

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

Regular Meeting MINUTES
December 6, 2021

Attending:

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

Paul Cohen, Town Manager
Paul Haverly, Town Counsel

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 6:01PM followed by the Pledge of Allegiance.

PUBLIC SERVICE ANNOUNCEMENTS

Monday, January 3 by 4:00PM – deadline for citizen petition warrant articles to be submitted in duplicate for April 25, 2022 Spring Annual Town Meeting.

COVID Booster Clinic scheduled for December 28th from 2:00-6:00PM at Town Hall gymnasium; pre-registration is required; bring insurance card and wear short sleeve shirt.

Flu season is ramping up – mask up, lather up and sleeve up. Free flu shots available; call Board of Health 978-250-5241.

PUBLIC INPUT

Badhri Uppiliappan of the Clean Energy and Sustainability Committee appeared before the Board. He reported that the Committee had conversations with Trammell Crow with regard to the Town's net zero goals. He asked that the Select Board continue to understand the potential impact to the Town's net zero goals of the development on Princeton Street. Toward that end he asked that the Select Board take this opportunity to engage with the developer and ask pertinent questions within the framework of advancing the Town's commitment to net zero and need for collaboration as the development progresses.

Claude Royal, 22 Augusta Way, appeared before the Board. He expressed concern for the amount of sewage that will be "pumped into the ground from eight-hundred people" living in the development. Over time he believed that this sewage would seep down into Meadowood and Wyndemere. He stated he was told by the developer that the sewage would flow down to the Merrimack River. Since there are wetlands in between, he was concerned for the pollution impact to the wetlands. He was also concerned that the development would ultimately be hooked up to the Town sewer and about the traffic impact on Princeton Street of additional cars. He asked that the Board consider these problems.

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

Storage License Increase – Aggregate Industries, 16 Oak Street – continued public hearing

Jarrett Temple, Regional Manager, appeared via Zoom before the Board. He stated that the land license had been amended to ask for 55,000 liquid asphalt storage and keep the 18,000 gallons of oil the same, with a net storage increase of 2,000 gallons to the land license.

Chair Timmins asked for public input. There was none.

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

Motion: by Vice Chair Lefebvre to amend the liquid asphalt license from 53,000 to 55,000 gallons. Seconded by Board Member Dixon. **Motion carries, 5-0 unanimous.**

LICENSES

Renewal of Class II Auto Dealer License: A-1 Auto Collision LLC DBA A1 Luxury Cars, 297 Littleton Road, Unit 12 (pending receipt of required documentation)

Town Manager Cohen reported that the required documentation has not been submitted. The Board decided to take no action at this time.

STATUS OF PLANNING BOARD ZONING ARTICLE REVIEW FOR 255 PRINCETON STREET AND SCHEDLING OF SPECIAL TOWN METING

Chair Timmins stated that the Planning Board had requested that this item be put on the agenda. Since there were no members from the Planning Board present at the meeting, the Board moved on to the next agenda item.

DEVELOPMENT AGREEMENT REGARDNG TRAMMELL CROW RESIDENTIAL PROPOSED REDEVELOPMENT OF 255 PRINCETON STREET (FORMERLY UMASS WEST CAMPUS)

Vice Chair Lefebvre recused himself from this portion of the meeting and left the room.

Representatives of Trammel Crow were present including Attorney Melissa Robbins, Mark Baranski and Mason Brunnick. Also present was David Hedison of CHOICE.

Chair Timmins noted that there were two draft development agreements. Attorney Paul Haverty explained that the second agreement was with regard to the affordable housing portion of the site. This was created after guidelines were issued by the Department of Housing and Community Development that the bylaw needs to allow housing for families and children and cannot contain an age restriction. The separate agreement was created in order that there was no question as to age restriction. He will followup with DHCD to confirm compliance.

