant that runs with the land for future restriction. His client's concern is not what the current owner/applicant is doing now, but long-term zoning restrictions on the commercial use and/or expansion of use within this residentially zoned neighborhood.

Member Araway stated that historically this property was used as non-exempt agricultural use which is permitted in our residential zones. However, the current use is not, it is a contractor yard. This might be looked at as a home-occupation versus commercial use as a flower shop. However, a home occupation has many limitations including how many employees it can or cannot have, and what types of vehicles are allowed. The current use does not fit the "home occupation" definition. Unless Mr. Fougere has a "Use Variance" which are not actually authorized in Town, Ms. Araway does not believe that the current use is allowable therefore the Board cannot grant an approval for a structure for a use that is not allowed. Ms. Araway is curious to see what the Zoning Enforcement Officer/Building Commissioner, Jose Negron, determination will be in his letter that is forthcoming.

Jack Luskin, 34 Stedman Street – His main concern is the potential for increased truck traffic if current operations on this property increase. Recently there was an 18-wheeler truck blocking his property trying to back up into the applicant's driveway.

Brian Latina, 15 Jessie Way, 9th Precinct Town Meeting Representative – For safety purposes (OSHA, flammable products, mechanical hazards, neighborhood safety, etc.) zoning needs to be maintained. A resident recently passed away in a fire on Stearns Street, who had a contractor yard for spray painting. Residential areas are such because they do not have the same requirements as light industrial zoning (IA). Mr. Latina feels that the Board should uphold the residential zoning once a property is identified as being mixed use.

Motion: by Ms. Araway to continue this Public Hearing to September 14th.
Seconded by Ms. Connolly. **Motion carries, unanimously, 7-0.**

- 1) **270 Billerica Road – DH Property Holdings** – for demolition of the existing structure and construction of an 85,000 square feet industrial warehouse building with integrated surface parking, loading facilities and on-site infrastructure improvements. The site is located in the IA zoning district and is shown as parcel Id Map 87, Block 291, Lot 1 and consists of approximately 6.99 acres. The applicant requests special permits per Article XI, Major Business Complex, Article XIV, Aquifer Protection, and Site Plan Review per section 195-104 and any other permit relief as may be required under the Chelmsford Zoning Bylaw to allow the proposed use/project.

Attorney Douglas Deschenes, from Finneran & Nicholson, P.C., was present to represent the applicant, along with engineers Kasey Ferreira, Katie Enright, and Kerry Pike from Howard Stein Hudson.

Michael Bennet, Vice President and Head of Development at DH Property Holdings, displayed a rendering of the proposed building with the revisions made to address the Board's concerns: the screen wall, the varied colors and tones versus the original brick façade to make the building more visibly pleasing and similar to other buildings in the neighborhood. The front façade panels will be built to be removed to customize where the future tenant want's their office space within the building. The building is being designed to repurpose it to a variety of potential tenants.

They have been working on all of Boards questions since the last hearing in June. One of the main questions was whether the applicant would be able to move the loading docks to the back of the building. However, given the size of the site, fire safety access and parking requirements, this is not possible.

The landscaping plan has been updated to make the loading docks less visible from Billerica Road, by providing a vertical buffer using an arborvitaes-lined berm. A 24-foot screening wall is also provided off the building to hide the loading docks as well. The architectural plan of the building has also been revised to make the building look less like a warehouse and blend in more with the character of the neighborhood.

Ms. Araway asked that the landscaping plant schedule table be revised to include indicate the mature diameter and height of the plant species. She suggested that the outgoing traffic be restricted to left turn only, to restrict outgoing traffic from driving through the Town center.

Shaun Kelly from Vanasse Associates conducted the Town's peer review of the traffic report. All of his comments and concerns have been addressed. Members expressed concern with the number of potential trucks and which routes the drivers will take during major traffic times and/or accidents in the area. Mr. Kelly does not see this use producing a significant increase in traffic to the area. Overall, they are projecting 24 trucks driving in and out over a 24-hour period; 48 total trips. Atty. Deschenes emphasized that his client is willing to restrict the flow of traffic to left turns only and their traffic study was very conservative using worst-case scenario statistics to prove that their proposal will not have a detrimental effect to the neighborhood traffic. Therefore, he will not agree to further

study or expand neighborhood traffic studies because they are not specifically related to his client's proposal, but rather an ongoing traffic concern within the Town.

Kasey Ferreira gave an overview of the civil engineering updates since the last meeting. The parking plan has been designed with stormwater management protocols. The loading docks have been updated with one drive-in bay and 15 loading docks. The majority of the changes was to the landscaping plan where the berm and screening was added. The last set of peer review comments were received, and all items will be addressed accordingly. Most comments were conservation related (erosion controls, etc.).

