



TOWN OF CHELMSFORD

**WARRANT FOR THE
2019 FALL
ANNUAL TOWN MEETING**

OCTOBER 21, 2019

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet at the Senior Center, 75 Groton Road, North Chelmsford on Monday, the twenty-first day of October in the year two-thousand and nineteen at 7:30 p.m. in the evening and there to act upon the following articles, VIZ:

ARTICLE 1. To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 2, To see if the Town will vote to rescind the remaining authorized, but unissued, borrowing voted under Article 7 of the October 16, 2017 Fall Annual Town Meeting for the purchase of two (2) parcels of land, located at 123 Brick Kiln Road, Chelmsford, and 2 Brick Kiln Road, North Billerica, known together as the Forum; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 3. To see if the Town will vote to rescind the unexpended appropriation voted under Article 13 of the April 27, 2015 Spring Annual Town Meeting for the reconstruction of the Progress Avenue Sewer Pump Station, and to return such unexpended monies to its funding source, the Sewer System Capacity Impact Fund; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 4. To see if the Town will vote to rescind unexpended appropriations for completed projects whose funding source is the Community Preservation Fund and to return said unexpended funds to the Community Preservation Fund; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 5. To see if the Town will vote to transfer a sum of money from the Sale of Graves and Lots Account to the Cemetery Improvement and Development fund; or act in relation thereto.

SUBMITTED BY: Cemetery Commission

ARTICLE 6. To see if the Town will vote to appropriate the sum of \$7,802.50, received by the Town from the Commonwealth Transportation Infrastructure Fund, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure, or any other public purpose substantially related to the operation of transportation network services in the Town, including, but not limited to, the complete streets program established in Massachusetts General Laws Chapter 90I, Section 1, and other programs that support alternative modes of transportation; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 7. To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money to be used to fund employee contract agreements between the Town and its collective bargaining units; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 8. To see if the Town will vote to amend the Fiscal Year 2020 operating budget adopted under Articles 4, 6, and 7 of the Warrant for the Spring Annual Town Meeting held on April 29, 2019; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 9. To see if the Town will vote to transfer from Free Cash a sum of money to the Sewer Construction Stabilization Fund; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Town's portion of the total project cost related to the partial roof replacement at the South Row Elementary School, said work to be performed under the provisions of the Massachusetts School Building Authority Accelerated Repair Program; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase of a replacement breathing air compressor unit for the Chelmsford Fire Department; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase and installation of rectangular rapid flashing beacons at crosswalks adjacent to the Chelmsford Public Schools and at the High Street intersection with the Bruce Freeman Rail Trail; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the purchase and installation of a bituminous concrete top coat along the exterior surface area of the Department of Public Works Facility located at 9 Alpha Road; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the resurfacing and installation of granite curbing of a portion of the Chelmsford High School parking lot; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 15. To see if the Town will vote to transfer from Free Cash a sum of money to reduce the Fiscal Year 2020 property tax levy; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 16. To see if the Town will vote to transfer from Free Cash a sum of money to the General Stabilization Fund; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 17. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow from the Community Preservation Fund a sum of money for the relocation, reconstruction, and enhancement of the ballfields located at Roberts Field; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 18. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow from the Community Preservation Fund a sum of money for the planning and design of a pedestrian bridge across Beaver Brook in the Town Center; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow from the Community Preservation Fund a sum of money for the creation of a façade improvement program for buildings located in the town center and/or Vinal Square; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee

ARTICLE 20. To see if the Town will vote to transfer from Sewer Enterprise Fund Free Cash a sum of money for the following sewer capital projects:

- Lord Road Sewer Pump Station Building and Generator Replacement: \$220,000;
- Vincent Road Sewer Pump Station Building and Generator Replacement: \$200,000;
- Wiede Street Sewer Pump Station Control Panel and Generator Replacement: \$120,500;
- Miland Avenue Sewer Pump Station Engineering and Design for Upgrade: \$25,000;

; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act amending the Town Charter to change the name of the Board of Selectmen to Select Board to exhibit gender neutrality as do all other boards representing Chelmsford as set forth below:

AN ACT AMENDING THE CHARTER OF THE TOWN OF CHELMSFORD TO CHANGE THE NAME OF THE BOARD OF SELECTMEN TO SELECT BOARD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1-3 Division of Powers of the charter of the Town of Chelmsford, which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “Board of Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 2. Section 2-8 Establishment of Districts of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words: “select board”.