Attorney Haverty questioned what would happen if SCG Development Partners does not purchase the affordable housing portion of the property and the zoning bylaw would have already been adopted. The Town would not be protected by a development agreement for these units. Language was added to cross reference in the Trammel Crow agreement that the company would be responsible if SCG does not go forward. Attorney Robbins confirmed that Trammel Crow is signatory to the agreement should any non-profit entity assume ownership of the property under the overlay.

Following discussion, it was agreed that both agreements would be rolled over into one agreement.

Attorney Robbins reported that she and her team had met with the Conservation Commission, School Committee and other department heads. As a result of their meeting with Dennis King and Superintendent Lang, the first number of \$60K was discussed to cover the survey of the impact on school enrollment. As a result of a meeting with the Planning Board, an additional \$120K was allotted in addition to the previous \$360K for in-lieu of payment toward the CHOICE affordable senior housing.

Other changes to the development agreement were the removal of availability to connect to the Town sewer and holding the local conservation restriction.

Superintendent Lang reported that the hard costs associated with the development was an assessment of the impact on student enrollment, especially to the Harrington School as well as a longer term student projection cost on the middle and high school. This study would involve an assessment of a redistricting plan and the cost of redistricting map for an additional cost of \$60,000. Additional costs of increased enrollment may be funded by tax revenues in the regular budget to cover additional staff, supplies and transportation services. The School Committee therefore is asking that the additional \$120,000 currently allocated to the Planning Board in-lieu of payments be set aside for schools for a total of \$180,000.

Attorney Robbins stated that the \$120,000 was intended for in-lieu of payment toward the CHOICE affordable senior housing, but that it was within the purview of the Select Board to determine where the funds are allocated. Discussion ensued including input from Planning Board Members Mr. Michael Raisbeck and Ms. Dierdre Connolly that funds be allocated for in-lieu payments. Attorney Haverly noted that the Town is required to spend 10% annually of the amount in the trust fund, and it has met or exceeded that amount. The current balance in the trust fund is \$640,000. In response to questions, Manager Cohen clarified that the anticipated amount available to support the CHOICE affordable senior housing would be \$1M from the trust fund (current \$640K plus the original \$360K payment in lieu of) plus \$235K from the Community Preservation funds. If the additional \$120K were to remain as payment in lieu of it would decrease the amount of Community Preservation funds needed by \$120K. It would not, however, change the number of affordable units above the 60 planned (54 CHOICE plus 5 TCR) and therefore would have no impact on the town's 10% affordable housing requirement. With the 60 planned units the Town will exceed the 10% requirement.

Following discussion, it was the consensus of the Board that the \$120,000 would be assigned to the school system.

Chair Timmins then addressed the topic of the Town's net zero goals. Mr. Baranski reported that he had a fruitful meeting with the Clean Energy and Sustainability Committee. While he was reluctant to commit at this time to any one tangible action to be incorporated into the development agreement, he allowed that his company has been committed to environmental-friendly industry standards of low flow sinks and faucets and lowering VOC's in paint and mastics. This project will contain electric heat pumps and additional gas for grilles and pool heaters. He added that his company is actively researching new technologies like zero construction waste and the use of solar panels in roof systems. Mr. Hedison noted that in order to qualify for federal tax credits, electrification of the buildings is required and specificity of steps toward net zero.

Attorney Robbins noted that Trammel Crow is sensitive to the Town's sewer capacity and is not looking to later connect to the Town's sewer system. The water treatment plant is regulated by the MassDEP and has oversight of the supervision of the plant, including the requirement of an onsite operator and daily testing. \$600,000 has been set aside to address any future costs of repair or replacement. Town Manager Cohen noted that the water from the treatment plant is put back into the water table and benefits the aquifer of the area.

Chair Timmins then reviewed the other changes in the agreement, including section 2e relating to “reasonable costs of peer review” rather than the previously set number of \$8,000, and the Conservation Commission’s preference for local rather than state conservation restriction.

Attorney Robbins confirmed that the two development agreements will be merged into one agreement and a total of \$150,000 in funds will be allocated to the schools.

