

RECEIVED

2021-04-13

8:30 AM

TOWN OF CHELMSFORD

PATRICIA E. DZURIS

TOWN CLERK

CHELMSFORD FINANCE COMMITTEE  
MINUTES

March 25, 2021



**MEETING:** A virtual meeting was held on Thursday, March 25, 2021 at 6:30 PM using Zoom Video Communications software.

**PRESENT:** J. Clancy, D. Goselin, E. Chambers, K. Duffett, V. Parks, A. Langford, and A. Tanini

**ALSO PRESENT:** P. Cohen, J. Sousa, M. Raisbeck, E. Belansky, N. Araway, G. Ryan, J. Spinney, D. McLachlan, and D. Foley

**HANDOUTS:** Sent via email: Article 32 – Grinder Pump Homeowner Bill of Rights, Article 38 – Zoning Amendment Bylaw – E-Commerce as amended by the Planning Board, Zoning District Aerial Maps, FY2022 Police Department Budget Request, Article 37 – Center Village Parking PowerPoint Presentation

The meeting was called to order at 6:32 PM.

J. Clancy read the following statement regarding the virtual meeting:

*“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 Finance Committee 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](http://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](http://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.”*

**Approval of Minutes:**

March 11, 2021:

K. Duffett made a motion to accept the minutes of March 11, 2021 as written. E. Chambers seconded the motion. All voted in favor of the motion. The motion passed. The minutes were approved as written.

March 18, 2021:

K. Duffett made a motion to accept the minutes of March 18, 2021 as written. D. Goselin seconded the motion. All voted in favor of the motion. The motion passed. The minutes were approved as written.

**Warrant Article 33 – Transfer of Land:**

J. Clancy stated that Article 33 seemed to be a pretty straight forward article regarding the transfer of a number of parcels of town-owned land to the Conservation Commission. He said that the chair of the Conservation Commission, D. McLachlan was present at the meeting to discuss the article. D. McLachlan thanked the Finance Committee for inviting him to attend the meeting. He stated that the town acquired various parcels of properties periodically which were then reviewed by the Town Manager and Select Board. He said that in most cases these parcels were acquired via a tax taking or because the owner no longer wants the parcel because it is too small. He reported that every few years they take a look at the parcels of land and some parcels lend themselves to being transferred to the Conservation Commission. He said that most of the parcels for Article 33 were on Willis and Shore Drive and most of them abut Freeman Lake. He stated that it was important to the Conservation Commission to preserve the shorefront along Freeman Lake. He added that for the most part the parcels were not developable, were small, and most abut each other. He said that the properties were not large enough in aggregate to create a reservation but may be able to create a “pocket park” which they would look into. He explained that there may be three or four parcels along Freeman Lake which would lend themselves to becoming a small park similar to the one built on North Road in front of the funeral home. He said that this would allow them to keep shorefront activities under their observation. K. Duffett asked where Taunton Street was located. P. Cohen replied that it was near Freeman Lake and was adjacent to Shore Drive. He pointed out that it was mostly wet land and even though it was listed as being 2 acres, it was not 2 acres of buildable dry land.

**Warrant Article 32 – Grinder Pump Bylaw:**

J. Clancy stated that Article 32 was a citizen’s petition which would be presented by D. Foley. D. Foley thanked the committee for inviting him to the meeting. He introduced himself as being the president of the Grinder Pump Homeowners Association in Chelmsford. He said that they went by the name of the Sewer Fairness Alliance and he was petitioning on behalf of the alliance. He said that he refers to the bylaw as the Grinder Pump Homeowners Bill of Rights which is really a list of protections for grinder pump homeowners. He said that under the current bylaw the town was responsible for the maintenance and repair of residential grinder pumps. He added that there was a clause in the bylaw which would hold the homeowner responsible if there was abuse of the grinder pump. He said that currently the bylaw did not contain any procedure for any disputes that may arise, and the new bylaw intends to address this issue. He said that there were four main parts of the protections provided to homeowners in case of an abuse charge. He read the four main protections of the bylaw as follows:

- The Town's letter of intent to charge shall be sent by certified mail, return receipt requested.
- Any, meaning all, repair reports shall be provided to the homeowner with the letter of intent to charge.
- The grinder pump technician shall attend any appeal hearing at no cost to the homeowner.
- The Town shall not assess any charges until the conclusion of the appeal process.