SECTION 3. Subsection (a) of Section 2-17 Warrant Articles of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words: “select board”.

SECTION 4. Subsection (a) of Section 2-18 Procedures of said charter is hereby amended by striking out in the second paragraph the word “Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 5. Subsection (a) of Section 2-18 Procedures of said charter is hereby amended by striking out in the third paragraph the words “Board of Selectmen” and inserting in place thereof, the words “Select Board”.

SECTION 6. Subsection (c) of Section 2-18 Procedures of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 7. Subsection (b) of Section 2-19 Referendum Procedures of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 8. Subsection (a) of Section 3-20 Elected Town Officers, In General of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 9. Section 3-21 Board of Selectmen of said charter is hereby amending by striking the out the words “Board of Selectmen” in the title of the section and inserting in place thereof, the words “Select Board”.

SECTION 10. Subsection (a) of Section 3-21 Board of Selectmen of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 11. Subsection (b) of Section 3-21 Board of Selectmen of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 12. Subsection (c) of Section 3-21 Board of Selectmen of said charter is hereby amended by striking out the words “Board of Selectmen”, each time it appears, and inserting in place thereof, the words “Select Board”.

SECTION 13. Subsection (d) of Section 3-21 Board of Selectmen of said charter is hereby amended by striking out the words “board of selectmen” and inserting in place thereof, the words “select board”.

SECTION 14. Subsection (a) of Section 3-24 Planning Board, Composition of said charter is hereby amended by striking out the words “Board of Selectmen”, and inserting in place thereof, the words “Select Board”.

SECTION 15. Subsection (b) (ii) of Section 3-31 Recall of Elected Officers of said charter is hereby amended by striking out the word “selectmen”, and inserting in place thereof, the words “select board”.

SECTION 16. Subsection (c) of Section 3-31 Recall of Elected Officers of said charter is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 17. Subsection (c) of Section 3-31 Recall of Elected Officers of said charter is hereby amended by striking out the words “board of selectmen”, and inserting in place thereof, the words “select board”.

SECTION 18. Section 4-32 Appointment, Qualifications, Term of Office of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 19. Section 4-32 Appointment, Qualifications, Term of Office of said charter is hereby amended by striking out the words “selectmen”, and inserting in place thereof, the words “select board members”.

SECTION 20. Section 4-33 Powers of Appointment of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 21. Section 4-34 Supervisory, Administrative Powers and Duties of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 22. Paragraph (m) Section 4-34 Supervisory, Administrative Powers and Duties of said charter is hereby amended by striking out the word “selectmen”, and inserting in place thereof, the words “select board”.

SECTION 23. Section 4-35 Compensation of said charter is hereby amended by striking out the words “board of selectmen”, and inserting in place thereof, the words “select board”.

SECTION 24. Section 4-36 Temporary Absence of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 25. Section 4-37 Vacancy in Office of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 26. Section 4-38 Removal of Town Manager of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 27. Section 5-39 Powers of Organization of said charter is hereby amended by striking out the words “board of selectmen”, and inserting in place thereof, the words “select board”.

SECTION 28. Section 6-42 Annual Budget Policy of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 29. Section 6-45 Capital Improvement Program and Long Term Financial Plan of said charter is hereby amended by striking out the words “board of selectmen”, each time it appears, and inserting in place thereof, the words “select board”.

SECTION 30. Section 6-48 Annual Audit of said charter is hereby amended by striking out the words “board of selectmen”, and inserting in place thereof, the words “select board”.

