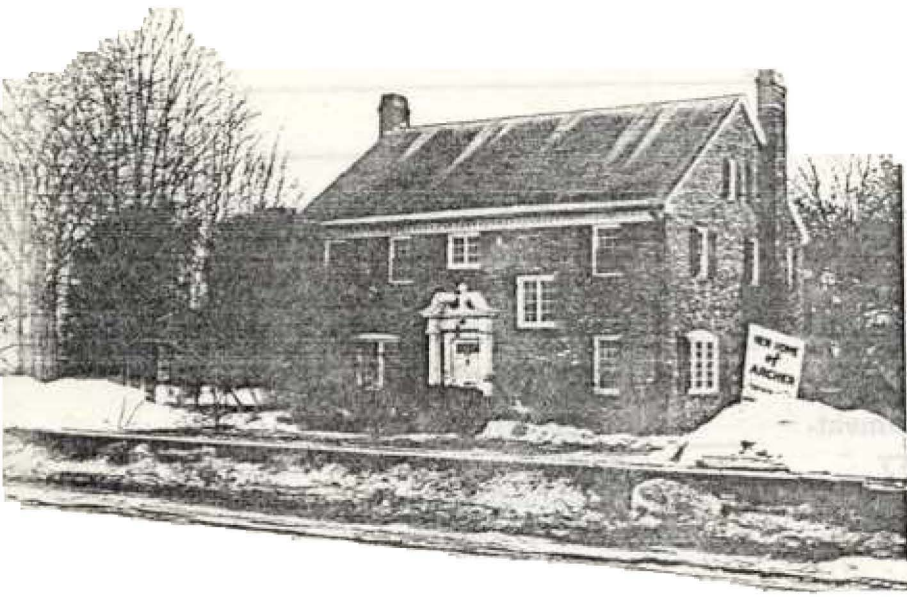


FORM B - BUILDING

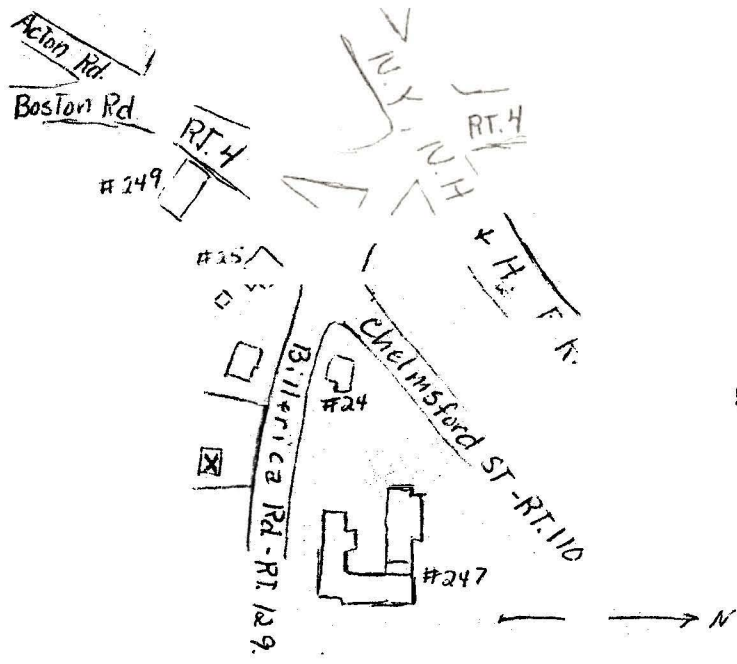
MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, State House, Boston

In Area no. Chelmsford Center	Form no. 248
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own Chelmsford
 address 9 Billerica Road
 name _____
 present use see attached
 present owner Paul F. Archer
 description: _____
 date 1929
 Source real estate valuation records
 style _____

4. Map. Draw sketch of building location in relation to nearest cross streets and other buildings. Indicate north.



DO NOT WRITE IN THIS SPACE
USGS Quadrant _____
MHC Photo no. _____

Architect _____
 Exterior wall fabric brick
 Outbuildings (describe) shed
 Other features _____