He said that by using certified mail with return receipt the issue would be identified earlier and both parties would know when the communication is received. He added that this protection came out of a specific case where this had been an issue. He said that requiring all reports would make sure that all information would be out in the open. He said that there are normally two reports, the on-site repair report and the rebuilt/repair report. He explained that the rebuild report can be very important as this is where they take apart the pump which can reveal important information if there is an abuse. He stated that having the technician at appeal hearings was important as the technician may make statements on the site that are not actually in the report. He said that this has been an issue where the homeowner states what was said on site and the technician is not present to confirm what was said. He stated that having no charges until the conclusion of the appeal process allows the appeal process to be an information gathering process. He explained that if the charge is already assessed then the appeal is in a defensive position.

D. Foley stated that by having the protections be part of the bylaw the protections would need to be approved by a majority of Town Meeting and also they could only be removed by a majority of Town Meeting. He said that if circumstances change the entire Town Meeting should be aware of the requirements and the need for a change. He said that by adding these protections to the bylaw, the bylaw becomes more complete and transparent. He said, for example, the technician is referred to as being employed by Weston and Sampson which will not always be the case and the bylaw will need to be amended at some point. He said that the protections make the bylaw more complete and homeowners will understand the exact process regarding abuse. He said that as a bylaw these protections will greatly reduce the chances that any future grinder pump abuse case will result in costly court action. He said that expenses to the homeowner and the town will be reduced by these protections being part of the bylaw.

V. Parks said that she was curious if any language would potentially cause issue to the town if anything was retro-fitted or retro-installed. She gave the example of a grinder pump not being installed deep enough due to ledge. She asked if the new language would mean the town would need to go back and resolve these types of issues. D. Foley replied that this is an amendment to the existing grinder pump bylaw to add the protections. He said that these changes would only be applicable if a homeowner was charged for abuse when a grinder pump had been incorrectly installed. He said that if there was an issue with an incorrect installation and the grinder pump needs repair then the town is responsible for the repair. He said that the bylaw covers repairs of grinder pumps regardless of if they have been correctly installed or not.

K. Duffett questioned what the exposure to the town would be by requiring the technician to be present at all appeals hearings. She asked why the town would have to pick up the entire tab for this person to show up at the hearing. D. Foley replied that this particular provision has already been agreed upon by the town. He said that the current contract with Weston and Sampson charges at an hourly rate. He said that the meeting would be scheduled in advance knowing the availability of the technician. He stated that the town would pay because the town really wants to have the person who can speak to the accuracy of situation present. He explained that this would lead to the resolution of the issue whereas if the technician is not present the problem may remain unresolved and then become more costly for the town. He added that appeal hearings were extremely rare and typically the grinder pump program returns money to the town relative to their budget. He said that technicians at a hearing would be “small change” on occasion. He added that thus far the town has not paid anything to have a technician at a hearing.

E. Chambers asked what the homeowner would be typically charged if there was an instance of abuse. D. Foley replied that typically grinder pumps fail every 8 years. He stated that a repair that is determined to be an abuse is extremely rare. He said that there were about 60 or so repair calls per year and the number that could be considered abuse would be just a couple. He said that the typical repair cost on a grinder pump would be about \$600, but for the town, which pays prevailing wage, it would be close to \$1,000. He said that this would be the charge to the homeowner if abuse was determined.

E. Chambers asked for confirmation that the current town policy does allow for the technician to be at the hearing, but this has never happened. D. Foley replied that this was correct that the current policy has been in place for a year and he is not aware of any instance of an appeal during that time. E. Chambers asked why a bylaw is needed since the current process was not failing. D. Foley replied that it took a court case to get the current process after 5 to 6 years. He explained that originally there was no specified policy until the recent court case that resulted in the definition of the process a year ago. He added that the fact that there was no need in one years’ time did not mean that the policy wasn’t needed for the future. E. Chambers asked if this was being put forward because the current policy wasn’t sufficient or wouldn’t stand up to scrutiny should another case go to court. D. Foley said that the Sewer Fairness Alliance completely agree with the current policy as they had a part in the creation of the policy. He said that the only change is in adding the procedure to the bylaw so that it is in place long into the future.

