

Approved 6/27/2022

Town of Chelmsford Select Board Minutes
50 Billerica Rd., Room 204
Chelmsford, MA 01824

Regular Meeting MINUTES
June 6, 2022

Attending:

Virginia Crocker Timmins, Chair
Ken Lefebvre, Vice Chair
George Dixon, Clerk
Mark Carota, Board Member
Patricia Wojtas, Board Member

Paul Cohen, Town Manager

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.

Chair Timmins called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

JOINT MEETING WITH PLANNING BOARD AND FINANCE COMMITTEE

Discuss MBTA Communities Zoning Requirements

Chair Timmins announced the members of the Planning Board and Finance Committee present:
Planning Board: Michael Raisbeck, Michael Walsh, Deirdre Connolly, Annita Tanini, and Nancy Araway.

Finance Committee: Sam Chase, Jim Clancy, and Annita Tanini.

Chair Timmins announced that the Board at its April 19th meeting had approved the submission of initial paperwork to the state to indicate the Town's willingness to be considered compliant as an MBTA community. The purpose of this meeting is to further discuss the actual commitment of the Town to be compliant with evolving State zoning requirements for MBTA communities.

Evan Belansky, Director of Community Development, appeared before the Board. He referenced the PowerPoint presentation on the zoning requirements for MBTA communities presented to the Board at its April 19th meeting and reviewed the PowerPoint presentation on the current status of MBTA zoning including the following highlights:

- Timeline moving forward
- Process moving forward
- MBTA zoning district requirements per MBTA form responses
 - Transit amenity within .5 miles
 - Areas of concentrated development
 - Existing 15 units/gross acre by right zoning
- Other relevant draft requirements/provisions
 - Minimum land area
 - Minimum unit capacity
 - Terms of production
- Initial considerations – LRTA routes
- Other considerations
 - Minimum development of land area
 - Strategic response

- Conclusion: options for compliance exist; mathematically and mirroring existing zoning district and zoning overlay strategies

Discussion ensued. In response to Mr. Walsh's question if building was required to be along the corridor of bus routes, Mr. Belansky stated that building does not have to be on the main corridors but within close walking distance. The strategy would be to zone areas that have direct or close proximity to public transit.

Select Board Member Dixon asked if adding to current existing units would count toward the minimum requirement. Mr. Belansky responded that once areas are identified, the determination needs to be made that the physical land area can accommodate a minimum of fifteen units/acre. Documentation of areas in consideration of existing zoning and by-laws would be submitted to the state that have the opportunity to be developed to accommodate the minimum of fifteen units/acre and 1,477 units.

Ms. Araway asked for clarification of the required 1,477 units. Mr. Belansky responded that the draft guidelines require the Town to zone for the opportunity of the actual physical land area to accommodate fifteen units/acre and 1,477 units. Whether those 1,477 units ever physically get built or not, is not the state's concern. The land area may have physical limitations such as deed restrictions, etc. that are outside the scope of zoning. Additionally, existing units cannot be counted toward the 1,477 unit requirement. The state is clear that it is not interested in what is physically on the ground but the future potential. The Town's goal is to zone for the capacity and opportunity for 1,477 units.

Chair Timmins stated her understanding was that zoning could be placed where there was existing multifamily housing in place. Mr. Belansky responded that existing housing units would count only if they met the requirement of fifteen units/acre. Although there are projects that meet that requirement, the entire area cannot be smaller than five acres. If smaller, the area could be expanded to meet the minimum acreage requirement.

Mr. Clancy asked for confirmation that if the Town complied with the required zoning changes, would that qualify the Town to apply for One-Stop grants. Mr. Belansky responded in the affirmative. As far as the UMass West project complying with the cutoff date, that project is a work in progress. The final state guidelines will be issued this summer. In the meantime the MMA, MAPC and Town Councils have issued robust comments to the draft guidelines. The Town's position is that it will continue to present the UMass West overlay district as being partially compliant and working toward full compliance. The deadline for achieving full compliance is at the end of 2024.

