

Approved 11/2/2020

Town of Chelmsford Board of Selectmen Minutes
Chelmsford, MA 01824

Virtual meeting via Zoom

Regular Meeting MINUTES
July 13, 2020

Attending

Kenneth Lefebvre, Chairman
Virginia Crocker Timmins, Vice Chairman
George Dixon, Clerk
Patricia Wojtas, Selectman

Paul Cohen, Town Manager
Michael McCall, Asst. Town Manager

Not present
Emily Antul, Selectman

RECEIVED

2020-11-05

10:17 AM

TOWN OF CHELMSFORD

PATRICIA E. DZURIS

TOWN CLERK

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Rd., Chelmsford, Mass. The meeting was recorded by Chelmsford Telemedia. Chairman Lefebvre called the meeting to order at 7:01 PM, and read the following statement into the record:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Chelmsford Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at www.chelmsfordma.gov. For this meeting, members of the public who wish to watch the meeting may do so by accessing the Chelmsford Telemedia website www.chelmsfordtv.org

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

PUBLIC SERVICE ANNOUNCEMENTS

Deadline for Submission of Citizen Petition Warrant Articles for October 19, 2020 Fall Annual Town Meeting: Monday, August 3rd by 4:00 PM

Legal Notice with directions on how to submit a Petition was read by Selectman Timmins.

OPEN SESSION

Marie Burnham, 255 Groton Rd., stated she likes the idea of an access road to address traffic concerns along Rt. 40. She doesn't agree houses have to be removed. Ward Way exists now, and could be used.

COMMITTEE VACANCIES

Selectman Timmins read the list of current vacancies. Interested applicants can apply online at <http://www.chelmsfordma.gov> or through the Town Manager's office.

LICENSES

Common Victualer License: Nav Café Inc. DBA Tropical Smoothie Café, 55 Drum Hill Road

Urvi Patel explained this will be a franchised café serving smoothies and sandwiches. There will be 25 types of smoothies, and sandwiches. The shop will be open from 7:00AM to 9:00PM, all week. The application says 1100PM, which is not correct.

Motion: by Selectman Timmins to approve the Common Victualer License for Nav Café Inc., DBA Tropical Smoothie Café, to be exercised at 55 Drum Hill Rd., with the modification that the operating hours will be 7:00AM to 9:00PM. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye
Selectman Timmins: Aye
Selectman Dixon: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

Temporary Outdoor Entertainment: Chelmsford Center for the Arts, 1A North Road

CCA Director Susan Gates explained that the CCA closed in March due to the pandemic. There are no plans on reopening until it is safe to have large numbers of people in the building. Renters are still able to use their spaces. They still want to serve the residents that support the CCA. Outdoor entertainment may be a way to do this, which could include serving alcohol. The state has allowed the serving of alcohol outdoors for restaurants. The Board was asked if it would require a license for each event. They are looking at serving around 5:00-6:00PM, or early evening hours.

It was noted that previous expedited licensing required prior Board approval for any outdoor entertainment.

The Board supported the CCA's request.

Motion: by Selectman Timmins to approve the temporary outdoor entertainment for the Chelmsford Center of the Arts during daylight hours. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye
Selectman Timmins: Aye
Selectman Dixon: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

REPORTS AND PRESENTATIONS

Hanover Company: UMass Lowell West Campus Redevelopment, 255 Princeton Street

David Hall, Steve Dazzo, and Atty. Doug Hausler were present for the discussion.

Mr. Hall summarized past presentations, including a brief meeting with Chairman Lefebvre and Selectman Timmins to view a similar project the company is doing in the Town of Westford.

Mr. Hall described the company, and what they do, which is to develop housing all over the country, typically luxury apartments.

Mr. Dazzo described the preliminary site plan, which was shown. This is a 34 acre site. A 400 unit residential development is being considered. Out of this, 58 Senior Affordable Units are proposed, to be developed with CHOICE/Chelmsford Housing Authority. Another 42 units will be deemed Affordable. There would be one large 4-story building, two other smaller 4-story buildings, and two town house style buildings containing 12 units. The entire development will have a vegetated buffer. Very little would be seen from Princeton Boulevard.

Representative photos of other projects were shown.