Altered _____ Date _____
 Moved no Date _____

5. Lot size:
24,400 sq. ft. x Over one acre
 One acre or less x _____
 Approximate frontage 117 feet
 Approximate distance of building from street
ca 50 feet

6. Recorded by Jane B. Drury
 Organization Chelmsford Hist. Commission
 Date March 24, 1977

(over)

7. Original owner (if known) Eustace B. Fiske

Original use residence - single family

Subsequent uses (if any) and dates 1977 - television store & repair

8. Themes (check as many as applicable)

Aboriginal	<input type="checkbox"/>	Conservation	<input type="checkbox"/>	Recreation
Agricultural	<input type="checkbox"/>	Education	<input type="checkbox"/>	Religion
Architectural	<input type="checkbox"/>	Exploration/ settlement	<input type="checkbox"/>	Science/ invention
The Arts	<input type="checkbox"/>	Industry	<input type="checkbox"/>	Social/ humanitarian
Commerce	<input type="checkbox"/>	Military	<input type="checkbox"/>	Transportation
Communication	<input type="checkbox"/>	Political	<input type="checkbox"/>	
Community development	<input checked="" type="checkbox"/>			

9. Historical significance (include explanation of themes checked above)

This house was built in 1929 as a single family dwelling for Eustace B. Fiske and his first wife, Beatrice Armstrong (daughter of C. George Armstrong, #202 & #209). His father had sold him the land under the restriction that "no building shall be placed or erected thereon excepting one dwelling house designed for one family and to cost not less than \$10,000.00....not to prevent a private garage....." He later moved into the large old house at the corner of Billerica Rd. & Central Sq. (#25, the family homestead) and rented out the brick house until 1963, when he sold it.

10. Bibliography and/or references (such as local histories, deeds, assessor's records, early maps, etc.)

Chelmsford Assessors' records, real estate valuation lists
Middlesex North District Registry of Deeds: Bk.2150, p.126; Bk.786, p.263
Lowell Sun: 3/22/1977

INVENTORY FORM CONTINUATION SHEET

MASSACHUSETTS HISTORICAL COMMISSION
Office of the Secretary, Boston

Community: Chelmsford	Form No: 248
Property Name:	

Indicate each item on inventory form which is being continued below.

1. Present use: unknown

On March 21, 1977 the selectmen ordered the building inspector to rescind the occupancy permit issued by him to the Archer Appliance Co. This company had purchased the house for its television repair service and store, having been incorrectly told that the property was zoned for business. After neighborhood protest against the business, a "stop-work" order against further renovations of the building was issued, and it now has been determined that the house is in a residential area.