Mr. Raisbeck asked for a thumbnail guess on the existing section 40B units counting toward the requirement. Mr. Belansky noted that although he has not done an assessment as to numbers, there are sensitive issues to be considered as many 40B projects are located in close proximity to neighborhoods. Consideration of Town-identified vacant parcels or buildings may be considered as a better starting point. Strategies at the local level can be developed whereby the Town decides on the best strategy to achieve full compliance.

Chair Timmins asked what penalties would impact the Town for non-compliance other than One-Stop grants. Mr. Belansky noted that the Town would not qualify for One-Stop grants only but noted that substantial monies from these grants had been awarded to benefit the Town in improving infrastructure. In response to Ms. Tanini's question on the actual value of these grants, Mr. Belansky stated that the Town had partnered with the North Chelmsford Water District and received a grant of \$866K for the Groton Road water main upgrade. While the upgrade provided direct benefit to the twelve duplexes on Groton Road, the Town specifically mentioned the additional benefit to existing homeowners and other property owners on the main line. A \$370K grant had been obtained to upgrade Cushing Place in compliance with the Center Village master plan. This past week the Board authorized the application for a

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\$250K grant from housing choice funds to advance the 25% design plan for the Vinal Square transportation improvement project. The Town is able to work with private developers as most large-scale developments require Title 5 septic systems. Grants are used to benefit neighborhoods in upgrading sidewalks, pedestrian and bicycle amenities, traffic calming, etc.

In response to Ms. Tanini's question as to the use of grant monies applying to new projects and additional housing, Mr. Belansky responded that One-Stop grants have a direct correlation to either new housing or new economic development. The \$866K grant applied to the physical upgrade of the water main and provided additional capacity of a larger diameter pipe to accommodate the twelve new duplexes. Additionally, the water district upgrade will provide additional capacity for future development along that line.

Select Board Member Carota asked for a timeline for discussing the different strategies. Mr. Belansky responded that the Town indicated on its form submission that its preference was to work with NMCOG. Mr. Belansky advised against doing anything before the guidelines are finalized. At that time the Town will be able to avail itself of the state's technical assistance program and work with NMCOG to engage with the Planning Board and the community to discuss the different strategies to be accomplished in phases. The Town has two full calendar years to achieve compliance and to reach a degree of consensus with the community on a process going forward.

Ms. Connolly asked for clarification on the age restriction exclusion. Mr. Belansky responded that the Attorney General's office was reviewing zoning compliance. With regard to the UMass West project, that age-restricted segment of the project may not count toward the minimum, i.e. instead of 390 units, 354 units would qualify.

MOTION: by Vice Chair Lefebvre to adjourn the joint meeting of the Select Board, Planning Board and Finance Committee. Seconded by Board Member Dixon. **Motion carries 12-0, unanimous.** The meeting adjourned at 6:45PM.

PUBLIC SERVICE ANNOUNCEMENTS

Evelyn Thoren: 2022 Arts and Technology Education Fund Grant Awards

Evelyn Thoren, Chair of the Arts and Technology Education Fund Committee, appeared before the Board along with four Committee members. Donations to the fund (anonymous to the Committee) are made by residents along with their real estate and excise tax bills or by a separate submission to the Town Treasurer's office. The Committee has been making awards since 1996 and lately, through a streamlined electronic application process. The Committee works collaboratively with school administration to grant awards that enhance the existing curriculum.

Grant awardees this year are: High School teacher Allison Gover for a pottery wheel; Middle School teacher Sangeetha Ajikutira for special reading materials; Valerie Lichtenthal for digital microscopes for forensics; and Mary Ellen Forte for learning with light program for younger students.