SECTION 31. Subsection (a) of Section 8-57 Time of Taking Effect of said charter is hereby amended by striking out the words “Board of Selectmen”, each time it appears, and inserting in place thereof, the words “Select Board”.

SECTION 32. This act shall take effect upon its passage.

; or act in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 22. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by revising the zoning of properties directly abutting and north of Rt. 40 and west of Rt. 3, from RC to IA, to include properties identified by Book and Lot as 10-22-1, 16-22-1, 16-22-2, 17-22-1, 17-22-2, 17-22-3, 17-22-4, 17-22-5, 17-22-6, 17-84-1, 17-84-2, 17-84-3, 17-84-4, 17-84-5, 17-84-6; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 23. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by adopting a new zoning overlay bylaw and associated zoning Map amendments, Article XXV “Continuing Care Community Overlay District (CCCOD)” as follows:

Article XXV Continuing Care Community Overlay District (CCCOD)

§ 195-148 Establishment of overlay district

The Continuing Care Community Overlay District (CCCOD) addresses changing Town and regional market conditions, specifically the need to provide housing opportunities to the growing population of senior citizens. The CCCOD defines the framework for an Aging-in-Place Community that provides individual and multi-family housing opportunities, facilitated and independent senior living facilities, and graduated healthcare support service, with readily available Personal Care Services.

Plans submitted under the CCCOD are required to meet these basic requirements and objectives:

- A. Promotes orderly, effective and quality development and redevelopment;
- B. Provides housing opportunities that will be compatible and complementary with the surrounding area;
- C. Enhances the aesthetic qualities and characteristics of the area, such as architectural style, streetscape character, open space, connectivity, and overall setting in a manner that protects and enhances the value of surrounding real property; and
- D. Does not disturb residential neighborhoods or detract from the appearance of the Town and results in the maintenance of a balance and workable relationship between the existing area and use, the new utilization and adjacent residential neighborhoods.

§ 195-149 Establishment of overlay district

The location and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the Continuing Care Community Overlay District Map, dated August, 28, 2019.

§ 195-150 Use regulations.

- A. The existing use Regulation Schedule (Chapter 195, Attachment 1) shall be applicable within the underlying zoning districts.

B. Within the overlay the following uses are permitted by right:

(a) Attached and detached Independent Senior Living Facilities up to a density of 20 units per acre; Facilitated living facilities (see Article XVII for definitions), and (exempt and nonexempt) Adult Day Care facilities.

(b) Nursing/convalescent facilities.

(c) Restaurants no larger than 3000 sq. ft. (drive-throughs are not permitted)

(d) Medical Offices and Medical Centers

C. The following are permitted by special permit:

(a) Commercial Uses supporting the purpose of the CCCOD and not exceeding 2000 square feet, including:

i. Personal Care Services, such as but not restricted to barber, salon, laundry/dry cleaner, financial services agency, and pharmaceutical supplies

ii. Pharmacy and Banks; (drive-throughs are permitted).

iii. Retail stores and services

iv. Parking garages

(b) Reduction of residential unit size in dwellings limited to 55 and over occupancy, below the limits established in ss 195-113 Residential Uses.

(c) Independent Senior Living Facility density in excess of 20 units per acre, subject to ss 195-63 Density Bonus for affordable housing, excepting that in the CCCOD, one unit for each 5 units set aside for Affordable Housing, in accordance with Article XXIII, "Inclusionary Housing Bylaw".

(d) Buildings that exceed the height of the underlying zoning district, as provided for in ss 195-152.

(e) Maximum Building Coverage and Floor Area Ratio (FAR) may be increased by up to 50% above that required by the underlying Zoning District, for 55 and over housing, facilitated and independent senior living facilities, and graduated healthcare support services within structures and / or located on one lot.

§ 195-151 Special provisions for all CCCOD.

