

Approved 5/9/2022

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

Regular Meeting MINUTES  
April 19, 2022

**Attending:**

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

Paul Cohen, Town Manager

**Absent:**

Ken Lefebvre, Vice Chair

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.

**PUBLIC SERVICE ANNOUNCEMENTS**

**Arbor Day Proclamation and April 29<sup>th</sup> Ceremony – Kate Crawford - Chelmsford Garden Club**

Board Member Wojtas read the Proclamation for the Arbor Day Celebration on April 29<sup>th</sup>. Kate Crawford, Chair of the Chelmsford Garden Club, received the proclamation. She reported that a 3:00PM ceremony is planned "rain or shine" at the Chelmsford Public Garden, 7 North Road. A planting of a "Kwanzan" cherry tree is planned and refreshments will be served.

**LGBTQ+ Listening Session – May 16 at 6:00PM – McCarthy Middle School Auditorium**

Board Member Wojtas reported that an LGBTQ+ listening session is planned for May 16<sup>th</sup> at 6:00PM at the McCarthy Middle School Auditorium. All residents are invited to discuss issues, concerns and ideas about the LGBTQ+ community.

**Bike Fitting Event**

Board Member Wojtas reported that a free bike fitting event for cyclists of all ages will be held on Saturday, April 30<sup>th</sup> from 9:00AM to 12:00PM at the Heart Pond Beach. This event is sponsored by Complete Game Physical Therapy and the Chelmsford Board of Health to have bikes checked to ensure proper form and setup to reduce injuries and improve performance.

**PUBLIC INPUT**

There was none.

**COMMITTEE VACANCIES**

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

**LICENSES**

**Common Victualler License – Country Creamery and Coffeehouse, LLC, 272 Old Westford Road**

Peter Morin of Old Westford Road appeared before the Board. He has met with the public safety officials to ensure safety of patrons. Mr. Morin stated that no entertainment is planned at this time, but may in the future include children's entertainment, i.e.: puppet shows, story-telling, etc.

**Motion:** by Board Member Wojtas to approve the common victualler and entertainment licenses to Country Creamery and Coffeehouse, LLC, to be operated on the premises located at 272 Old Westford Road. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

**One Day All Alcoholic Beverages Licenses – Sts. Vartanantz Armenian Church, 180 Old Westford Road – 7/1/2022 and 8/7/2022**

**Motion:** by Board Member Wojtas to approve the one-day all alcoholic beverage licenses for the dates 7/1/2022 and 8/7/2022 at Sts. Vartanantz Armenian Church, 180 Old Westford Road. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

**Extension of Temporary Outdoor Seating for Alcohol Licenses**

Town Manager Cohen reported that the Governor had signed into law the expansion of outdoor seating and for the delivery of alcohol to April 1, 2023. He presented the ABCC guidelines for the Board's approval.

**Motion:** by Board Member Wojtas to approve the ABCC advisory guidelines regarding the further expansion of patio service and takeaway/delivery of alcohol by on-premises licensees to continue to April 1, 2023. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

**REPORTS AND PRESENTATIONS**

**Community Development Director Evan Belansky - MBTA Zoning Briefing**

Evan Belansky, Community Development Director, appeared before the Board. He stated in order for the Town to remain eligible for this year's one stop grant application, the state requires that the community hold a briefing to present the draft guidelines to comply with MBTA Community zoning, as well as review the community information form. This must be submitted before the deadline of May 2<sup>nd</sup>.

He reviewed the PowerPoint presentation issued by the state including the following highlights:

- New Multifamily Zoning Requirement for MBTA Communities
- Housing production in Massachusetts
- The housing crisis
- Confronting the housing crisis
  - 2018 housing bond bill
  - 2021 economic development bill
  - ARPA spending package
  - Eviction diversion initiative
- Town-oriented housing development
- What we are discussing today
  - Draft guidelines
- Relevant section from the economic development bill
- What is an MBTA community?
- Reasonable size: land area and unit capacity
- MBTA communities by category of service
- Closer look at minimum unit capacity
- Size and density requirements
- Location of districts
- Examples of 15 units/acre
- Guidelines and supplemental information
- Importance of technical assistance

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- How to comply in 2022
- Timeline to finalize guidelines

Discussion ensued. Mr. Belansky stated that by definition of law, the Town is an MBTA community because it is adjacent to Lowell and Billerica. The draft guidelines state that the Town shall rezone for multi-family housing. By formula, the minimum number is 1,477 units, but is not a production formula. The UMassWest campus has twenty-five acres of developable land, on which 394 units are currently proposed. Under the law, three or four more twenty-five acre parcels would have to be identified to meet the baseline formula for rezoning. This land can be vacant or currently developed. The Town currently has several developments of multi-family housing.

If the Select Board chooses to submit the form of interim compliance, it reserves the right to participate in the program, but is in no way a commitment at this time. The benefit is that accessibility to grants will continue. If the Town chooses to go forward, the state will supply significant technical assistance by way of the regional participating authority, NMCOG, or by hiring private consultants. The Town has until 2024 to implement the program. The state is in the process of reviewing comments, and will issue final guidelines. If the Town does not comply, it may lose one stop grants.

Discussion ensued on the benefits of submission of compliance. If a commitment is made, technical assistance will be provided. Any project would need Town Meeting vote and adoption. Mr. Belansky added that the program has been robustly reviewed by the Massachusetts Municipal Association and the Association of Town Attorneys. An eighteen-page memo from the MMA is available on its website.

Mr. Belansky then reviewed the Community Information Form which needs to be submitted by May 2<sup>nd</sup>.