Niles Zwolak, 107 Wightman St., asked whether there would be impacts to the tax base, or to the public schools. The Public Schools are already overburdened. The proposal, in his opinion, looks like a city building, not like what is in this neighborhood.

Chairman Lefebvre explained that any impacts have not been discussed or studied. Selectman Timmins asked Mr. Hall to share previous comments made regarding impacts of similar developments to Town school systems.

Mr. Hall advised that impacts will be studied and figured into the unit mix. 30-80 students are typical for a project this size. Economic impacts will be considered.

Tom Amiro, Chelmsford Climate Action Team, asked if consideration is being given to reducing the potential net carbon emissions this project will produce through the use of solar panels, natural gas, charging stations, and other “green” amenities.

Mr. Dazzo advised that this presentation is being done early in the process. Most of their homes are NGBS compliant, and these amenities will be considered. They can be in touch with this group as the project is designed. The company supports renewable technology.

Michael Fulton, 8 Muirfield Way, announced that he attended the informal meeting hosted by Hanover. There was willingness to work with abutters. There are noise concerns, there are efforts to maintain a tree buffer, and he looks forward to hearing more about the project.

Photos of the interior common spaces and exterior amenities were shown.

Attorney Hausler explained the project is being proposed as a Local Initiative Program comprehensive permit. He suggested forming a subcommittee with Town Officials to work towards an application to be filed with DHCD, as co-applicants. A sub-committee could consist of two Board members, the Town Manager, a Planning Board member, and any other department head that the Board feels should be there.

Helen Blasioli, 19 Augusta Way, stated that a few residents have met with Hanover representatives, and they have been impressed by what Hanover has presented. She feels the project could bring business to Chelmsford, and will attract people from Boston.

Mr. Zwolak suggested that representatives from each street be on the committee. Mr. Hall stated that he would support that.

Selectman Wojtas stated she was pleasantly surprised to hear the residents like working with the developer. She also cited Open Meeting Law requirements, and that these meetings would have to be posted meetings if the committee included two members of the Board of Selectmen.

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Mr. Zwolak requested a summary of who was at the meeting previously cited and attended by Selectman Timmins and Chairman Lefebvre. It was explained that this was an informational meeting, and no actions were taken except to put the Hanover Company on tonight's agenda.

Elizabeth Matson, 103 Wightman St., advised that she wants to be on the committee.

Atty. Hausler suggested having a two member subcommittee to do most of the legwork, and residents could be allowed to participate. Perhaps a full committee may not be needed. Selectman Dixon agreed, stating this company has done these projects before and is involving the resident abutters.

Mr. Cohen reminded the audience that the Board of Selectmen is not the permitting authority, and they shouldn't get too involved. The Board's role is to decide whether to support a comprehensive permit, and they sign the agreement. Permitting comes from the Board of Appeals, as allowed by state law.

Mr. McCall cited the Hillside Gardens process where the Board of Selectmen was too involved in design decisions, which should not have happened. That project took two years to approve, and the approval and permitting process should have been more streamlined.

Chairman Lefebvre supported having a subcommittee. He felt the next step is to determine who that subcommittee should be comprised of, and what their goal should be.

Atty. Hausler noted the developer is aware of the Town's goals based on the Town's past committees' work. The Board should focus on whether it will support and endorse the project as a LIP proposal.

Mr. Cohen advised that one Selectman would be adequate to keep the process moving. Selectman Wojtas agreed to be the liaison for this project.

Assistant Town Manager Michael McCall: Traffic Safety Committee Update

Mr. McCall advised that the committee will be meeting at the end of the month, and the next report will be presented in August.

Cutting and mowing of brush will be scheduled by the DPW. A new Truck Exclusion has been requested for Riverneck Rd. Traffic lights were reconfigured for the Town center by Rt. 110 by the Unitarian church. New signage and striping was completed at Westford St. and Academy St.

Main St. traffic calming measures should be complete in two weeks. Additional developments were summarized.

Recent testing done at Aggregate Industries went very well. There were no smells from within the facility. Changes were made to the production process to eliminate smells. Noise has also been reduced. There have been dramatic improvements over the last few years to reduce emissions and noise.

Jeff Morrisette from the Town of Westford was very responsive to allegations of asphalt being trucked on Ledge Rd. He reported that no asphalt has gone out on Ledge Rd.