A. Parking garages/ structures shall not be counted towards the floor area ratio.

B. New construction of Restaurants, Banks, Pharmacies, Personal Care Services and other Retail and Services pursuant to Bylaw ss 195-150 B (c), C I, ii and iii shall not be single tenant free standing structures.

C. Except as specifically defined in Article XXV, the dimensional standards of the underlying zoning district shall apply. However, Footnote # 4 of Table of Dimensional

Requirements, shall not be applicable. In addition, a special permit may be granted for reduced front, side and rear setbacks when not abutting an existing single and / or two-family dwelling.

§ 195-152 Special provisions for CCCOD implementation in specific areas.

A. **Building height.** For lots in the IA District north of Rt. 40, buildings that are set back from Rt. 40 by more than 200 feet may be up to 5 stories tall and 60 feet high for all applicable uses. However, 300 ft of setback from Rt. 40 shall be provided for a 5-story building when abutting an existing single and / or two-family dwelling.

B. For lots in the IA District north of Rt. 40, new construction in the 200 feet adjacent to Rt. 40 shall not exceed 3 stories and 35 feet.

C. **Multi-family dwellings for individuals 55 and older up to a density of 20 units per acre or a density of 15 units per acre for non age restricted units.** For either option, a minimum of 20% of the units shall be provided at 50% AMI for units that are considered Assisted Living Facilities as that term is defined in the Department of Housing and Community Development's Chapter 40B Guidelines, and a minimum of 25% of the units shall be provided at 80% AMI for units considered to be Continuing Care Retirement Facilities pursuant to Section II(A)(1) of the Chapter 40B Guidelines, to allow for inclusion on the DHCD Subsidized Housing Inventory. A payment in lieu may be granted per section 195-138.D

§ 195-153 Applicability of CCCOD to overlay district.

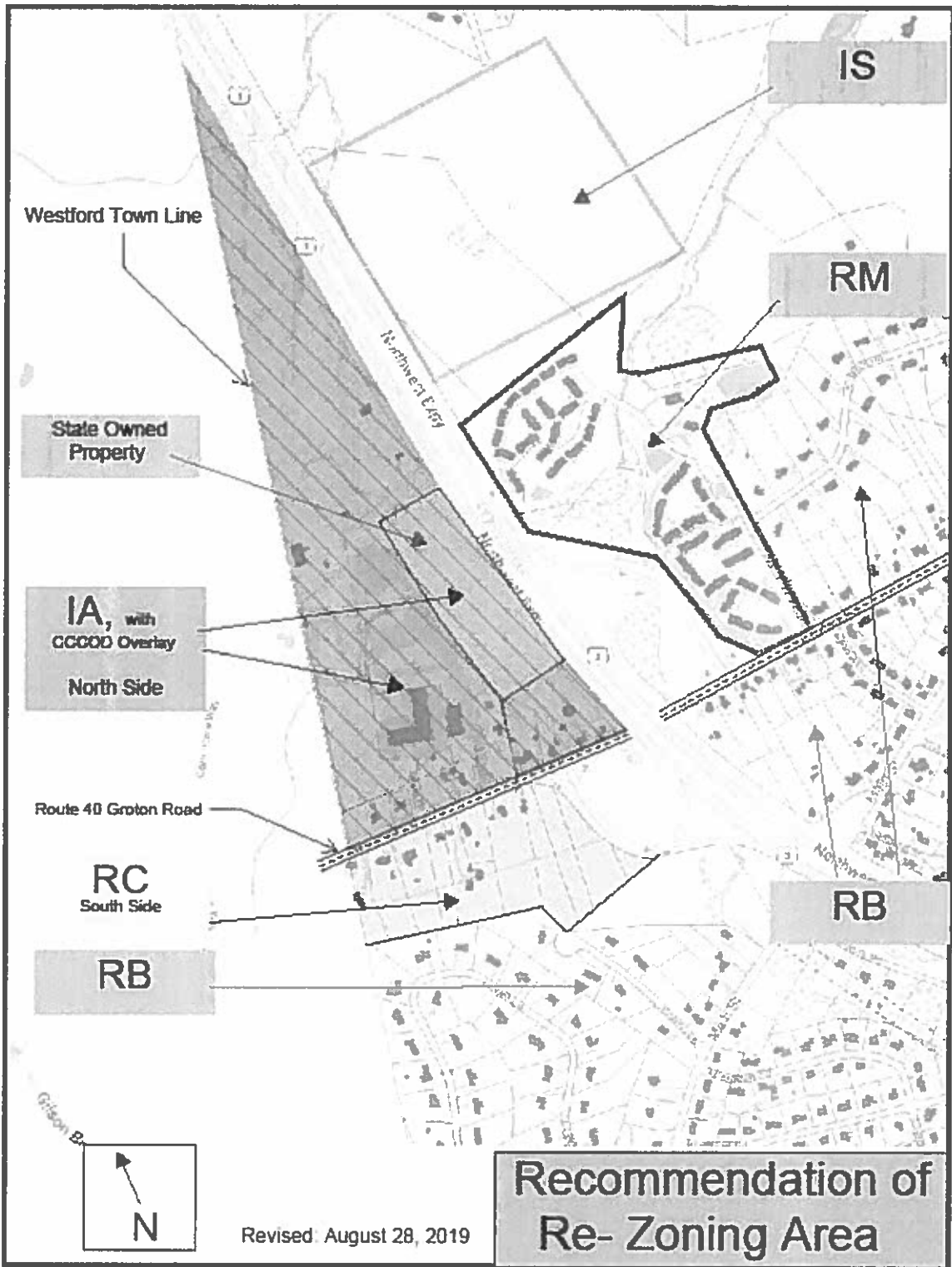
A. All provisions in Article XXV shall have precedence over other sections of the Zoning Bylaw.