Chelmsford Grow-A-Row Program

Vice Chair Lefebvre stated that the mission of the Chelmsford Grow-A-Row program is to facilitate a continuous supply of locally grown fresh produce for the food insecure members of the community. Volunteer backyard gardeners' donations are given to the Food Pantry, Table of Plenty, and residents of the Chelmsford Housing Authority. For more information, contact chelmsfordgrowarow@gmail.com.

Listening Session Regarding Improvements Around the Town Center, June 13 at 6:00PM **Chelmsford Center for the Arts**

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The Select Board will be hosting a listening session for improvements around the Town Center on Monday, June 13th at 6:00PM at the Chelmsford Center for the Arts. All are invited to give their input.

Diversity, Equity, and Inclusion Committee - Juneteenth Celebration – Saturday, June 18th

The Diversity, Equity, and Inclusion Committee is hosting a Juneteenth celebration on Saturday, June 18th from 1:00-3:00PM on the Town Common. Learn the history of June 19, 1865, and enjoy music, food vendors, poetry readings, and community engagement activities for kids and more.

Health Department Pride Table – June 11th

Join the Chelmsford Health Department at the PRIDE Table on the Market on the Common on Saturday, June 11th from 1:00-4:00PM. All are invited to learn facts about the LGBTQIA+ history and health disparities and enjoy free goodies and fun.

PUBLIC INPUT

Michael Combs, Fuller Road, appeared before the Board in support of the Board's proposed revision to the policy on flags being displayed on Town property. If the Town allows the raising of flags on holidays, he questioned what is defined as a holiday and what is defined as a business logo. Mr. Combs thanked the Board for its proclamation on Pride month but asked for more visibility by the display of a flag on Town property as a welcoming community and broader support of the LGBTQIA+ community.

COMMITTEE VACANCIES

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

PUBLIC HEARINGS

National Grid and Verizon Petition for Joint or Identical Pole Location on Alpha Rd.

Lisa Ayres – 1101 Turnpike St., North Andover

Veasna Eang, representative of National Grid appeared before the Board. The petition is to install a JO pole 12-50 on Alpha Rd. beginning at a point approximately 0 feet north of the centerline of the intersection of Stuart Rd. and Alpha Rd. and continuing approximately 446 feet in a southwesterly direction for commercial service upgrade located at 20 Alpha Rd.

MOTION: by Vice Chair Lefebvre to close the public hearing. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

MOTION: by Vice Chair Lefebvre to approve the National Grid and Verizon petition to install a pole on Alpha Rd. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

LICENSES

Transfer of Common Victualler License and New Entertainment License: Shake-O-Holic LLC, 61 Central Square, Unit 5 (from Chelmsford Nutrition LLC)

Tahlejay Campbell, owner of Shake-O-Holic, appeared before the Board. She stated that she is opening a nutrition café for healthy food options including shakes and various teas. Entertainment would include art shows, poetry readings, local musicians, and tea parties.

MOTION: by Vice Chair Lefebvre to approve the transfer of the common victualler license from Chelmsford Nutrition LLC to Shake-O-Holic LLC and the addition of a new entertainment license to be operated on the premises at 61 Central Square Unit 5. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

One Day Beer and Wine License: St. John's Evangelist Church, 115 Middlesex Street June 25, 2022

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No representative was in attendance.

MOTION: by Vice Chair Lefebvre to approve the one-day beer and wine license for June 25, 2022, for St. John's Evangelist Church to be held on the premises at 115 Middlesex Street. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

One Day Expansion of Entertainment License: Center Brickhouse Pizza, 1 Central Square July 3rd

Charles Micol, representative of Center Brickhouse Pizza, appeared before the Board. Mr. Micol stated that he is seeking a one-day expansion on the entertainment license from 3:00-9:30PM. The stage on the Common will be moved on July 3rd to the front of the restaurant. There is no rain date.