With the closure of Westford Street between Academy St. and North Road, Selectman Timmins requested that traffic on Westford St. going toward Academy St. continue to be monitored as traffic picks up again.

PROPOSED ACCESS ROAD FROM QUARRIES TO GROTON ROAD

Chairman Lefebvre announced that this topic is being discussed in response to resident requests that more residents be informed about these meetings.

The conceptual plan to date shows the road would start at the Newport Materials plant, and meanders to the entrance of Rt. 3. The road would cross State land, as well as private property, including Rivard trucking. Selectman Timmins requested more information from property owners and zoning requirements and any additional information about what is needed to make this road a reality.

Chairman Lefebvre described the conditions of the existing area where the road is proposed. Much of it is a dirt road now. The largest hurdle is getting an easement from the state, as currently they are focusing on COVID-19 issues. There is a request for a traffic light. Sewer line upgrades can be requested through a Massworks Grant. One private property owner is requesting re-zoning her parcel. Some actions will require Town Meeting approval. This entire proposal will take some time, and has already been looked at for 2 years now. There is no alternative for a truck route. The intent is that this alternate road will reduce truck traffic; there is no way to eliminate all truck traffic. It is expected that trucks leaving both sides of the plant will use the access road, thereby reducing traffic on Groton Rd.

Laurence Sweeney, 9 Lynn Ave, stated that this access road would benefit him, but he has concerns with the stipulations in the regulatory agreement with the asphalt plant itself. He believes the monitoring system in place may need some adjustments. Westford will need to be involved with this discussion, so the settlement agreement is not violated. Noise may now affect residents of Scotty Hollow, as trucks specifically have to leave from 540 Groton Rd.

Mr. McCall advised that the number of trucks cannot change under the settlement agreement with the Town of Westford. The Special Permit allows 400 trips per day. Monitoring can be adjusted. He will follow up with Westford.

Kim Bennett, 25 Lovett Lane, explained that Mr. Sweeney has always looked out for Chelmsford and Westford residents in regard to the asphalt plant. The neighborhood is not interested in any re-zoning on Rt. 40. A previous business person tried for rezoning, and there was much opposition to a proposed gas station in this area. She asked if Newport Materials could get their own on ramp onto Rt. 3.

Mr. Cohen advised that highway regulations will not allow a new on-ramp so close to an existing on-ramp, because multiple interchanges will impact traffic already on the highway. Mass DOT can determine whether this is an option.

One private property owner does want to develop her land, in spite of whatever happens with this proposal.

Tom Amiro, member of the Chelmsford Climate Action Team, stated that clearing vegetation can have adverse effects on carbon emissions and asked if the road would increase net carbon emissions. Mr. McCall explained that if traffic is being shifted to this access road, it may reduce the emissions in the currently impacted neighborhoods, and the travel distance is shorter. Mr. Amiro requested that any vegetation should be restored.

Diana Hill, 242 Groton Road, noted that down shifting empty trucks are louder than fully loaded trucks getting on the highway.

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Larry Sweeney advised that spot zoning should not be allowed.

Pam Armstrong, C6 Scotty Hollow Drive, recalled there was opposition to rezoning on Rt. 40 all along. The Board was asked who would continue Mr. McCall's work on this proposal after he leaves to take on his new position. Mr. McCall was thanked for all that he has done for Chelmsford.

Niles Zwolak asked who would finance the road, and was told the landowners would support the cost. Mr. Cohen advised that the Town would not be maintaining the road. It could be built to town standards, for future acceptance, but this has not been discussed at length. If the road becomes an accepted roadway, it creates frontage, which creates other zoning considerations for the property owners.

Sue Olsen, 140 Groton Road, thanked the Board for all the time that has been spent on this issue. She understands it will take time, and hopes the roadway works and gives residents relief.

Brian Creamer, 48 Groton Rd., asked whether Town funds would be used to compensate landowners? Chairman Lefebvre advised they are trying to avoid spending funds. However, a 60 foot wide easement has monetary value. Concessions will need to be made, but no one is certain what those might be. The land may need to be incentivized in order to make this road happen.

Derek Perry noted that Ledge Rd. is narrow.

Eric Carroll, 242 Dunstable Rd., asked if excluding trucks from Ledge Rd. would create a problem for the plant.