B. The Requirements detailed in Article XXV - Continuing Care Community Overlay District are intended to modify the basic requirements of the district to which they are applied. Unless otherwise stated in this Article, exceptions and modifications provided by any other Overlay District are not intended to be combined with the application of the CCCOD.

C. **Relationship with the zoning provisions.** Unless specifically governed in the CCCOD Overlay, all other zoning provisions of the Chelmsford Zoning Bylaw, Chapter 195 shall remain in full force and effect and shall neither be modified, repealed, nor amended by this article. This includes but is not limited to Article V, off Street parking and Loading, Article VII, Signs and outdoor lighting, Article IX, Landscaping, and Article XI, Major Business Complex.

And to adopt the new Continuing Care Community Overlay District (CCCOD), zoning by-law Article XXV, to the area north of Route 40 and west of Route 3, to include properties identified by Book and Lot as 10-22-1, 16-22-1, 16-22-2, 17-22-1, 17-22-2, 17-22-3, 17-22-4, 17-22-5, 17-22-6, 17-84-1, 17-84-2, 17-84-3, 17-84-4, 17-84-5, 17-84-6; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**



**Recommendation of
Re- Zoning Area**

ARTICLE 24. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by amending Article XXI “Community Enhancement and Investment Overlay District”, sub-section 195-113 “Residential Uses” to delete the prohibition of multi-family within IA zoning districts by deleting from the first sentence of sub-section 195-113 the words “except in the IA Zoning District”; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 25. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by amending section 195-8 “Nonconforming Uses and Structures, sub-section 195.8.E in its entirety and replacing it with the following language:

195-8.E. By-right nonconforming single- and two-family residential structures. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered or structurally changed (the work) upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure.

(1) The following circumstances, (a)-(d), shall not be deemed to increase the nonconforming nature of said structure.