#### **FY2022 Police Department Budget:**

Chief Spinney stated that one of the goals for the upcoming fiscal year was to build on the wellness division. He reported that last summer a new division had been formed which focused on mental health, substance abuse concerns, and would continue to prioritize department outreach and diversity initiatives. He said that this is the first time they have created a stand-alone division in order to deal with these issues in a proactive manner. He added that the clinician outreach program was continuing to expand and there were now two clinicians available to Chelmsford on a 24/7 basis. Chief Spinney reported that last July a full-time traffic and safety unit was established within the special services division. He explained that prior to this unit traffic safety was often absorbed into the day shift complement. He said that with rearranging of personnel and the additional hiring done two years ago there were now two officers Monday through Friday who were focusing exclusively on traffic and safety issues in

town. Chief Spinney stated that working closely with the School Department continued to be a priority and there were now three full-time officers within the schools. He added that even through the pandemic with the hybrid school scenario, the school resource officers have been busy. He explained that they responded to households all year long regarding issues with students. Chief Spinney reported that use of social media continued to be a goal and in addition to Facebook and Twitter, Tips411 has been added which allows direct, anonymous access to the Police Department. He stated that the department also had a goal of ensuring that all police department policies and procedures reflect the Massachusetts police reform legislation which was passed at the end of last year and will be in effect at various points this year. He noted that the Chelmsford Police Force has been accredited for about a decade and about two-thirds of the items that need to be implemented from this legislation are already being done in Chelmsford. He added that there were some changes from the legislation which would need to be implemented and would be a priority this year.

Chief Spinney reported that personnel of 69 FTE's remained the same other than going from two animal control officers to one. He said that this reduction was due to a retirement and in light of the pandemic and all departments streamlining things they decided that they could make do with the one animal control officer. He pointed out that the new wellness division had one lieutenant and the three school resource officers for a division of 4. He added that when there was no school in session the school resource officers could be used to address mental health, diversity, and substance abuse issues.

Chief Spinney reported that the FY2021 police personnel costs were \$6,644,211 and the FY2022 proposed budgeted personnel costs were \$6,738,183. He said that this was an increase of \$93,972 or 1.4%. He stated that this included a cost of living adjustment for non-union personnel and step increases for clerical and eligible patrol officers. He added that overtime drivers included staff replacement and staff education requirements. He explained that when an officer was off-shift to participate in training they needed to be replaced with another officer on overtime. He added that some of these courses were 40 hour courses. He said that training requirements were expanding and becoming more expansive including dealing with emotionally disturbed persons, crisis intervention training, de-escalation training, tactical training with less than lethal safety systems, update in use of force training, implicit bias training, training for interacting with special populations such as autistic individuals and the LBGQT community, substance use disorder training, and officer wellness training. He commented that he was sad to say that last year more officers took their lives than were killed in the line of duty. He said that officer wellness was becoming more and more of a priority and they encouraged officers to participate in the training so that everyone could see the warning signs.

Chief Spinney reported that the police expense costs for FY2021 were \$754,000 and the budgeted amount for FY2022 was \$824,500 for an increase of \$57,000 or 9.3%. He reported that decreases were seen in electricity (\$5,000), telephone (\$12,500), and fuel costs (\$5,600). He stated that there were increases in contracted services (\$7,000), new equipment (\$10,000), computer maintenance (\$10,000), and replacement vehicles (\$65,000). He said that the contracted services were increasing mostly due to a number of cloud-based contract services such as Tips411, the BOLO application, and policies and procedures which were now cloud-based. He added that his media assistant was also a reoccurring cost under contracted services. Chief Spinney said that the new equipment costs were increasing due to increases in the cost of

medical supplies and ammunition, the continued increase in the cost of new computers, and increasing equipment replacement costs. He stated that computer maintenance was increasing due to replacing hand-written tickets with devices which print citations and automatically send them to the RMV. He explained that since these are mobile devices he is assuming there will be significant costs to maintain them. Chief Spinney reported that the \$65,000 increase in replacement vehicles was from adding back one replacement vehicle. He reminded the Finance Committee that he had dropped one replacement vehicle last year bringing the total to 3 and this year he was adding it back to bring the total back up to 4 replacement vehicles for the year. He said that the hybrid cruisers themselves are about \$37,000 and the total cost when outfitted with equipment is about \$50,000 per replacement vehicle. He explained that his concern was that if they did not get back to replacing 4 vehicles per year it would adversely affect the fleet. Chief Spinney reported that the total proposed police budget for FY2022 was increasing by \$164,472 or 2.2%.