Phil Paradis of BETA Group conducted the peer review for stormwater management. Most of the comments submitted with administrative items that should not impede the project in any way. Three unique suggestions to the project that Mr. Paradis is hoping that the applicant will include on the plans are: 1) consideration of a guard rail on the north side of the property, 2) applicant should delineate the existing drain line that allows drainage from the adjacent property through an easement onsite, 3) although this is a redevelopment project, Mr. Paradis is asking the applicant to consider increasing the infiltration onsite to the standards of a new development. Overall, applicant is already reducing the amount of impervious surface and increasing recharge surfaces.

Chair Raisbeck stated that the purpose of continuing this public hearing will be to review the traffic report, circulate it to the Traffic Advisory Committee, receive and review the applicant's response to comments in response to the Town's peer reviewer's most recent comments, review the revised landscaping plan, receive revisions to the civil engineering plans based on the peer review, and revisions to the façade to make it less "warehouse" looking.

The majority of the Board members agreed that there is an overall traffic issue in Town and the Rt. 110 & Golden Cove Road intersection is one of the most dangerous. However, if the applicant is willing to agree on the left-turn only exit for the trucks, most of the members felt that they should not require that the applicant expand the traffic study area since their peer reviewer did not state this is of concern. The amount of additional traffic that will be generated from this project is small and does not warrant such a requirement. The members feel that this is a Town issue that needs to be addressed by the Select Board and associated committees and not by an individual applicant.

Public Input:

Brian Latina, 15 Jessie Way, 9th Precinct Town Meeting Representative – Mr. Latina is very concerned about the neighborhood traffic and the potential for contractor truck drivers who do not know the area to create more accidents to this current dangerous area. He has experience with living in this area, working in a warehouse, and dealing with truck drivers. He explained that there are ways to turn off GPS and change GPS driving directions/instructions. His concern when forcing the trucks to turn left upon exiting the property, is that if there is traffic in the area toward Rt. 3, which there often is, GPS will direct them to turn right onto Mill Road and right onto Turnpike Road, which could be far more dangerous given the Mill Road hill and the weight of the loaded trucks. There are "intelligent cameras" that can be used to help manage the amount of trucks onto a roadway. The camera counts and weighs the trucks leaving the site and once it has reached a certain count it sets off an alarm and the loading manager can no longer send trucks out (this is the mechanism in place to manage truck traffic at the asphalt plant in Westford). You can also place

cameras at the exit, and any truck drivers that break the driving restrictions can be identified and fired from the job.

Overall, the drivers need to be kept off of Turnpike Road, truck route signage needs to be in place, but the reality is that the drivers will follow GPS directions. Therefore, you need to be able to turn off the auto-GPS and manipulate it the way needed even during high traffic/accidents. In addition, Rt. 129 is a bugle intersection that is specifically designed not to have traffic navigate in and out of. Therefore, no matter what you do to prevent it, many drivers will prefer routing onto Golden Cove Road.

With regard to financials, Mr. Latina previously expressed concern with regard to the financial implications to the Town of a warehouse vs. office building vs. six-story building.

He reviewed Section 195 applicability of the bylaw, and it lists requirements that the applicant must provide to prove the project's benefits to the Town. This information was not provided by the applicant to the Board. Mr. Latina feels this application was not complete when submitted and that the Board should require this information for its review to ensure the benefits to the Town. The bylaw only allows 20,000 sq. ft. building by-right. The applicant is before the Board for a special permit for a Major Business Complex via a special permit because of the larger building size.

Christopher Lavalley, 10 Edgewood Street, 10th Precinct Town Meeting Representative – Concerned with traffic, particularly the traffic flow at the Alpha Road intersection. Don't the trucks need a wide right turn to turn into the property? If so, is the driveway entrance wide enough to accommodate the truck turning in while there is also a truck waiting at the exit signal to leave the property? Mr. Ferreira stated that they have calculated the driveway to be wide enough, and he can provide documentation to the Board. Mr. Lavalley's second concern was whether or not adding a drive-in loading bay will add to traffic? Won't that give the tenant opportunity to increase the number of smaller vehicles for last-mile deliveries? The traffic peer reviewer, Shaun Kelly, stated that the traffic calculations are based on the square footage of the building and not the number or type of loading bays. The applicant used a very conservative traffic rate based on a 200,000 sq.ft. building and the underlying land use codes. Therefore, Mr. Kelly feels confident with the traffic report. The land use codes have been updated about two years ago, so they do take current warehouse uses into consideration.