(a) Conformance to Historical Dimensional Requirements based upon Year structure was built and Zoning District*

<u>Date Structure Built</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>1938 to May 10, 1954</u>	<u>25</u>	<u>10</u>	<u>10</u>
<u>May 11, 1954 to June 1956</u>	<u>25</u>	<u>12</u>	<u>10</u>
<u>July 1956 to May 1 1961</u>			
<u>R.A.1</u>	<u>40</u>	<u>25</u>	<u>30</u>
<u>R.A. 2</u>	<u>35</u>	<u>17</u>	<u>35</u>
<u>R.A. 3</u>	<u>30</u>	<u>15</u>	<u>35</u>
<u>GR</u>	<u>30</u>	<u>12</u>	<u>30</u>
<u>June 1961 to present</u>			
<u>RA</u>	<u>40</u>	<u>25</u>	<u>30</u>
<u>RB</u>	<u>40</u>	<u>25</u>	<u>30</u>
<u>RC</u>	<u>20</u>	<u>12</u>	<u>20</u>

*Year built is based upon Assessors database or best available information presented to the Building Commissioner. Historical Zoning Maps are on file with the Community Development and Building Departments.

(b) Insufficient lot area. The work to a structure located on a lot with insufficient lot area which complies with setback requirements per (a);

(c) Insufficient frontage. The work to a structure located on a lot with insufficient frontage which complies with setback, requirements per (a);

(d) Other Dimensional Requirements. The work to a structure which complies with a-c above and also complies with current, building coverage, and building height and FAR requirements. Extension of the nonconforming structure along the same nonconforming line, parallel to the required setback, shall not be deemed to increase the nonconforming nature of said structure; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 26. To see if the Town will vote to amend the Town Code, Chapter 195: "Zoning Bylaw," by amending Article XVIII "Planned Open Space Development", section 195-93.A to reduce the minimum 10 acres down to 5 acres, section 195-93.C to reduce the perimeter setback from 100 feet to 75 feet, section 195-94 to revise the definition / formula for providing open space and to amend the Use Regulation Schedule, Attachment 1, line A.7 to indicate "by-right" in the RA and RB zoning districts as follows:

a) By deleting Section 195-92 in its entirety and replacing it with the following language:

"§ 195-92 Purpose. Planned open space developments, hereinafter known as "POS," may be allowed by by-right in the form of Site Plan Review by the Planning Board for the purpose of providing attractive, convenient, efficient neighborhoods and to promote the conservation of open space and the efficient use of land in harmony with its natural features."

b) By amending Section 195-93 General standards, Paragraph "A" by deleting the number "10" in the first sentence and replacing it with the number "5";

c) By amending Section 195-93 General standards, Paragraph "C" by deleting the number "100" and replacing it with the number "75";

d) By deleting the first paragraph of Section 195-94 "Open space requirements" in its entirety and replacing it with the following language:

“A minimum of 25% open space, excluding required yards and buffer areas shall be provided. Such open space may be separated by the road(s) constructed within the site. At the discretion of the Planning Board, the open space provided may be off-site, upon a demonstration that such land promotes the purpose set forth in this article. The percentage of the open space which is wetlands, as defined pursuant to MGL c. 131, § 40, shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in the open space upon a demonstration that such inclusion promotes the purposes set forth in this article.”

; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 27. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” to promote private investment in the preservation of Chelmsford’s Historically Significant Dwellings, by providing usage bonuses in the way of additional living units and/or additional building lots, in return for the Owner placing the property under Historic Preservation Restrictive Covenants. Section 195-149 directly replaces the current 195-13, and updates living area sizes to current standards. The rest of this article is new. Currently, 108 Historically Significant residential properties qualify for the use of the new clauses. As a reference, 279 pre-1939 properties have been previously converted to 2 or more living units, and an additional 625 single family residences currently qualify for conversion to a two-family and would continue to do so with this re-write;

by deleting Section 195-13 “Conversion of dwelling units” in its entirety, and adopting a new zoning bylaw, Article XXVI, “Historical Preservation and Reuse”, as follows:

Article XXV Historical Preservation and Reuse

195-148 Purpose and Intent

The purpose of this Historical Preservation Article is to maintain the character of the historic areas of Chelmsford, and to promote the preservation of historically significant structures by providing incentives for private investment in their maintenance, and to encourage investments that will allow such buildings or features to remain in place, or be relocated within Chelmsford, rather than be demolished or otherwise compromised. Issues to be considered on the eligibility of projects include:

