

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

Regular Meeting MINUTES
December 2, 2019

Attending:

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

Paul Cohen, Town Manager
Michael McCall, Asst. 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. Chairman Lefebvre called the meeting to order at 7:00 PM.

PUBLIC SERVICE ANNOUNCEMENTS

Center Village Holiday Gift Stroll Saturday, December 7th, 10:00 AM – 6:00 PM

This announcement was read by Selectman Wojtas, everyone is welcome.

Monday, January 6th by 4:00 PM: Deadline for Submission of Citizen Petition Warrant Articles for April 27, 2020 Spring Annual Town Meeting

Selectman Wojtas read the Public Notice, which included the process for how to submit a Citizen Petition.

OPEN SESSION

Elizabeth Trombley, 19 Windemere Lane, requested that the Tax Classification Hearing be taken out of order due to weather conditions.

COMMITTEE VACANCIES

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

PUBLIC HEARINGS

MGL Chapter 61A Right of First Refusal - Elm Street

Selectman Wojtas recused herself from this discussion, as she is part owner of the parcel.

The parcel is located off Elm St. The total area is 5.25 acres, and there is a Purchase & Sale agreement pending on 1.211 acre of the parcel; the offered sale price is \$260,000.00.

The Town has the first Right of Refusal. There has been no other interest from other Boards. This land acquisition would require Town Meeting approval. The applicant is looking to close the sale by year's end.

No comments were received from the audience.

Selectman Timmins requested that this vote be delayed, as the Conservation Commission will be discussing this parcel at their meeting being held tomorrow night. The vote can be contingent upon the vote of the Conservation Commission.

Motion: by Selectman Dixon to close the Public Hearing for the Elm St. parcel. Seconded by Selectman Antul. **Motion carries, unanimous, 4-0.**

Motion: by Selectman Dixon to waive the Town's right of first refusal on the Elm St. parcel, as described, contingent on the vote of the Conservation Commission. Seconded by Selectman Antul. **Motion carries, unanimous, 4-0.**

Selectman Wojtas returned to the meeting at this time.

Roadside Vendor: Almo's Flower & Garden, 55 Graniteville Rd., through 12/24/19

Andre Daigle was present on behalf of Almo's Flower & Garden, and explained he has been selling Christmas trees and wreaths at this location for 12 years, and he would like to do this again this year.

Motion: by Selectman Wojtas to approve a Roadside Vendor's License for Almo's Flower & Garden to sell Christmas Trees and wreaths, to be exercised on the premises at 55 Graniteville Rd., from December 2, 2019 through December 24, 2019, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Transfer of License, Class I Auto Dealer: From Tewksbury Automotive LLC DBA AutoFair Nissan to DMO Chelmsford LLC DBA Dan O'Brien Nissan, 95 Drum Hill Rd.

Mr. O'Brien was present, and was looking to transfer the license due to a change of partner.

The Board questioned Mr. O'Brien's license status as he is currently a New Hampshire resident. Mr. Cohen explained the parameters for a Class One License are different than a Class Two or Three License. This is a corporate entity with multiple locations in both Massachusetts and New Hampshire.

Motion: by Selectman Wojtas to approve the Transfer of Class I Auto Dealer License from Tewksbury Automotive LLC, DBA AutoFair Nissan to DMO Chelmsford, LLC, DBA Dan O'Brien Nissan to be exercised on the premises at 95 Drum Hill Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Change of Manager, Wines & Malt Beverages Restaurant: Double N Inc. DBA Sal's Pizza, 296 Chelmsford St.

No one was present on behalf of the applicant.

The new Manager has been in place; paperwork was not done, and the error was discovered during the renewal process.

Motion: by Selectman Wojtas to approve the Change of Manager for Double N Inc., DBA Sal's Pizza, to Michael Lupoli, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

One Day Beer & Wine License: Your Way Real Estate LLC, 6 Boston Road, U 101, 12/12/19

Shannon Anderson, owner and applicant, explained the request is being made for a ribbon cutting Grand Opening of her business on December 12, 2019. TIPS certification is on file.

Motion: by Selectman Wojtas to approve a One Day Beer & Wine License for Your Way Real Estate LLC., to be exercised on December 12, 2019, at 6 Boston Rd., Unit 101, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

One Day Beer & Wine License: New England Spine Care, to be held at DNE Dance Café, 66 Princeton St., 12/13/19

Katelynn Callery, Practice Manager, was present for questions.