3. Description:

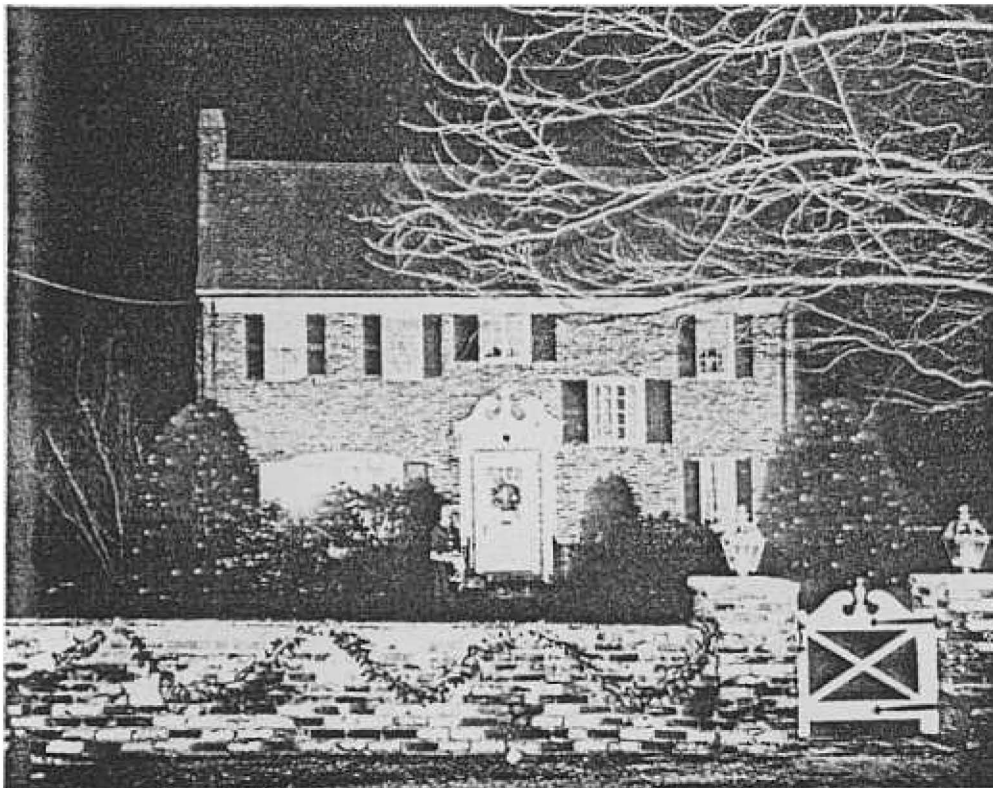
16 13
 91
 32
 36

Chelmsford Assessors' Office
1972

Staple to Inventory form at bottom

9 Billerica Road

Book 2229, pg. 472	1/24/1977	Peter B. Hosmer to Paul F. Archer, Tyngsboro \$67,000 24,400 sq. feet subject - to all restrictions & easements of record
Book 2150, pg. 126	8/22/1974	Thomas B. & Eleanor H. Doran to Peter B. Hosmer \$53,500 24,400 sq. feet subject - to all restrictions & easements of record
Book 1597, pg. 1963	4/24/1963	Eustace B. & Nancy M. Fiske to Thomas B. & Eleanor H. Doran 24,400 sq. feet
Book 956, pg. 265	1/21/1941	Rose E. Macauley, Lowell, to Eustace B. & Nancy M. Fiske land & buildings thereon subject - to restrictions
Book 956, pg. 266	1/21/1941	Eustace B. Fiske to Rose E. Macauley, Lowell land & buildings thereon subject - to restrictions in deed of Frederick A.P. Fiske to Eustace & Beatrice Fiske
Book 848, pg. 347	7/12/1934	Beatrice H. Armstrong to Eustace B. Fiske land & buildings thereon subject - to restrictions in deed of Frederick A.P. Fiske to Eustace & Beatrice Fiske
Book 786, pg. 263	7/29/1929	Frederick A.P. Fiske, Somerville, to Eustace B. & Beatrice A. Fiske land & buildings thereon restriction - no building to be erected except 1 family dwelling, not to cost less than \$10,000.



Home of Mr. and Mrs. Eustace Fiske of 9 Billerica St., Center section.

Chelmsford Newsweekly
Wednesday, Dec. 23, 1953

Mistake puts business in residential zone

CHELMSFORD — After buying a Billerica Road building with the official assurance that it was zoned for a business operation, the family-owned Archer Appliance Co. has found that it was a mistake.

The building is located on the border between a business and a residential zone, and a new survey initiated after the protest of neighbors has revealed that it is, in fact, on the wrong side of the border to house the relocated store.

The company bought the former home after Building Inspector Peter J. McHugh Jr. judged that it was in a residential-commercial district, based on a 1973 determination. The town's zoning map is unclear on the status of the parcel of land.

The selectmen last night ordered the building inspector to revoke the occupancy permit he issued to the appliance company. The town may go to court to resolve the issue, although Chairman Paul Hart said he hoped it could be corrected without such action.

A "STOP-WORK" order against further renovations of the building was issued one week ago, while the board awaited a survey from Town

Engineer Paul Bienvenu.

A member of the Archer family told the selectmen that he had checked with the owner, the planning board and the appeals board, and had been told in each case that the inspector's decision was final. He then bought the property.

"I went along with the town laws to the letter," he said angrily. "Where does that leave me now? This business supports three families."

Selectman Arnold Lovering assured him that the "matter would not be closed" before the board takes a look at the way in which the error was made.