- A. The importance of the structure as determined by a Chelmsford Historical Commission finding of Historical Significance;
- B. Prevention of deterioration to buildings and resultant depreciation to the surrounding properties due to the upkeep costs of older structures;

- C. The need to bring properties up to current Building Code for safety and environmental compliance;
- D. The value of preserving the structure, taking into consideration the private investments required to improve safety and environmental systems, preserve and maintain it;
- E. Impacts to the immediate neighborhood of the proposed changes compared with the impact of replacement of the structure;
- F. Impacts to the architectural, cultural and historic nature of the town.

195-149 Historic Significance.

For purposes of a special permit for historic preservation the historic building or structure must be listed on one of the following:

- 1. The National Register of Historic Places;
- 2. The State (Commonwealth of Massachusetts) Register of Historic Places;
- 3. The Chelmsford Historical Commission Building Inventory.

Other Dwellings existing in 1938 may be submitted to the Chelmsford Historical Commission for assessment of Historic Significance, and inclusion on the Chelmsford Historic Commission Building Inventory, prior to submitting an application for Special Permit under this Article.

195-150 Conversion of Dwelling Units

Alteration of a single-family dwelling existing in 1938 for occupancy by not more than two families is permitted, provided that

- a. the lot contains not less than 15,000 square feet,
- b. the exterior design of the structure, including any additions, is not changed from the character of a single-family dwelling, and
- c. each resulting dwelling unit meets the minimum gross floor area requirements specified in 195-113 Residential Uses.

195-151 Conversion or Expansion of Historically Significant Dwelling Units

Alteration or expansion of a single-family or two-family dwelling for occupancy by not more than three families is permitted by Special Permit, provided that

- a. The structure was in existence in 1938,
- b. the structure has been determined to be of Historical Significance by the Chelmsford Historical Commission,
- c. the property is placed under a Preservation Restriction or Restrictive Covenant administrated by the Chelmsford Historic Commission,
- d. the exterior design of the structure is restored to and maintained in its original form, or as approved by the Historical Commission,

- e. the exterior design of any addition/expansion is approved for compatibility with the original structures design by the Historical Commission,
- f. the lot contains not less than 50% of the lot area required for the applicable zoning district,
- g. each resulting dwelling unit shall meet the minimum gross floor area requirements specified in 195-113 Residential Uses, and
- h. four parking spaces, plus one parking space for each dwelling unit containing 2 or more bedrooms is maintained in the side or rear yard, or within garages.

195-152 Subdivision of Lots Containing Historically Significant Dwelling Units

Subdivision of Lots containing a single-family dwelling to create one additional building lot is permitted by Special Permit, provided that

- a. The qualifying structure meets all requirements of 195-150 (a) through (f),
- b. Each resulting lot (for both existing and new use) contains not less than 50% of the lot area required for the applicable zoning district, with no dimension less than 75 feet being included in the calculation of minimum lot area,
- c. Required setbacks from newly created lot lines may be reduced up to 50% for original portions of the qualifying historically significant structure, and
- d. all other requirements for a building lot are met by each resulting lot, including those defined in 195 Attachment 2 – Table of Dimensional Requirements, excepting that Coverage and Floor Area Ratio requirements are waived for the original structure.

Any lots so divided may not be divided again, and all Dimensional Requirements shall be applied to future additions to the original structure.

Rear Lots created by this section additionally require

- a. Lot width is at no point less than 50 feet, and lot frontage is not less than 50 feet, and
- b. A turnaround at the house site suitable for an SU30 vehicle shall be provided if the driveway exceeds 250 feet,

195-153 Relocation of an Historic Structure

Relocation of a Historically Significant Dwelling to a lot complying with the requirements in 195-152 is permitted by Special Permit. The lot from which the Historically Significant Dwelling is removed, does not qualify for division under Article XXV. The relocated dwelling may be subsequently converted based on the requirements of 195-150 or 195-151.