STATUS OF PLANNING BOARD ZONING ARTICLE REVIEW FOR 255 PRINCETON STREET AND SCHEDLING OF SPECIAL TOWN METING

Vice Chair Lefebvre recused himself from this portion of the meeting and remained out of the room.

At 7:08PM Chair Timmins announced that Planning Board members in attendance were Deirdre Connolly, Michael Raisbeck, Paul McDougall and Nancy Araway as well as Town Moderator John Kurland.

Mr. Raisbeck stated that a straw vote taken was four in favor of the proposed zoning change and one dissent. Town Counsel Haverty stated that the dissenting member’s concern was the change in the definition from age restriction to affordable housing. Mr. Raisbeck stated that a final vote will be taken when all the changes have been made to the development agreement and updated zoning bylaw. Attorney Haverty noted that he is scheduled to participate in the Department of Housing and Community Development input session on January 12th.

Town Manager Cohen outlined the timeline for the earliest a warrant could be signed on January 3rd. Town Moderator Kurland stated he has serious concern about the Omicron variant and how it will affect numbers of infections post-holidays. He is in conversation with Dr. Lang about the possibility of scheduling a one-night only special town meeting during school vacation week on February 24th. It could be held either in the High School gymnasium, as a preference, or the performing arts center.

Discussion ensued on the logistics of the time and venue. It was decided that the February 24th date would be more reasonable with a signing of the warrant on January 10th.

Vice Chair Lefebvre returned to the meeting.

REPORTS AND PRESENTATIONS

Assistant Public Works Director Steve Jahnle

Richardson Road Sewer Main Break

Mr. Jahnle reported that on December 1st at 2:00PM the department became aware of a sewer break in the Force Main on Richardson Road. A contractor was onsite around 3:30. By 4:00AM the break was repaired followed by cleanup and road restoration. Because the force main was installed twelve feet deep with a high water table, his department was not equipped to handle the job. There was no disruption in service.

54 Richardson Road PFAS Quarterly Testing Results

Board Member Dixon recused himself from the meeting.

Mr. Jahnle reported that samplings taken revealed small changes in the decrease of PFAS in the dog park and increase in a spot in front of the main garage. Further analysis was done on Cold Spring Brook and work is ongoing on the treatment system on a tight timeframe. Delays have been experienced in receiving parts.

Sewer ACOP Documents to DEP

Mr. Jahnle reported that all documents on the immediate response plan had been submitted to MassDEP. Work has commenced and will continue, as no adverse response has been received from MassDEP.

November Sewer Flows

Mr. Jahnle reported that compared to historic numbers of 2017 and 2018, numbers are only a tick higher. Due to high water tables over the summer, every community experienced an expected uptick in numbers.

Board Member Dixon returned to the meeting.

Director of Public Works Gary Persichetti

Chelmsford Forum Electrical Panel Upgrade and Ice Chiller Compressor System

Mr. Persichetti reported that following an assessment of the power outage, the rink was shut down due to a fault in the electrical control panel. Since the control panel was installed in 1985, it was difficult to find vendors for parts. However, he was able to find a vendor who replaced the main board and got the rink up and running. An assessment will be done by the insurance company. The ice will be brought back in about four-five days.

Town Manager Cohen noted that plans had been to replace the control system with roof solar panels, but structural analysis revealed that the roof would not support the weight. A ground solar panel system is being proposed, with funding to be allocated at the Spring Town Meeting

Business Development Director Lisa Marrone

Fitness Park and Route 129 Business Corridor Signage

Ms. Marrone reviewed her PowerPoint presentation including the following highlights:

- National Fitness Campaign
 - What is national fitness campaign?
 - Timeline of Chelmsford campaign.
 - Town of Tewksbury, Burlington and Everett fitness court.
 - Town of Townsend and Hadley announcements.
 - Town of Chelmsford interest, location options, timeline and funding support.