Motion: by Selectman Wojtas to approve a One Day Beer and Wine License to New England Spine Care, on December 13, 2019, for an office Holiday Party, to be exercised on the premises at 66 Princeton St. from 6:00PM-10:00PM, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

One Day Beer & Wine License: St. John the Evangelist Parish, 115 Middlesex St., 12/22/19

No one present; this is a recurring annual event.

Motion: by Selectman Wojtas to approve a One Day Beer & Wine License for St. John the Evangelist Parish for December 22, 2019, to be exercised on the premises at 115 Middlesex St, from 12:30PM to 5:00PM for a Christmas Celebration, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

One Day All Alcoholic Beverages License: Sts. Vartanantz Armenian Church, 180 Old Westford Rd., 2/22/20

No one present, this is also a recurring annual event.

Motion: by Selectman Wojtas to approve a One Day All Alcoholic Beverages License to Sts. Vartanantz Armenian Church for February 22, 2020, for a Mardi Gras Dinner, to be exercised on the premises at 180 Old Westford Rd., from 5:00PM-10:30PM, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Annual License Renewals

Motion: by Selectman Wojtas to approve the Annual License Renewals as presented with the contingencies as listed. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

CONTINUATION OF TAX CLASSIFICATION HEARING

There were no additional questions from the Board at this time. Sam Chase, Board of Assessors, and Frank Reen, Chief Assessor were present.

Public Comments:

Dave Sperry, 12 Longview Drive, thanked the Board for providing the additional information he requested. Mr. Sperry noted that page 12 lists differences between homeowners and businesses. He had questions on the various sizes of the business properties. Mr. Sperry noted that the 128 larger than average sized businesses will get hit harder than the smaller ones. At the last meeting, Chelmsford Swim & Tennis Club made a statement of impact that costs are being passed onto their members, however, they seem to have benefited from classification.

Mr. Sperry also noted that the average American cannot cover a \$400.00 emergency expense if they had one. Residents appreciate the tax break from classification.

John Wellman, 5 Montview Rd., and member of the Economic Development Committee, provided a letter to the Board from the Committee. The letter was read into the record. The Committee suggested the

Board recommend to modify the tax classification shift to 1.2, and to develop long term strategy to lessen the burden on the residential class. Mr. Wellman noted that it has taken seven years to approve an overlay for amenities for the Route 129 area, and the Town lost a lot of opportunities during that time. Continued pressures on businesses will continue the current trend where the Commercial/Industrial Property (CIP) share is decreasing. Selectman Timmins asked if the EDC had considered how Governor Baker's housing initiatives could impact the effects of classification. Mr. Wellman felt that people want to work near where they live. If the Business Class was in the 20-25% CIP value, things would be different. Classification sends the wrong message to companies looking for development. Amenities are needed in the Rt. 129 area to promote any further development.

Donald Van Dyne, Chairman of the Economic Development Committee, felt that housing is a piece of economic development. Affordable housing creates lower taxes. Mr. Cohen clarified that Selectman Timmins was referring to Governor Baker's Housing Choice and housing production initiatives, not exclusively affordable housing. Home values are appreciating 3-5%. Increased values will impact the levy share. Being closer to 20% CIP share will help in this regard.

Chief Assessor Frank Reen described how assessments are computed. Residential values are outpacing the CIP values, which creates bigger impacts to both classes. Tax increases are an expense to a business.

Jean Albano, 15 St. Andrews Way, was aware of income changes under the tax law, such as the \$10,000.00 limit on claiming one's property taxes as a deduction. She asked whether there were any caps on the businesses. Chairman Lefebvre explained how the deductions work, and that the new increased Standard Deduction is working out better for many people.

Chairman Lefebvre asked Mr. Chase what the tax split would have to be to keep the levy distribution the same as last year. Mr. Chase and Mr. Reen reviewed some calculations, and advised they would need to get back to him with an accurate figure.

Helen Blasioli, 19 Augusta Way, noted that the Rt. 129 area has been empty for years. She was on the Tax Classification Committee when they were told the split rate doesn't make a difference. Residents will have trouble affording their taxes. Businesses can pass their higher expenses onto tenants and customers. She questioned whether any savings from a tax decrease would be passed on in the same manner.

Jeff Hardy, 5 Maple Ave. and 22 Progress Ave., noted that business are asked about the revenue, but residents are not asked about their income. Selectman Timmins advised she was trying to develop some context. Mr. Hardy felt the value of property is not impacted by income. The value is the value. Beating up on the 17% commercial base does not help the 83% residential base. His residential savings did not compare to the increases he paid for his business.