Chief Spinney reported that the animal control budget for FY2022 was about half of what it was in FY2021 due to only having one animal control officer. He said that the personnel budget under animal control was going from \$113,018 in FY2021 to \$52,539 for FY2022. He said that the animal control expenses were about the same as last year other than fuel which he expects to be about half of last year due to only running a vehicle half the amount of time as last year. D. Goselin asking if one animal control officer would be enough. Chief Spinney replied that it would be. He explained that one animal control officer had always been enough in the past and they had brought in the second officer when the first officer had been out for an extended period of time. He said that the second officer had replaced the first officer for quite some time and had done a fantastic job. He said that he made a request of the Town Manager to add an additional animal control officer in order to keep the second officer. He explained that they had seen an uptick in calls during evening hours and the second officer had worked out well. He explained that they also foresaw that the animal control officer complement would most likely reduce in the near future. He said that the town also had an agreement with Tyngsboro that they would come out for Chelmsford when there was an emergency and Chelmsford did the same for them. He added that they had let Tyngsboro use the Chelmsford animal control officer for a month and a half over the fall. He added that the animal control officer was also on call and could come out during off-hours. He stated that he was confident that the remaining officer would be enough.

Chief Spinney reported that the pandemic had an enormous impact on calls in 2020. He said that the overall total number of calls was 36,979 which was consistent with the number of calls last year. He said that many areas saw decreases in calls as people were staying home. He stated that medical calls were down by 34% as people were afraid to go to the hospital. He noted that one area with a significant increase was fraud which increased by 290% to 664 calls. He explained that many of these were COVID-19 related such as unemployment fraud and ordering of masks and personal protective equipment which was never received. He reported that foot patrols and property checks had increased by 37% to 17,989 in part due to large gatherings on public property not adhering to social distancing requirements. He stated that disturbances were up by 22% to 505 which including open fighting in parking lots which he does not recall ever seeing in the past. He commented that the pandemic played into frustration levels in many communities and Chelmsford was not immune.

E. Chambers asked if there was any reason why citations decreased considerably more than vehicle stops. Chief Spinney said that typically motor vehicle citations run about a third of all motor vehicle stops. He said that in many instances verbal warnings were given in order to have a positive communication and still accomplish the goal of telling the driver why they were stopped. He said that the driver could walk away learning something and feeling like they were treated with respect without being fined and the interaction was then a win for all.

**FY2022 Fire Department Budget:**

Chief Ryan reported that the FY2021 fire department budget had 60 uniformed positions with one position remaining vacant. He said that due to the pandemic they had left the position vacant, but he was looking to restore that position in the FY2022 budget. He stated that FY2022 was going to be a challenging year as they were projected to lose 4 firefighters this year. He explained that one would be on disability retirement and three were reaching the mandatory retirement age of 65.

Chief Ryan stated that after sitting down with the Town Manager and J. Sousa he was proposing a FY2022 budget of \$6,685,794 with \$6,245,294 in personnel services (increase of 2.24%) and \$440,500 in expenses (increase of 7.7%). He stated that the total budget increase was 2.58% which would bring his staffing levels back up to 63.5 with 61 uniformed members and 2.5 staff.

Chief Ryan reported that since FY2015 the vehicle maintenance line item has risen by 231% from \$47,779 in FY2015 to \$158,186 in FY2020. He said that this year the budget line item would exceed this because as of 3/12/21 it was already \$114,078 out of a budget line item of \$90,000. He said that one thing which was driving this cost increase was Maxx Force Diesel engines which were known to have problematic engine issues and were no longer being manufactured. He said that these engines have been subject to 47 class action lawsuits. Chief Ryan explained that Chelmsford had this type of engine in some of the front-line equipment including Engine 3, Engine 4, Engine 5, and the rescue vehicle. He said that the only silver lining is that Chelmsford is projected to move on from these pieces in the next couple of years. He stated that this engine was not the entire reason for the increasing vehicle maintenance costs pointing out that they had needed to replace the hydraulic pump on the ladder truck for close to \$9,000. He added that newer engines which were not Maxx Force Diesel engines had very expensive electrical parts. He added that the electrical component helps in diagnosing problems, but it is very expensive to take apart and replace and get the vehicle back into service.