Town Manager Cohen noted that only town sites and not school sites were listed as options. The Varney site is being targeted as construction is already ongoing and a walkway would lead to the adult fitness area. A 38x38 foot pad is needed. Discussion ensued on the CCA area for its proximity to the rail trail and other sites.

- Chelmsford Cross Roads at Route 129 (CR129) Signage
 - CR129 marketing and branding
 - Installation date

TOWN MANAGER BID AWARDS

DPW Seasonal Materials

Town Manager Cohen reviewed the nine DPW bid awards for crack sealings, traffic markings, vertical granite curbing, paving, bituminous concrete in place, bituminous concrete top and binder course, bituminous concrete handwork, bituminous concrete berm in place and removal and reset granite curb.

Motion: by Vice Chair Lefebvre to approve the DPW materials and service bid awards as presented. **Motion carries 5-0, unanimous.**

TOWN MANAGER UPDATES

Goals Update

Town Manager Cohen reviewed the PowerPoint presentation including the following highlights:

- Sewer capacity

Chair Timmins suggested that while the short term goals address the need for continuation of the sewer moratorium, the long-term goals with Lowell and the state need to be articulated as well. Town Manger Cohen noted that the Lowell facility has been over capacity for several years, and the MassDEP has taken no action vis-à-vis the expansion of the plant, which is currently land-locked. The current infrastructure bill addresses combined sewer flow. Discussion ensued on the historical efforts on the possible location of a wastewater treatment plant within Town. Chair Timmins suggested adding this information to the goals update as a reference point.

- Sewer lessons learned

Chair Timmins asked how improvements to the ongoing process are documented. Town Manager Cohen responded that a formal list is sent to Planning Board and notice is sent to building department and community development with regard to residential and commercial projects.

- Warren-Pohl Farm

Town Manager Cohen stated that remedies are being addressed by the Land Trust and Conservation Commission, and it should be resolved in time for submission to the state.

- Fire stations
- PFAS at Richardson Road
- Succession planning
- Cyber security vigilance

Chair Timms confirmed with the Board that they would prefer quarterly reporting be presented at a regularly scheduled Select Board Executive Session for the Cyber Security Goal.

- ARPA funds
- COVID recurrence preparation
- Resident communications

Chair Timmins noted that, with a June deadline, this item will be put on the agenda for a working session in February.

- Select Board minutes

Board Member Carota reported that he had drafted a policy for regular minutes and audit of Executive Session minutes to ensure compliance with Open Meeting Law. Discussion ensued on establishing a timeline of February.

- Public Works infrastructure

Chair Timmins began discussion on goals on the original list including:

11. Growth Strategy

Following discussion, it was agreed that the Board would meet with Katie Gilfeather in January to discuss strategic planning as a higher priority over growth strategy.

14. Town Common and Extension Plan

It was agreed that this item would be left on for the next quarterly reporting.

Status of Efforts to Address Traffic Listening Session Concerns

Town Manager Cohen noted that a report of the listening sessions was contained in the above report.

MIIA Grant Award

Town Manager Cohen reported that an award of \$9,800 was received from MIIA on safety in terms of rooftop guardrails and skylight protection.

State ARPA and Surplus Funding Legislation Update

Town Manager Cohen reported that the Governor had signed legislation for the allotment of ARPA funding and state surplus. The Town received \$350,000 for the North Chelmsford Water District and \$200,000 for improvement of parks. Another round of infrastructure and state monies is expected in February. Discussion ensued on the use of the \$200,000 to be discussed further by the Board and allocated at its working session in January.

FY22 Planning Assistance Grant for Climate Action

Town Manager Cohen reported that the state had awarded the Town \$30,000 in reimbursement funds to address best practices for climate action initiatives.

TOWN MANAGER APPOINTMENTS

Town Manager Cohen announced the reappointments of four residents to the 2022 Holiday Decorating Committee for a term ending December 31, 2022.