Specifically, he said there was "a concern about the performance of the building inspector."

Appliance firm will stay open

CHELMSFORD — Archer's Appliance Co. has opted to remain open at 9 Billerica Rd. and seek resolution of the town's contention that closer study of the zoning map revealed that his new location is improperly in a residential zone.

Representing owner Paul Archer, attorney Howard Hall has advised the Chelmsford businessman that he should remain open until another surveyor can review the issue. The town's surveyor ruled that the building Archer is renovating into a store, on the borderline between a residential and business zone, is on the wrong side.

Hall believes there is "sufficient doubt" of the town's findings to warrant another study. Building Inspector Peter McHugh reportedly advised the businessman that the site was zoned for business before he relocated the appliance store. A group of residents successfully challenged the opinion.

THE ATTORNEY also has filed a petition for a variance for his client with the board of appeals, in the event that a second survey reveals the first was correct.

Hall argues that the building inspector's recent directive to Archer ordering him to shut down the business would put the businessman "totally and permanently out of business."

Appeals Board Turns Down Archer Request

The Board of Appeals reached a decision in the Archer case Thursday, May 26th, and then went on to hear eight applications and grant eight variances or special permits. Chairman Marshall Arkin

left the meeting after the Archer decision was reached and Vice Chairman Robert Kydd took over the chair. Others present and voting were Carolyn Bennett, S. Robert Monaco, Daniel Burke and

Joseph Dappal.

Mr. Arkin told the Board that there is a court case pending between Paul Archer and the town, and that the Board's decision must be based on the hearing held in April, should a variance be granted for Mr. Archer to conduct a business in a residential zone. Mr. Kydd spoke in favor of Mr. Archer and moved to grant the variance, saying that he has gone through every avenue to get the proper permits; it has not been decided whether there was a mistake made by a town official, Mr. Archer did everything expected of a town resident to get the proper permits, he argued and Mr. Kydd felt Mr. Archer has an "unbelievable hardship". There was no second to the motion to grant the variance, so Mr. Kydd withdrew it.

Mr. Arkin said he felt that Mr. Archer has a personal hardship, but that there is really no hardship on the land. Mr. Kydd stated that people come to the Board because they don't conform, that Mr. Archer has done nothing maliciously, and that he has a severe hardship caused by the town and various boards. Mr. Arkin said the prime consideration should be the effect

on the neighborhood, and Mr. Kydd answered that the neighborhood is 70% commercial, and "next door has to come somewhere".

Mr. Monaco then made a motion to deny the variance, seconded by Mr. Burke, and the vote was 4 to 1 in favor of denial, Mr. Kydd opposed. Reasons for the denial were that there is no hardship on the land, and the presence of a

business is detrimental to the neighborhood. The Board stated that it is not happy about this decision, but feels that under the law this was the decision they had to make.

The Lowell Sun aug 29, 1977

Appliance store owners will ask land rezoning

CHELMSFORD— In a last effort to stay on Billerica Road, the owners of Archer Appliances plan to file a petition for action at the next town meeting to rezone the land their store stands on for business.

The 30-year town business relocated to an old home around the corner from Central Square and on the wrong side of a borderline between residential and commercial zones.

The store has become an unwelcome neighbor to some nearby residents of Billerica Road, who fear the appliance store signals the first of a march of business down Billerica Road.

Paul Archer said he agreed to purchase the property after

checking town records and getting the opinion of Building Inspector Peter J. McHugh that it was in the proper zone for his business.

More careful study, however, first by the objecting neighbors and then by the town officials whose attention they sought, revealed that it was indeed on the wrong side of the line.

THEIR CONTENTION was confirmed by a survey done by an engineering consultant to the town.

Owner Paul Archer, through his attorney, will submit an article for town meeting consideration that will, if approved, put him literally on the right side of the law.



7/25/2004 F. Merriam



NO
PARKING
ANY
TIME

DAVID A. KEELE
ATTORNEY AT LAW
Stoneybrook
Publishing Company Inc.
SINCE 1957



12/28/2004 F. Merriam