Ashid Patel, spoke for several hotels in Town. He described the higher fees his businesses pay. These businesses generate a 4% lodging tax for the town, which is paid by the hotel occupants. The businesses are paying higher water and sewer taxes, and are now getting hit with higher property taxes. His businesses experienced a \$140,000.00 increase in taxes. They have invested heavily in their buildings. Further increases will take a toll on their operations going forward. Currently, his businesses pay over \$600,000.00 in property taxes.

Tom Boucher, 14 Galloway Rd., and President of the Chelmsford Business Association, and member of the Tax Classification Committee and the Economic Development Committee, has been a resident all of his life. He has a modest house which will be his retirement home. His property tax bill has gone from

\$3200.00 to \$8000.00 since 1999. The Town is becoming unaffordable, and needs to fix its long term tax problem. Classification will not help, and is not sustainable. Other towns are growing commercially, Chelmsford is not.

Motion: by Selectman Wojtas to close the Public Hearing on Tax Classification. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Selectman Timmins explained that she is still trying to understand how the Board feels. There was very little discussion on the Board's rationale to institute Tax Classification last year.

Chairman Lefebvre explained that he owns three residential properties, of which two are rentals. He described how Lowell computes their commercial taxes. He felt that classification impacts commercial values in many cities, and he agreed a tax split is not sustainable. The building values go down, and the tax rates go up to get the same amount in income. He would support reducing the split a little bit.

Selectman Antul suggested keeping the split it the same for a couple of years.

Selectman Wojtas suggested changing the split to 1.22.

Chairman Lefebvre agreed that the Rt. 129 area has different problems than taxes. He used Natick as an example of how a single tax rate has worked successfully. Selectman Dixon agreed that amenities are needed to entice additional business to Chelmsford.

Chairman Lefebvre explained that it could take 8-12 years to see improvements on the commercial side. Business Director Lisa Marrone's work is starting to see progress. An increase of 27% was a shock to businesses. He would support a split in the range of 1.2 to 1.25.

Motion: by Selectman Wojtas to adopt a Split Tax factor of 1.22.

Mr. Reen, described differences to average tax bills, which for businesses, the increase would not be as severe.

Amended Motion: by Selectman Wojtas to adopt a residential factor of .9538. Seconded by Selectman Timmins. **Motion carries, unanimous, 5-0.**

Motion: by Selectman Wojtas that the Board does not adopt a Residential Exemption. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Motion: by Selectman Wojtas that the Board does adopt a Small Commercial exemption of 10%. Seconded by Selectman Timmins. **Motion carries, 4-1, with Selectman Antul opposed.**

Motion: by Selectman Wojtas that the Board does not adopt an Open Space Exemption. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

REPORTS AND PRESENTATIONS

Building Commissioner Shaun Shanahan: Alleged Violations of Special Permit Conditions at 152 Turnpike Road

A memo was provided to the Board. Mr. Shanahan indicated that he has been out to the site on multiple occasions, along with Marty Allen, and officers of the Police and Fire Departments. They feel no

conditions are being violated. Saturday work is allowed once the building is closed in. Vegetation was viewed by Community Development Director Evan Belansky, and what was removed is within the limits of what was allowed by the Planning Board.

Once the project is complete, another inspection will be done prior to occupancy. No one witnessed what vegetation was there before, or the location of a tree line. Mr. Shanahan did not notice anything drastic. A permit is not needed to remove trees and vegetation. Any further changes to the tree line can be addressed through an appeal to the Zoning Board of Appeals. The developer could plant other trees and it would be acceptable.

Chelmsford does not have a deforestation bylaw. The trees that were taken were marked. A privacy fence will be installed. Many people are watching this property very closely. Saturday work was taking place on a public way, not on the project site. When clearing, the health of trees is reviewed. There are requirements of tree locations in proximity to a foundation. Mr. Shanahan left his business card with his contact information, and stated he is always available.

Building Commissioner Shaun Shanahan: Temporary Structure for Class II Auto Dealer at 154 Middlesex St., Bldg. 2

Mr. Shanahan reported that the original permit does not allow him to change the duration of time for the temporary structure. The property owner was notified, and he has not responded. The property owner was supposed to build the permanent structure and has not. The tenant was provided several options, but none are viable for the business owner.