MOTION: by Vice Chair Lefebvre to approve the one-day expansion of the entertainment license on July 3, 2022, of Center Brickhouse Pizza, 1 Central Square. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

REPORTS AND PRESENTATIONS

John Potts, P.E. Weston & Sampson Engineers: Massachusetts Department of Environmental Protection's Administrative Consent Order and Recent Sewer Investigations

John Potts, Professional Engineer, Weston & Sampson Engineers, appeared before the Board. He reviewed the PowerPoint presentation on the update on the MassDEP administrative consent order and recent sewer investigations including the following highlights:

- Failure of the Southwell field pump station
- MassDEP issued ACOP on October 4, 2021 with sixty day deadline for ERP
- Weston & Sampson submitted Town's ERP to MassDEP on December 1, 2021
 - Annual plan update on Infiltration/Infiltration
 - Submitted I/I to DEP on December 1, 2021
- Pump station and force main assessment report
 - Currently ongoing and final report to be submitted by October 3, 2022
 - Current sewer system investigations
 - Littleton Road (Route 110) – Hunt Road to Central Square
- Proposed repair alternatives

Discussion ensued. Chair Timmins asked for the order of magnitude of the project. Mr. Potts responded the cost would be approximately \$5-10M for 7-8K feet of pipe, including construction, engineering, police details, permitting, etc. The study will take about four months between March and October. Five to six years of data with regard to pump station run times between Hunter Rd and Garrison Rd will be assessed to determine if there are seasonal trends. As much data will be collected in order to provide the best option for repair. Permitting from the state and DEP will be obtained before construction begins and continue over multiple seasons. Flow meter readings are taken every five minutes for twenty-four hours and plotted in order to determine flow and the most prudent repairs. Readings currently reveal up to 50% flow.

Board Member Carota noted the importance of getting at the root cause of the problem. Town Manager Cohen stated the initial phase of the study targeted infiltration/inflow, but this was found not to be an issue. Board Member Carota stated that the Beaver Brook development was initially signed off by the Town Engineer but there was no supporting documentation of calculations. Chair Timmins asked the DPW Director if there are required calculations or standards that are part of the record.

Christine Clancy, DPW Director, appeared before the Board. The previous Town Engineer and DPW Director did review the application, but there was no documentation of calculations. She has developed a systematic approach with a checklist of what needs to be done and a determination made to advise the

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Planning Board. The sewer department signs off as well. Certain criteria needs to be documented in order to accommodate additional capacity and Title 5 calculations. This was not done as standard operating procedure in the past but is now part of the process.

Mr. Potts stated that the Weston & Sampson report will contain information on the root cause as well as the options and cost of repair. Chair Timmins asked if there was a threshold over 50% or more at which it is required that the state be notified. Mr. Potts stated there is no threshold as such, but for anything over 75-80%, the recommendation of his firm is made for an upgrade of sewers. Normal fluctuation within the pipe over the course of use is between 30-60%.

Town Manager Cohen noted the importance of getting to the root cause in order to avoid backflow issues into homes. Data from sewer bills will be analyzed to determine capacity of pipes. The project will need an initial borrowing followed by a surcharge in sewer bills.

Mr. Potts stated that the full report of approximately 98K feet of pipe will be completed by early January/February. He believes the results will justify not implementing a plan for an annual inspection recommended by the DEP as this would not be cost effective. Town Manager Cohen stated that since infiltration/inflow has been ruled out and there is multiple video evidence, the original recommendation of DEP's consent order will not be needed.

Chair Timmins stated that from the perspective of overall system maintenance, proactive steps and a systematic approach need to be taken to evaluate each part of the system over a certain time period. Town Manager Cohen stated that a similar plan is conducted for pump station equipment to enhance and invest in the system.

Mr. Potts will report back to the Board after discussion with the DEP for next steps.