Mr. Lavalley remains concerned that permit restrictions/conditions are very hard to enforce with tenants and especially with truck suppliers/contract drivers.

Joel Luna, 10 Carter Drive – Agrees with the left turn only for exiting traffic. Would like to see conditions placed on traffic and ways to enforce these being discussed by the Board at their next working session. Also appreciates the Board's concern for Golden Cove Road traffic. Would like to emphasize that neighbors are impacted when traffic proposed from a project comes through their neighborhood, which is very likely in this case. In general, feels the applicant's traffic counts are reasonable.

Badhri Uppiliappan, Chair of Clean Energy and Sustainability (CES) Committee and 11th Precinct Town Meeting Representative, 5 Jerridge Lane (via Zoom) – Wanted to thank the applicant for considering solar panels when the Board mentioned it. If this project is approved, Mr. Uppiliappan extends the

applicant an invitation to meet with the CES Committee to discuss ways to make their building more energy efficient and sustainable.

As a Town Meeting Representative, Mr. Uppiliappan is concerned with the overall traffic impact. Granted that Golden Cove Road and other areas were not taken into consideration for this particular study. However, if the area in general is not used via the CEIOD as the Town intended, and the underlying IA district continues to be utilized as is the case with this project, one warehouse begets another warehouse. If this building use begins to replicate in the area, then the Town most certainly will have a large traffic issue in the near future. Perhaps the Board and the Town need to revisit the overlay and underlying districts. If the Town has not marketed our CEIOD properly, then perhaps it should be removed and the underlying IA district needs to be revisited and enhanced to prevent this sort of development from occurring.

Frank Smart, 223 Riverneck Road (via Zoom) – Emphasized that the left turn is practical because the road widens into two-lanes whereas the right-hand turn is onto a single lane which may increase traffic backup.

Motion: by Ms. Connolly to continue this Public Hearing to September 14th.
Seconded by Mr. McDougall. **Motion carries, unanimously, 7-0.**

- 2) **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.

Attorney Melissa Robbins is representing the applicant. They received the Board’s peer review comments from BETA Group and are awaiting further comments from them. There are no major concerns with design or standards, all suggestions are agreeable. They are awaiting BETA’s response to their response to comments in the next week or so. Atty. Robbins opened the public hearing with the Conservation Commission last evening and it went well. There was discussion of a Conservation Restriction (CR) and other minor concerns. The hearing will be continued to address these details. An operations and maintenance plan (OMP) as well as an invasives species maintenance plan will be submitted by the applicant and approved by the Conservation Commission, as agreed upon in the redevelopment agreement.

She has also met with the Chelmsford Water District, North Chelmsford Water District, and the City of Lowell’s Water Department and there were no major issues discussed, just minor upgrades that are not of any concern to the overall project.

In response to Board and abutter concerns from the last meeting, they have submitted detailed landscaping and lighting plans. Traffic calming and pedestrian issues were handled within the development agreement. Although they are already in place, she feels it is important to give an overview of those details today as well.

Bob Michaud with MDM gave a traffic update regarding response to comments. The main theme has been pedestrian safety and connectivity. There is already a bus stop at the entrance of this site. The conceptual plan contains some of the new walkways/sidewalks to connect the entrance and bus stop to this new development. One main improvement is a new crosswalk along Princeton Street entrance and existing bus stop. This crossing will have new accessible ramps on both sides of Princeton Street, and will be controlled by what's called a rapid rectangular flashing beacon (RRFB) which is very effective and dynamic with visible signs that are pedestrian activated so that anyone crossing who activates the RRFB will be very visible to oncoming vehicles. There will also be a new sidewalk extension installed up through the Lowell line, which was a missing piece along this roadway that several people have commented on. All of this is subject to MassDOT review and approval. To address the multiple comments on vehicle speed, there will be speed radar feedback signs installed along the roadway in both travel directions on Princeton Street that flash when cars are traveling above speed limits. These have been proven to lower travel speeds by making drivers aware of their speed. Mr. Michaud does not project that there will be an increase in traffic cut-throughs into neighboring streets coming directly from this proposed development. Rather, the residents will likely be traveling directly out of the Princeton Street entrance and drive toward Route 4 to adjoining state roads and the highway system. Atty. Robbins stated that in addition to the installation of these pedestrian and travel safety measures off-site, per the development agreement, the developer will also be contributing \$250,00 toward the Town's traffic improvement plans (TIP) for the entire area, and \$100 per parking space that they are creating onsite, and working with Town staff to conduct any mass work grants that may be necessary for any additional traffic improvements in the area that are over and above this project proposal.