Chief Ryan reported that the state civil service test for entry-level firefighters was changed from its traditional date in March to October. He explained that this would result in the new eligible list of firefighters being available on March 15<sup>th</sup>. He said that the biggest change is that for the first time they are offering an annual re-take option. He explained that anyone not satisfied with their score would have the opportunity to re-take the exam and have the new score merged into their existing score if they desired. He added that the available firefighter list was good for two years.

Chief Ryan reported that the work at Engine 2 was underway and they projected that the project would be completed by October. He stated that Engine 1 was already 7 years old. He added that the ages of the remaining engines were: Engine 3 (51 years), Engine 4 (45 years), Engine 5 (55 years). He stated that it was costly to heat and cool fire stations due to the constant opening of

the doors. He pointed out that even though Engine 1 was the largest station its energy consumption per square foot was significantly less than the other stations. He stated that it was not only the most efficient station, but it was also the most efficient public building in town. He added that they hoped to replicate this efficiency at Engine 2 when the work was completed.

Chief Ryan reported that similar to the Police Department, many call volumes to the Fire Department went down last year. He stated that structure fires were down by 47.4%, motor vehicle accidents were down by 33.3%, and motor vehicle accidents with injuries were down by 24.7%. He stated that with businesses closed, restaurants shutting down, and people working remotely there was less traffic. He noted that even though there were less structure fires, sadly one of the fires resulting in the loss of a life. He commented that unauthorized burning went up by 51.4% with people being home doing yard chores.

Chief Ryan stated that the Fire Department had hired a consultant in 2019 to do an analysis on response times for the Chelmsford Fire Department. He said that they found Engine 1, Engine 2, and Engine 3 were the busiest stations. He stated that Engine 4 was the outlier which always exceeds Engine 5 for responses and call volume. He added that last year Engine 4 was impacted by quarantine issues due to COVID-19 and maintenance issues which required the station to be closed on occasion. He reported that from March through Thanksgiving of 2020 there were only two members of the Fire Department who tested positive for COVID-19. He added that from Thanksgiving until January of 2021 12 firefighters and 2 additional staff had tested positive. He said that from March of 2020 until January of 2021 243 shifts were used to quarantine member of the department. He reported that 49 of the 60 fire department personnel have received COVID-19 vaccinations which was 82%. He added that 24 fire personnel along with 9 police personnel had taken COVID-19 vaccination training. He added that S. Rosa and her team had run fantastic vaccination clinics and it was a shame that they could not continue to provide that life-saving service here in town. He reported that from April of 2020 to January of 2021 91 victims in Chelmsford were lost to COVID-19.

Chief Ryan reported that in July of 2019 they had started the process of converting the Gamewell Masterbox system over to a central station system. He stated that at its peak Chelmsford had over 300 boxes in buildings and 245 street boxes. He stated that due to age and reliability concerns they were converting to the new system which they completed in December of 2020. He thanked the business community for working together to make this change.

Chief Ryan reported that Chelmsford signed on with Full Circle Technology for permitting. He stated that the plan had been to go live in June of 2020, but due to the pandemic shutdown they went live in March of 2020. He said that they had been on the system for a year and have issued 1,740 fire/alarm permits. He added that they offered permits over 19 different categories. He said that they were also able to consolidate approximately 1,500 dispatch permits into existing F/A permits. He said that they had issued 594 smoke/CO permits even though these inspections had been shut down due to the governor's executive order for three to four months. He reported that they had done 14 energy storage systems permits over the last year. He said that with the changes that will be seen coming down from the federal and state level he expected to see an increase in home energy permits. Chief Ryan reported that over the last year the department collected \$52,950 fees and waived \$7,326 fees. He said that they had waived fees for conversion from the Gamewell system because the Fire Department had required this change. He added that

they had also waived the inspection fees for restaurants during the pandemic to help them get back open.