Badhri Uppilliappan: Clean Energy and Sustainability Committee Presentation

Badhri Uppilliappan, Chair of the Clean Energy and Sustainability Committee, appeared before the Board. He reviewed the PowerPoint presentation of the update of the Committee including the following highlights:

- Outline of update
- Clean energy and sustainability history over the past fourteen years
- Climate change – urgency
 - Net Zero achievement by 2050
 - Stakeholders: community, business, and government
 - Impact to municipal bond ratings
 - Climate adaptation/sequestering of carbon
- Consequences of climate action and sequestering carbon
- Greenhouse gas emissions of Chelmsford provided by NMCOG
 - Breakdown of greenhouse gas emissions by sector/type
- MAPC playbook
 - Climate-smart zoning and permitting strategies
 - Clean energy supply strategies
 - Net zero buildings
 - Net zero building strategies
 - Zero emission active mobility strategies
 - Zero emission mobility
- Activities timeline and discussion
 - Release of CEAS summary report end of July, 2022
 - CEAS look at 2023-2025, 2025-2030 actions/goals framework later in 2022

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- Conduct community surveys and public input sessions to raise awareness

Discussion ensued. Chair Timmins noted that the Board would be willing to host listening sessions.

Board Member Carota asked for recommendations of actions from Mr. Uppilliappan. He suggested a push to make energy a green component by initiating a) energy audits; b) heat pump installations; c) solarization; and d) bump up base line renewables. He stated that many towns are taking these initiatives, and this precedence is a starting point for discussions within the community.

Town Accountant Darlene Lussier: Fiscal Year 2022 Budget Report

Darlene Lussier, Town Accountant, appeared before the Board. She reviewed the PowerPoint presentation on the fiscal year 2022 budget report including the following highlights:

- Status of FY22 revenue
 - Revenues: budget remains solid to date
 - Receipts year-to-date
 - Motor vehicle excise tax; local option meals tax; hotel/motel occupancy
 - Permitting; rental income; investment income; property tax collection
 - Expenditures – generally within budget funding levels
 - Report on enterprise funds
 - Sewer
 - Golf course
 - PEG access cable
 - Stormwater
 - Chelmsford Forum

Town Manager Cohen stated that a bond rating will be received from Standard & Poors on June 13th, and a bond sale will occur a few days after that. Request for approval of the bond sale will be presented at the next Board meeting on June 27th. Interest rate is expected in the “twos” and not the previous rate in the “ones.”

DISCUSSION ITEMS

Flag Policy Revision

Town Manager Cohen stated that Town Counsel had drafted additional language to amend the Board’s policy on the display of flags on Town property.

Discussion ensued. It was the consensus of the Board to have the policy redrafted to delete the word “holiday” and to further define the words “poles” and “granite posts.” Town Manager Cohen will ask the Town Counsel to review as suggested and the redrafted policy will be presented for final vote at the next regular meeting of the Board on June 27th.

Charter Change for Audit Period

Chair Timmins noted that the amendment to the town charter with regard to the annual audit had been approved by the Board at its last meeting with the caveat that the matter of responsibility for bringing contract renewals forward for the Board’s approval be further reviewed and explicitly stated. Chair Timmins noted that Section 4-3 of the charter designated the Town Manager to be responsible for the proper operation of town affairs and is given responsibility under the charter. Further, the Select Board policies state that the Town Manager will perform all duties consistent with the Board’s mission statement and the Chelmsford Charter. The Board was in agreement that the responsibility of the Town Manager had been adequately defined.

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TOWN MANAGER BID AWARDS

CHS Stadium Lighting

Town Manager Cohen stated that he seeks the approval of the Board for a bid award for the High School stadium lighting to Utility Service and Assistance Inc. for a quote of \$135,380.00. This company has worked previously with the Town.

MOTION: by Vice Chair Lefebvre to approve the high school stadium lighting bid to Utility Service & Assistance Inc. in the amount of \$135,380.00. Seconded by Board Member Dixon.
Motion carries 5-0, unanimous.

TOWN MANAGER REPORTS

House and Senate Budget Earmarks for FY23

Town Manager Cohen reported that the Senate had adopted Senator Barrett's amendment to the earmark providing \$100K to the Chelmsford Center for the Arts. The next step is the negotiation between the Senate and the House.