Marie Burnham advised the road on Ward Way already exists. The Town wouldn't need the state roads, and the Town would not need to bribe anyone. She alleged that Rivard Trucking has already done deals with the asphalt company. Ward Way is already clear. Chairman Lefebvre explained that Rivard was asked about using Ward Way, and they can't run the trucks through the property because they just built a new building there. Proposals are still in discussions. Ms. Burnham suggested the Board speak with Rivard's neighbor, as he has access also. Rt. 40 is deteriorating from truck traffic, and she described traffic patterns. She believes there are a lot of options, and feels past committee work seems to be getting ignored.

Karen Spengler, 27 Ledge Rd., requested additional protections for kids waiting for the bus on Ledge Rd. Chairman Lefebvre advised that work is being done to provide a bus turnaround on Ledge Rd, as a short-term fix

Chairman Lefebvre read several comments submitted via the chat feature, including a suggestion about suing the Town of Westford for how the right turn only requirement was put in place.

Another resident identified only as Alisa, was concerned about making all the businesses use the access road, and she believed they will still use Ledge Rd. She noted there is "zoning creep" concerns on both sides of Groton Rd.

Chairman Lefebvre reiterated that this road is still in the concept stage. State and Town Meeting approvals would be needed, and landowner negotiations haven't even begun. Newport Materials did not commit to building the road. The Town does not want to pay to build the road. All of the business owners agreed the access road was a good option, and it's a shorter route to the highway. They want to be a good neighbor.

In response to another resident request, Mr. McCall agreed to speak with the Public Health Director about doing a noise study. Westford has already done a noise study. The State can be asked to do sound measurements where there is no sound barrier.

Tammy Arena, 3 Burton Lane, asked how trucks would be counted correctly, as there will be asphalt trucks and quarry trucks. Chairman Lefebvre advised it would depend on where the monitoring cameras are mounted.

Eric Hill, 242 Dunstable Rd., stated trucks are starting really early, and are really loud, like around 5:30AM. Are local sound ordinances being enforced at all? Mr. McCall advised the plants are located in Westford. Chelmsford has no authority to regulate activity in another town. Local and state police have monitored the traffic. The trucks were in compliance with what they can regulate.

Selectman Timmins received an off-line e-mail with a question about curb cuts. Mr. McCall advised that curb cuts in the state road are regulated by Mass DOT. There are distance requirements between cuts.

Selectman Timmins recalled that the October 2019 Town Meeting Article to extend the IA zoning on this portion of Groton Road to the street where the area is currently zoned RC was voted down by 57.7%. The subsequent article for a senior living overlay district that included commercial allowances tailored for this area and vetted with the residents was voted down by 84.5%. Any re-zoning efforts will be difficult without community support, and there is very little support for any commercial development on Groton Rd. Relocating the pole at the end of Ledge Rd. may be a shorter term solution to revisit that would provide relief to areas such as Dunstable, Swain and Groton Roads until other issues can be worked out.

TOWN COUNSEL'S REVIEW OF WILDLIFE FEEDING BYLAW

Mr. Cohen advised that Town Counsel attorney Paul Haverly provided his comments on the bylaw language, which was provided to the Board. The Animal Control Officer will be the enforcing authority under this bylaw. Several other administrative changes were made to the language.

This bylaw will be discussed further at the next Board meeting.

Selectman Timmins read a letter submitted by Christine Bowman, 3 Julio St., on July 13, 2020 into the record, listing her concerns with the timing of presenting this bylaw. She cited previous issues and concerns with how the Board of Health responded to a neighborhood rat infestation that was allegedly caused by residents improperly feeding their chickens. She feels overdevelopment is causing wildlife habitat to disappear, and wildlife is losing access to sustainable food sources. She suggested tabling this Warrant Article until more work can be done to address overdevelopment, as a previous citizen's petition for a similar bylaw failed to be heard at Town Meeting.

Chairman Lefebvre advised this bylaw was created in response to complaints about residents purposely feeding a flock of wild turkeys, and another one that was feeding skunks.

REQUEST TO HOIST INDIAN FLAG ON AUGUST 15

A request was received to grant permission for a group to hoist the Indian Flag in recognition of Indian Independence Day. The Board would not allow this based on existing Board policy that states no other flags are allowed to flown on municipal properties besides the Town flag, the US flag and the state flag.