Motion: by Vice Chair Lefebvre to approve the Town Manager's recommendation for reappointments to the Holiday Decorating Committee as presented. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

REVIEW OF SELECT BOARD LIQUOR AND COMMON VICTUALER LICENSE REGULATIONS

Board Member Wojtas reported on the two options for revised language of section 1.09 Discrimination Prohibited. The first option was chosen to simply state that discrimination is not allowed against any person.

The consensus was to enforce TIPs certification training for all managers and employees. The police have completed all checks and reviews for this license period. The new fiscal year would begin the enforcement, and the next time that would be enforced would be at the time of renewal of license. The updated document would be sent to licensees and the cover letter would state that TIPs training would not be enforced until the next fiscal year.

It was agreed that Sections 3.11 and 5.05 will be removed from the Select Board policies and retained in this document since they contain duplicate language.

Motion: by Vice Chair Lefebvre to approve the updated common victualer and alcohol license regulations as presented. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

SELECT BOARD GOAL – MEETING MINUTES PROCESS

This item was discussed above under Town Manager goals update.

MEETING MINUTES

Motion: by Vice Chair Lefebvre to approve the October 7, 2021 traffic listening session minutes. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

Motion: by Vice Chair Lefebvre to approve the October 19, 2021 regular meeting minutes as amended. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

Motion: by Vice Chair Lefebvre to approve the October 25, 2021 regular meeting minutes. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

Motion: by Vice Chair Lefebvre to approve the November 1, 2021 regular meeting minutes as amended. Seconded by Board Member Carota. **Motion carries, unanimous, 5-0.**

SELECT BOARD LIAISON REPORTS and REFERRALS

Board Members Carota and Dixon:
No reports or referrals this evening.

Board Member Wojtas:

- Cheerleaders from Pop Warner received national recognition award.

Board Member Wojtas and Vice Chair Lefebvre:

- Wish happy holidays to everyone.

Chair Timmins

- School Committee will host Dore & Whittier tomorrow evening for an update on facilities study short and long-term recommendations.
- Planning Board will host a public hearing for proposed UMass development on January 12th.
- Planning Board will host a public hearing for proposed redevelopment of Mercury Computer site on January 12th.
- Vinal Square Strategic action committee will host its next meeting on the concept plan on January 6th

PRESS QUESTIONS

No one came forward at this time.

Adjournment

Motion: by Vice Chair Lefebvre to adjourn to Executive Session, at 9:04PM, and not to return to open session to discuss strategy with respect to a) litigation for the certificate of occupancy at 73 Dalton Road; b) litigation re 59 Carlisle Street; c) potential litigation re Ledge Road commercial trucking; and review Execution Session Minutes of September 13, October 25, Segments 1, 2 and 3, November 15, Segments 1 and 2 and November 29, 2021. Seconded by Board Member Carota.

Roll Call vote:

Board Member Wojtas: Aye

Board Member Dixon: Aye

Board Member Carota: Aye

Board Member Lefebvre: Aye

Chair Timmins: Aye

Motion carries 5-0, unanimous.

NEXT REGULAR MEETING DATE: January 10, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- Spring 2022 Annual Town Meeting citizen petition deadline
- Committee vacancies
- Amendment to request for storage increase Aggregate Industries
- Storage increase
- Multifamily overlay district draft
- Draft Development Agreement
- Modified Choice Development Agreement
- Richardson Road sewer main break
- Groundwater analytical results PFAS November
- Chelmsford MA ERP
- Chelmsford MA annual plan progress report
- Sewer flow sFY22
- Business development update
- Annual highway bid recommendations
- FY22 goals update December 2021
- Sewer lessons learned December 2021
- North Chelmsford listening session October 7, 2021
- Chelmsford Center listening session October 13, 2021
- Heavy commercial vehicle exclusion
- Grants statement
- TY22 Town of Chelmsford planning assistance grant
- Town Manager Appointment
- Draft updated TOC license regulations
- Traffic listening session minutes 10/07/21
- Minutes of regular meeting: 10/19, 10/25, 11/1, 2021