TOWN MANAGER REPORTS

Quigley Avenue Resurfacing

The DPW will be doing this work in the upcoming construction season.

South Row School Roof Project update

The State will provide 51.2% reimbursement, and work is scheduled for next summer, to be bid in the Spring.

Traffic Safety Updates

Mr. McCall reported that signs have been ordered for Mill and Turnpike Roads.

Green arrow signals have been added at North and Parkhurst Roads, and at Billerica and Alpha Roads, as well as rapid flashing signals at two other locations. Timing changes were made to signals in the Town Center. He has received no complaints since the changes were implemented.

National Grid is reviewing connections at Stuart and Elizabeth Drive. A site survey will be needed, and the Town and the property owner will be asked to share the costs.

Electric Vehicle Charging Station Grant Award

An Award of \$12,500 for 3 stations to be located at Chelmsford High School, Chelmsford Senior Center, and Roberts Field was announced to the Town. Work is expected to be completed during the next construction season.

Mr. McCall reported that usage at existing charging stations is still down 50% since implementing the use fees, which are adjusted periodically. This was last done 6 months ago. Chairman Lefebvre stated that people feel the costs are excessive. Mr. McCall advised that the fees reflect the current costs. The first 2-3

hours are free. Some communities charge a flat fee after a certain number of hours, to keep people from staying too long. Mr. McCall stated he would make sure the fees are being charged accurately. The current rate of 18 cents per kilowatt hour includes software fees. Discussion will be continued to the next meeting

MEETING MINUTES

BOS Minutes 09-09-19

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of September 9, 2019, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

BOS Executive Session Minutes 11-18-19

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting minutes of November 18, 2019, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

SELECTMEN LIAISON REPORTS & REFERRALS

Selectman Dixon:

No referrals or reports this evening.

Selectman Timmins:

- The second public forum for the School Department's Strategic Plan Update is being held on December 10, 2019 at the Chelmsford High School Cafeteria
- The School Department is hosting a discussion after their regular meeting on December 3, 2019 featuring Roger Hatch to talk about Chapter 70 State Funding. His talk should begin around 7:00PM
- Residents were reminded that the Vinal Square Tree Lighting Ceremony will be held on December 7, 2019, from 4:00PM to 5:30PM.

Selectman Antul:

No reports or referrals this evening.

Selectman Wojtas:

- The Library will have a book drop on December 7, 2019 at Town Offices.
- The Historic Society is hosting an Open House on December 6, 2019 from 6:30PM to 9:00PM, everyone is welcome.
- The Holiday Prelude in the Town Center was well attended. The snow was a nice touch.
- The CHS Football team was congratulated for doing a great job at the Thanksgiving Day game against Billerica High School even though they didn't win this year.
- Condolences were given for the passing of Maureen McKeown, who was one of the founders of the Table of Plenty, and recently served on the CIVIC Committee.

Chairman Lefebvre:

- Chairman Lefebvre felt this year's Holiday Prelude was one of the best he's attended.
- The Chelmsford Open Space Stewardship was complimented on their Thanksgiving Walk event which was well attended and lots of fun.

PRESS QUESTIONS

No one was present to come forward at this time

EXECUTIVE SESSION

Strategy with Respect to Collective Bargaining with the Firefighters Union

Motion: by Selectman Wojtas to enter into Executive Session at 9:08PM, not to return to Regular Session to discuss Strategy with Respect to Collective Bargaining with the Firefighters' Union. Seconded by Selectman Antul.

Roll Call Vote:

Selectman Crocker-Timmins: Aye

Selectman Wojtas: Aye

Selectman Dixon: Aye

Selectman Antul: Aye

Chairman Lefebvre: Aye

Motion Carries, 5-0.

NEXT REGULAR MEETING DATE: December 16, 2019

Respectfully Submitted,

Vivian W. Merrill
Recording Secretary

Supporting documents:

- Flyer for the Holiday Gift Stroll
- Legal Notice for Citizen Petition Articles
- List of Committee Vacancies
- Public Hearing Notice for Elm St.
- Application for Roadside Vendors License
- Application for Transfer of License
- Application for Change of Manager
- One Day License Applications
- Supporting documents for Annual License Renewals
- Letter from the Economic Development Commission regarding the Tax Classification Hearing
- Supporting documents for 152 Turnpike Rd
- Supporting documents for 154 Middlesex St.
- Supporting documents for Tax Classification Hearing
- Draft Minutes