TOWN MANAGER REPORTS

Approved 11/2/2020

Schedule for Special Town Meeting

Mr. Cohen advised that several Open Space parcel purchases are being considered for a Special Town Meeting. This meeting could be held at the High School gymnasium. This would be a single article warrant.

Procedural required meetings were outlined. The proposed date for the Special Town Meeting would be August 24, 2020.

Meals and Hotel Room Occupancy Revenue

Mr. Cohen announced that the Hotel Room Occupancy revenue received for the 4th quarter was \$4,097.00. Revenues for the year prior were \$91,000.00, and the year prior to that was \$67,000.00. Meals tax revenue for this year was \$92,545.00. The year prior was \$162,000.00.

Both revenue sources were significantly impacted due to the pandemic where these businesses were closed.

The Town Accountant will do her presentation for the Board at a future meeting

TOWN MANAGER APPOINTMENTS

Cultural Council: Joanne Carota, 3-year term exp. 6/30/2023

Housing Advisory Board: Valerie Diggs, 2-year term exp. 6/30/2022

Recycling Committee: Norman Eisenmann, 1-year term exp. 6/30/2021

Motion: by Selectman Timmins to approve the Town Manager's appointments as presented. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

MEETING MINUTES

Regular Session Minutes 05-18-2020

Motion: by Selectman Timmins to approve the Regular Session Meeting Minutes of May 18, 2020, as presented. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

Tri-Board Session Minutes 05-21-2020

Motion: by Selectman Timmins to approve the Tri-Board Session Minutes of May 21, 2020, as presented. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Timmins: Aye

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Selectman Dixon: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

Executive Session Minutes 06-15-2020

Motion was Tabled pending the inclusion of Selectman Timmins's edits.

SELECTMEN LIAISON REPORTS & REFERRALS

Selectman Wojtas:

- The Library is now open with restrictions, limited hours, and attendance limits.
- The State Department of Public Health has rescinded the ban on reusable bags at grocery stores.

Selectman Dixon:

-Mr. McCall was congratulated on his appointment as Town Manager in Southbridge, and he was wished good luck.

Selectman Timmins:

- The Board of Assessors advises residents that first quarter tax bills have been mailed. Abatement requests must be received by April 30 2021. Exemptions and abatement reasons were listed. More information is available on the Town website, or residents may call the Assessor's Office
- The School Committee has been meeting to discuss reopening plans for the fall through multiple sub-committees.
- Work has started on the Cranberry Bog dam maintenance project. The Conservation Commission is pleased to have John Swenson join the Commission.
- The Vinal Square Action Plan Committee announced that work on the tennis and pickleball courts should be completed in 3-4 weeks. They have also asked residents to please support local businesses.
- The Age Friendly Committee received a grant award of \$40,000.00, which has been used to acquire age-friendly equipment and services for the Fire Department, Police Department, the library, Community Service Coordinator and the Senior Center, as well as to create an Age Friendly Action Plan.
- The Town Manager was asked about sewer capacity and the timing of a study which will address options for dealing with sewer capacity. Mr. Cohen reported that the study should be ready by the end of summer.

Chairman Lefebvre:

Mr. McCall was wished the best of luck in his new position.

PRESS QUESTIONS

No one was present at this time.

ADJOURN

Motion: by Selectman Timmins to adjourn the meeting at 10:15 PM, . Seconded by Selectman Dixon.

Roll Call:

Selectman Wojtas: Aye
Selectman Dixon: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

Approved 11/2/2020

NEXT REGULAR MEETING DATE: July 27, 2020

Respectfully Submitted,

Vivian W. Merrill
Recording Secretary

Supporting Documents:

- Citizens Petition Deadline Announcement
- List of Committee Vacancies
- Supporting Documents for NAV Café, Inc.
- Supporting Presentation for West Campus Discussion
- Supporting documents for the Proposed Access Road from the Quarries to Groton Rd.
- Memo from Town Counsel regarding the Wildlife Feeding Bylaw
- Letter Requesting Permission to Hoist the Indian Flag
- Memo regarding Hotel & Meals Tax Revenue.
- Committee Applications
- Draft Minutes