Chair Timmins expressed concern that there has not been enough discussion on this program, which first came to light in December. The decision to engage in zoning options should involve the decision of the Planning Board and Finance Committee. She suggested a Triboard meeting to discuss the overall impact to the Town of going forward with the program and the recommendations of all three boards.

Town Manager Cohen stated that the process will begin when the final guidelines are issued. With a state election in November and new administration in January, the final decision will be made by the new administration as to execution of the legislation. He stated that the current assessment under regional transit for the Town as an MBTA community for FY23 is estimated at \$272,907.

Mr. Belansky reiterated that if the Town decides to comply with the rezoning, that action does not in any way commit the Town to provide multi-family housing. The legislation does not mandate production. Technical assistance is provided in order that an assessment be completed on factors and constraints that may prevent such development, i.e.: economic, environmental, financing, infrastructure, Title 5, etc.

Chair Timmins stated the need to stay ahead of the timeline before final guidelines are issued. She asked the Town Manager to schedule time for all three Boards to meet over the new few months.

**Motion:** by Board Member Wojtas to direct the Community Development Director to submit the Community Information Form on behalf of the Town. Seconded by Board Member Dixon.  
**Motion carries 4-0, unanimous.**

#### **Community Development Director Evan Belansky – Climate Zoning RFP**

Mr. Belansky stated that the Town was awarded a Climate Resiliency Regulatory Audit and Action Plan grant of \$30K plus a \$10K local match, the latter of which was used for a low impact density assessment. As result of several months of engagement with the Clean Energy and Sustainability Committee (CEAS),

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an RFP was drafted and issued on March 3<sup>rd</sup> with a due date of March 25<sup>th</sup>. The RFP is to conduct work directly with the CEAC Committee, with an appointed Planning Board Member and other stakeholders. This is a zoning centric process to identify short, interim, and long-term period strategic themes and techniques and other non-zoning related techniques for the Town to become net-zero by 2050.

The RFP was issued to twelve firms, with eight indicating no response, and one proposal received from Weston & Sampson. The firm was interviewed by the CEAS Committee on April 12<sup>th</sup> and at its meeting that evening unanimously voted to endorse advancing the contract to Weston & Sampson.

**Motion:** by Board Member Wojtas to award the contract for the Climate Resiliency Regulatory Audit and Action Plan to Weston & Sampson in the amount of \$30K. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

### **Town Accountant Darlene Lussier – Current Fiscal Year Financial Report**

Darlene Lussier, Town Accountant, appeared before the Board. She reviewed her PowerPoint presentation on the third-quarter update of the FY22 budget including the following highlights:

- Status of FY22 revenue
  - Motor vehicle excise, local option meals and hotel rooms occupancy
  - Permitting, rental income, investment income and property tax collections
- Status of FY22 expenditures
- Special revenue funds
  - COA lunch program
  - School lunch program
  - Revolving funds
  - Reserved for appropriation
  - Other revenue/donations

The new auditing firm will conduct its pre-audit in May.

### **MEETING MINUTES – Select Board Reorganization Meeting – April 7, 2022**

**Motion:** by Board Member Wojtas to approve the April 7, 2022, meeting minutes as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

### **SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Board Member Dixon: none at this time

Board Member Caraota:

- Met with Roberts Field group and an arborist, and a process is on track for DPW to complete the project.

Board Member Wojtas:

- Environmental Fair at the Library this Saturday from 12:00-3:00PM for Earth Day. Saplings given away first-come first-served.
- Recent ribbon cutting at Charles Fredrick Jewelers for grand reopening after renovation.
- Project Kompass Transition and Independent living geared to youth but open for all ages.
- Code Chef Learning Center on Summer Street provides problem solving and computer coding creativity for all ages.
- Police Department Foundation presented lifesaving awards for actions by several officers in difficult situations: Former Deputy Chief Dan Ahearn, Sgt Frank Goode, Officers Robert Murphy, Ryan McCarthy, Ashley Gallant, Ashley Rokas, Keith Leczynski, Ryan O’Keefe, Derek Hill and Christopher Chipchak.

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- Also awards were given to Det. Robert Brown and two civilians, Hans Hug and Bruce Stebbins who worked tirelessly on the Judith Chartier case who disappeared over forty years ago. Also awarded were Dispatchers Richard Demers and John Brewer. Also awarded was Certificate of Civilian Appreciation to retired Pastor Steve Burkett who served many years as pastor for Fire Department and Police Department.
- Private Lefebvre and she walked from the Common to North Bridge in Concord. Thanks to Police Department by providing escort from the Common all the way to Carlisle Center

### **MEETING SCHEDULE**

Chair Timmins announced June meeting schedule

June 6, regular meeting; June 13 town center listening session; and June 27 regular meeting.

**NEXT REGULAR MEETING DATE: May 9, 2022**

### **ADJOURNMENT**

**Motion:** by Board Member Wojtas to adjourn at 7:24PM. Seconded by Board Member Dixon.  
**Motion carries, 4-0, unanimous.**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

Supporting documents:

- Proclamation Arbor Day 2022
- Arbor Day 2022
- Committee vacancies
- Country Creamery and Coffeehouse LLC
- Sts. Vartanantz one-day licenses
- 2022-04-01 ABCC outdoor dining date extension advisory
- 2022 04-07 ABCC outdoor dining area guidelines
- MBTA communities webinar deck 01-12-22
- MBTA community information form
- Final RFP – regulatory audit and actin plan zoning edits
- WSE climate resiliency audit
- FY22 budget report Select Board 4-19-22
- FY22 YTD revised March 2022
- FY22 YTD budget reports
- FY22 revolving funds balances March 2022
- Minutes 04-07-2022