Chief Ryan reported that a new staff vehicle and mechanics truck had been approved last year so they were moving on and would be looking to replace a 2002 plow/back-up truck for Service 3 and a 2005 fire investigation truck for Fire 5. He reported that several pieces of fire apparatus would hit the replacement schedule over the next few years between 2023 and 2024. He added that they would also be retiring a reserve engine in 2023 due to age.

**Warrant Article 37 Follow-up – Zoning Bylaw Amendment – Village Center Overlay Parking Requirements:**

E. Belansky reported that last night the Planning Board closed their public hearing and made their recommendations on the zoning warrant articles. He stated that as a result of feedback from the Finance Committee he had changed the bullet on increased parking to read: “Increases parking to 80% of requirement from 50%”. He asked if this change made more sense. J. Clancy replied in the affirmative. E. Belansky reported that this article has been endorsed by the Center Village Master Planning Committee and the Planning Board voted to recommend approval of this article by a unanimous vote of 7 to 0.

**Warrant Article 38 Follow-up – Zoning Bylaw Amendment – E-commerce:**

E. Belansky reported that he made a modification for clarified purposes based on input from the Planning Board that e-commerce was identified by the Draft 2020 Master Plan Update rather than stating that it was recommended.

E. Belansky reported that based upon the Finance Committee discussion last week he had identified examples of each type of e-commerce either in Massachusetts or close by. He provided examples of Amazon fulfillment centers in Boston suburbs, the Stop & Shop fulfillment center in Brockton, the Stop & Shop dark store in Whitman, the Walmart micro-fulfillment center in Salem, NH, and Guy Fieri’s Flavortown Virtual/Ghost Kitchens at Chelmsford, Bertucci’s.

E. Belansky reported that he updated the e-commerce maps and broke them out into “zoom-in” sections based on Finance Committee input. He reported that the Planning Board voted to amend the printed warrant to change the PB in the CD zoning district for fulfillment centers accessory use to be N to prohibit. He said that this decision was primarily made due to the input from the Vinyl Square Strategic Action Plan Committee. He stated that the Planning Board also voted to put an asterisk next to fulfillment center accessory use for a footnote to indicate that accessory use fulfillment centers would be permitted in the CD zoning district along Chelmsford Street, down Fletcher Street to Town Meeting House Road.

K. Duffett asked for clarification on all the abbreviated zones. E. Belansky replied that CA was neighborhood commercial including the area across from Westland’s and was generally small scale or even converted houses. He stated that CB is roadside commercial which included portions of Tyngsboro Road, portions of Middlesex St, Littleton Road, Princeton Street, and portions of Drum Hill. He said that CC was shopping center which included the area adjacent to Center Village where Nobo and Andiamo restaurants are located, portions of Chelmsford Street, and portions of Drum Hill. He said that CD is general commercial which included Vinal Square

including the gateway roadways leading into it, and portions of Chelmsford Street. He said that CV was the Center Village downtown Chelmsford area, and IA is limited industrial located at the northern part of Tyngsboro Road, off Wotton Street, portions of Middlesex Street, and one of the Mills in North Chelmsford.

A. Tanini asked if any special permits could be issued to allow for variances from what was in the bylaw. E. Belansky replied that the Planning Board could have provided a special permit provision, but they did not include such a provision in the bylaw. He added that the only way size requirements could be changed was with a dimensional variance from the zoning board. He added that this was difficult to obtain as a variance of this type had the highest threshold. He added that the proponent must prove a hardship related to the land in order to get such a variance and 99% did not meet the legal standard.

E. Belansky stated that this article was intended to indicate where, when and how these opportunities would be available. He said that this was a proactive step to show that Chelmsford was amenable to e-commerce and acknowledges market trends that are taking place. He added that communities that don't embrace these types of businesses are going to be left behind. He said that nobody could predict what the retail landscape would look like in five or ten years, but the various districts and shopping areas in town will not look the same in the future. He added that retail industries were already transforming.