MIA Flex Grant

Town Manager Cohen reported that a Flex grant had been received in the amount of \$16,237.34 to be used for roof inspections of the Center Elementary School and the Warren Pohl Barn.

APPOINTMENTS

Diversity Equity and Inclusion Committee: unexpired three-year term exp June 30, 2024

Diversity, Equity and Inclusion Committee: three-year term June 30, 2022 – June 30, 2025

Town Manager Cohen reported that three residents had applied for the above two positions: Milo Ransdell, Linda Morel and William Campbell. The Board decided to invite the candidates to the next regular session of the Board to interview for the position.

Annual Re-Appointments

Town Manager Cohen presented the FY23 annual re-appointments.

MOTION: by Vice Chair Lefebvre to approve the list of FY23 annual reappointments as presented by the Town Manager. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

MEETING MINUTES

Select Board Regular Session Minutes May 9, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board meeting minutes of May 9, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Select Board Regular Listening Session Minutes May 16, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board listening session meeting minutes of May 16, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Select Board Regular Session Minutes May 23, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board meeting minutes of May 23, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

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SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Carota – no report.

Vice Chair Lefebvre – no report.

Board Member Dixon

- Commemorated the biggest battle in U.S history which happened seventy-eight years ago with the Battle of Normandy. He thanked all those from the “greatest generation” for their service to country.

Board Member Wojtas

- Congratulations to the seniors of the High School and Nashoba Tech who graduated last Saturday and wishes for good luck in the next chapter of their life.
- Ribbon cutting at the Merrimack Realty Group on Alpine Lane last week.
- This coming week Chelmsford Friends of the Library is having a book sale on Friday/Saturday at Town offices.
- Flag day next Tuesday June 14th at the Garrison House ceremony at 4:00PM and at the Elks at 7:00PM.

Chair Timmins

- Vinal Square Strategic Action Committee is having a neighborhood session on June 8th @ 6:30PM at the Bath House.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Vice Chair Lefebvre at 8:44PM, to adjourn to Executive session not to return to open session for the purpose of having a joint meeting with the Fire Station Study Committee to consider the purchase of real property; strategy with respect to collective bargaining; and to review Executive Session minutes of May 9, 2022 Segments 1-8. Seconded by Board Member Dixon.

Chair Timmins initiated roll call vote:

Board Member Carota-Aye

Board Member Dixon-Aye

Vice Chair Lefebvre-Aye

Board Member Wojtas-Aye

Chair Timmins-Aye

Motion carries 5-0, unanimous.

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NEXT REGULAR MEETING DATE: June 27, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- MBTA communities webinar deck 01/12/22
- 2022 Housing choice designation application submission
- MBTA zoning Chelmsford Triboard

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- Grow-a-row flyer
- Listening session – Town Center improvements
- Juneteenth flyer
- Committee vacancies
- Pole petition 5/9/22 – Alpha Rd.
- Shake-O-Holic common victualler licenses transfer
- One day license – St. John’s Evangelist Church
- Brickhouse 7-3-2022 one day entertainment expansion
- Presentation – Chelmsford MA BOS meeting – DEP/Sewer updates
- Chelmsford CEAS presentation to SB
- FY22 budget report Select Board
- YTD status FY22
- FY22 YTD budget reports
- Revised flag policy 6/2/22
- Current flag policy
- Proposed change to Town Charter Section 6-7 – annual audit
- Bid results documentation CHS Lighting bid 6/1/22
- Chelmsford earmark request for senate FY23 state budget
- FY22 Flex Grant approved
- DEIC application – Ransdell
- DEIC application – Morel
- DEIC application – Campbell
- FY23 annual appointment 06/06/22
- SB minutes 05/09/22
- SB minutes 05/16/22 LGBTQIA+ listening session
- SB minutes 05/23/22 minutes