Public Input:

Badhri Uppiliappan, Chair of Clean Energy and Sustainability (CES) Committee and 11th Precinct Town Meeting Representative, 5 Jerridge Lane (via Zoom) – Wanted to thank the developers for being open to the overall benefit of the Town and the neighborhood by providing safety and pedestrian friendly measures and improvements, nature friendly low-maintenance grass and meadows, as well as their openness to consider and discuss all of these and future implementation measures. He also thanked the Board for keeping sustainability in mind when reviewing projects, as they did when asking this developer about solar panels.

The developer is still looking into installing solar panels to make the project greener. The roof is being designed and built to be solar panel ready. They have engaged Select Energy to analyze the project for solar panels. The feedback thus far is that the panels will not create solar glare for the abutters, which was previous concern.

Christopher Lavalley, 10 Edgewood Street, 10th Precinct Town Meeting Representative – Expressed concern about whether or not the abutting residents have been contacted regarding the sidewalk improvements/installations. Mr. Michaud expressed that all of the conceptual plans are pending MassDOT approval, and would not require any easement or taking of private land, rather all the work will be conducted within the existing public right-of-way for the roadway.

Motion: by Ms. Connolly to continue this Public Hearing to September 14th at 6:30 p.m.
Seconded by Mr. McDougall. **Motion carries, unanimously, 7-0.**

NEW PUBLIC HEARINGS

None

NEW BUSINESS/DISCUSSION

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

Mr. Lavallee highlighted the changes he made to the petition. On Article 1, he removed the self-storage facilities, as requested. On Article 2 (slide 7), he divided the general definition of distribution center into three separate definitions based on size, as requested, which still follows the original intent of the proposal. Article 3 (slide 9), he revised the “use regulation schedule” from one line to three detailing that the medium distribution center is permitted within IA district by a special permit, and small distribution centers are permitted IA and CC districts by special permit.

Mr. Belansky explained to the Board that the public hearing for this citizen petition will open on August 24th at 7:00 p.m. followed by the Board’s working session with MNCOG. The Select Board signs the warrant on September 12th. Therefore, if the Board chooses to continue the public hearing, they will need to do so on a special date because the Board does not meet again until September 14th. The Board will have until the Fall Town Meeting date to give its recommendation on the petition.

Mr. Belansky sent emails to all Town Meeting Representatives to give them notification of this upcoming public hearing. In addition, 287 industrially zoned properties were also given legal notice via first class mail.

MEETING MINUTES TO APPROVE: June 22, July 13 and July 27, 2022.

Ms. Tanini had a few minor edits for the minutes: Minutes for June 22nd, page 4, lists the wrong name as Chair Raisbeck. Minutes for July 27th, the correct name for the form Ms. Tanini signed “disclosure of appearance of a conflict of interest.”

Motion: by Mr. McDougall to APPROVE meeting minutes for June 22, 2022 with one minor edit, as discussed. Seconded by Mr. Walsh. **Motion carries, unanimous 7-0.**

Motion: by Mr. McDougall to APPROVE meeting minutes for July 13, 2022. Seconded by Mr. Walsh. **Motion carries, 7-0.**

Motion: by Mr. McDougall to APPROVE meeting minutes for July 27, 2022 with one minor edit, as discussed. Seconded by Mr. Walsh. **Motion carries, 7-0.**

NEW BUSINESS/DISCUSSION (continued)

Ms. Connolly informed everyone that the Select Board is having discussions for short, medium, and long term goals and a plan regarding the sewer moratorium and lack of capacity. The Select Board is also

starting to discuss a “sewer bank” to allocated sewer resources from certain business and land owners to others. Ms. Connolly requested that the Planning Board be represented at these Select Board discussions since it is highly relevant to the Planning Board’s work.

Master Plan Implementation Committee: Planning Board needs to appoint a former member of the Master plan Update Committee needs to the implementation committee. Mr. Belansky is going to email those former committee members to ask who may be interested. Scott Rummell had expressed interest in the past.

Ms. Connolly also expressed interest in having updates on the Glenview condo development regarding abutter concerns. Mr. Belansky stated that the issues have all been resolved. He sent emails to the Board and the project was signed off.

NEXT MEETING DATE(S): Aug 24 -- Public Hearing and Work session – Room 204
Sept 14 – Public Hearing at 6:30 p.m. – McCarthy Auditorium

ADJOURN

Motion: by Mr. McDougall to adjourn the meeting at approximately 9:57 p.m.
Motion carries, unanimous 7-0.

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