V. Parks asked if 30% would be enough for an accessory use fulfillment center. E. Belansky replied that the Walmart example from Salem, NH was under 30%. He added that the Planning Board and Town Meeting had to start somewhere, and they could always adjust up or down accordingly based upon the local experience in Chelmsford. He added that he personally thought that 30% provided enough opportunity.

A. Tanini stated that she was not opposed to most of the article but was opposed to the fulfillment centers mostly due to possible unintended consequences. She questioned why this was not removed from the article and the remainder put forward. She explained that a fulfillment center was different and had a different impact to a neighborhood. E. Belansky replied that while the proposal included full scale fulfillment centers by right in IA; he pointed out that any project over 20,000 square feet required a major business complex special permit. He said that this would give the Planning Board the opportunity to apply discretion, logic, and reason, and take into account the many "nooks and crannies" in the zoning areas. He said that the special permit would allow the board to deny a project if they couldn't mitigate negative impacts. He added that the proposed use table for this article is consistent with existing uses and zoning districts. He noted that a fulfillment center had similar characteristics to a warehouse facility which was already permitted in these areas. He added that most uses would use existing square footage other than the principal use fulfillment centers which likely would demolish existing square footage. He said that the maximum square footage per acre ranged from 19,602 to 29,185 square feet. E. Belansky stated that principal use fulfillment centers target areas with close proximity to highways so this would really come down to Route 129 and Technology Drive. He added that this article indicated that the town wanted to be open to these opportunities and it defined the scope, scale, and framework for approval.

K. Duffett asked what happened with the \$60,000 grant received in order to evaluate opportunities along the interchanges of Route 3 and 495. She asked if this study had happened. E. Belansky replied that it did happen and in February a Zoom presentation was made where the consultant presented the existing conditions, and some initial findings. He said that all Town Meeting Representatives were provided with notification of the meeting. He added that the property owners within the study area were also provided with invitations to the meeting. He reported that about 35 people participated in that Zoom meeting. He said that this past week the consultant submitted the final draft of the presentation which included recommendations. He said that they were currently reviewing the presentation and when finalized it would be posted on the town website. He added that many of these concepts, particularly the e-commerce concepts were identified in the initial findings and the recommendations. He said that he could send out the draft of the presentation to the Finance Committee, if helpful.

E. Belansky reported that the Planning Board voted unanimously with 7 in favor to recommend approval of this article as amended.

**Warrant Article 39 Follow-up – Zoning Bylaw Amendment – Recreational Marijuana Accessory Uses:**

E. Belansky stated that he would highlight the revisions made to this article. He stated that he specifically added to the definition of cultivator the statement “\*NOT defined as agriculture\*”. He stated that marijuana cultivation did not meet the state definition of agriculture. He added that there were no farms in Chelmsford in the IA or CB zoning districts where outdoor cultivation would be permitted with the exception of the town owned farm off of Wotton Street. He said that this was 100% in control of the town and he did not envision any scenario where the town would allow outdoor cultivation of marijuana on this farm.

E. Belansky reported that he made contact with the Cannabis Control Commission and they made it clear that the gateway into the program required the Chelmsford Select Board to sign the host community agreement. He added that the Select Board could decide on the process involved in signing the host agreement. He explained that it was locally defined if the Select Board wanted to require a zoning permit prior to signing the host community agreement.

E. Belansky stated that he had added a slide with a list of approved and pending licenses in the greater Lowell area. He said that all on the list have already received a signed community host agreement. He added that the list included licenses for Dracut, Lowell, and Tyngsboro and did not include dispensaries. He said that the list was only for licenses for accessory uses even though these communities allow dispensaries. He added that some operated a dispensary in addition to the accessory use. E. Belansky stated that the opportunity for recreational marijuana accessory uses remained unchanged as only available in the CB and IA zoning districts by special permit from the Planning Board.

E. Belansky reported that the Planning Board voted 6 in favor of Article 39 and 1 opposed. J. Clancy asked if there was a reason given for the opposition. E. Belansky replied that he did not believe any specific reason was given. K. Duffett stated that she watched the meeting. She said that Mr. Walsh was the lone voter opposing the article. She said that she thought he gave his perspective and was clear on his position, and she encouraged the Finance Committee members to watch the meeting.

K. Duffett commented that 2 acres was specified as the maximum for cultivation and she asked what the minimum was. E. Belansky replied that for purposes of this zoning article the 2 acre agricultural requirement is completely irrelevant. He said that this requirement pertains to how the state currently defines agriculture and marijuana is not defined as agriculture. K. Duffett asked if a property in the IA zoning district had 2 acres or less could cultivate marijuana outside. E. Belansky replied that if in IA or CB districts as long as the use met the minimum lot requirement they would meet the minimum threshold to propose the use to the Planning Board.

K. Duffett commented that the town could earn up to 3% of the sales. She asked if this was article was being done for practically nothing. E. Belansky replied that the Planning Board did not discuss potential revenue as they have said in the past they do not zone for revenue. He added that the topic did come up and he reached out to his peer in Tyngsboro and their most recent cultivation community host agreements estimated annual retail sales of \$5,000,000 which at 3% would translate to \$150,000 for the town. He added that he had an email that he could forward out that provides a little more information regarding revenues. J. Clancy asked if this estimate was for Royalty Group, LLC, and Greenbridge Technologies, LLC. E. Belansky replied in the affirmative. J. Clancy asked if they were strictly cultivating or if they also had retail sales on site. E. Belansky replied that two were cultivators and one was a dispensary, but the information he received was strictly for the cultivators. J. Clancy asked if there were any retail sales with the cultivators. E. Belansky replied that he did not believe so.

K. Duffett commented that one issue which was brought up at the Planning Board meeting was that if marijuana was being grown indoors there may be sewer capacity and water use issues. She asked if the company would cover those costs themselves. E. Belansky replied that all private development was required to cover their infrastructure expense to service their use. He noted that all new development must pay sewer impact fees. He added that they would likely have to install onsite private treatment due to the sewer moratorium.

A. Tanini asked for clarification as to who had to approve non-medical marijuana accessory uses. E. Belansky replied that at a minimum the Select Board would have to have a successful negotiation and sign the host community agreement. He said that this was required in order for the company to apply to the state for a license. He added that the Select Board could further define what the local process would include such as requiring the zoning permit or notifying abutters if they desired.

N. Araway stated that she wished to clarify something regarding the 2 acre requirement. She said that the 2 acres minimum as part of state regulations is not the minimum required for a farm, but is the minimum required to not be regulated by local zoning bylaws. She said that farms under 2 acres are recognized by the state but are not exempt from zoning bylaws whereas farms over 2 acres are exempt from local zoning bylaws. She said that the state regulations follow the federal regulations for being a farm which require \$1,000 in revenue and 1/100<sup>th</sup> of an acre. She said that marijuana is not considered agriculture under either one.

**Warrant Article 40 Follow-up – Zoning Bylaw Amendment – Recreational Marijuana Sales:**

J. Clancy stated that Article 40 was the tie-in article which revised the existing use table from marijuana establishment to marijuana retailer and adopts the new definition specific to retailer. E. Belansky reported that the Planning Board voted to recommend approval of Article 40 by a 6 to 1 vote. J. Clancy commented that he was sure that this was based upon the previous vote. E. Belansky replied that the single vote against for the two articles were two different board members. M. Raisbeck commented that Finance Committee members should feel free to call or send him an email if they had any questions.

**Warrant Article 41 Follow-up – General Bylaw Amendment – Delete Prohibition of Non-medical Marijuana Establishments:**

J. Clancy stated that Article 41 would be another follow-up article to Article 39.

**Budget Hearing and Spring Town Meeting Warrant Schedule:**

J. Clancy reported that the Finance Committee would not be meeting next week on April 1, 2021. He said that the Finance Committee would meet the following week on April 8<sup>th</sup> at 6:30 PM to make recommendations on all of the articles. He said that he would notify the presenters in case they wanted to attend the meeting. He added that he would reach out the Nashoba and the Chelmsford Public Schools to let them know the date. He said that mid-June was the target timeframe for Town Meeting which would give the Finance Committee ample time to prepare the warrant book. He added that if anything came up the Finance Committee could reconvene to address prior to Town Meeting.

**Public Comment:**

None.

E. Chambers made a motion to adjourn. K. Duffett seconded the motion. All voted in favor.

The meeting adjourned at 8:58 PM.

Respectfully submitted,

Pamela A. Morrison