195-154 Historic Preservation Restrictions

When Historic Preservation Restrictions or Restrictive Covenants are required by this Article, they may include, but not be limited to:

- a. The external structure shall be maintained in its Historically Significant form, or as deemed architecturally and historically compatible by the Historic Commission.
- b. Construction details described as Historically Significant shall be specifically listed in the Historic Preservation Restrictions and maintained.
- c. Façade proportions and fenestration shall be maintained on the original structure and additions.
- d. Exterior modifications or additions shall be reviewed and approved by the Historic Commission for compatibility with the Historically Significant architecture.
- e. Construction materials used for additions, replacement or repair on the exterior of the structure shall be visually compatible with the original construction materials and details.
- f. The exterior of the structure and the surrounding landscaping shall be maintained in good condition. Wear and damage that presents risks to the structure shall be repaired promptly.
- g. The color of the exterior of the structure is required to be maintained ONLY IF it is deemed to be Historically Significant.
- h. The Historic Preservation Restrictions shall have a duration in perpetuity and a Restrictive Covenant shall have a duration of thirty years.

195-155 Special Permits and Authorities

Historical Significance may be determined by the Chelmsford Historic Commission as described in the Chelmsford General Bylaws Sub-Section 16-2 B (2) Determination of Significance, or is listed on a state or federal register of historic places.

Where Special Permits are required in this Article, the review and approval authority is the Planning Board. Inputs are required from the Historic Commission as described in each subsection.

The Chelmsford Historic Commission shall determine the scope of, and shall hold and administer Historical Preservation Restrictions or Restrictive Covenants under this Article. The Restrictions or Covenants shall be executed as a condition of approval of projects under this Article.

195-156 Findings Required.

Priority in granting a Special Permit for historic preservation shall, in all cases, be placed upon keeping buildings and structures in place, rather than be demolished or otherwise compromised provided that the existing site can be shown to represent valid historical setting and context.

In addition to the findings of other Articles of the Zoning By-laws, the Planning Board shall consider the following specific items in determining whether to grant a Special Permit for historic preservation:

1. That the Special Permit is necessary to protect, preserve or maintain an historic structure or building. Factors to be considered shall include the historic significance of the structure or building, the physical condition of the structure or building, and the extent and cost of repairs and renovations necessary to preserve the historic structure or building;
2. That the proposed work, including any reconstruction or preservation to the maximum extent feasible, maintain the historical and architectural features of the structure or building;
3. That in the absence of a Special Permit for Historic Preservation, destruction or demolition of an historic structure or building will likely result;
4. The conditions imposed by the reports of the interdepartmental review team;
5. The report of the Chelmsford Historical Commission including recommended conditions relating to the repair, restoration or modifications to the existing historic structure, and
6. Any other Restrictions needed to address the conditions described in 195-154 Historic Preservation Restrictions.

195-157 Conditions To Be Imposed.

If the Planning Board grants the special permit for historic preservation, it shall impose, as minimum conditions, the following:

1. Conditions relating to the repair, restoration or modifications to the existing historic structure, including a schedule of work to be performed, sufficient to ensure the preservation and integrity of the historic structure and to prevent deterioration due to neglect or disuse, intentional or otherwise. Such conditions shall provide that existing historic structures be secured and maintained in a good state of repair until such time as restoration work is commenced.
2. The owner shall record at the Middlesex North District Registry of Deeds a Historic Preservation Restriction in the form prepared by the Chelmsford Historical Commission and approved by the Massachusetts Historic Commission, which shall at a minimum provide for conditions under which alterations, additions or modifications may be made. No Building Permit shall be issued until the Historic Preservation Restriction has been recorded and a copy received by the Planning Board, Building Commissioner and the Office of Community Development.

; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 28. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by deleting Article VII, “Signs and outdoor lighting”, sub-section 195-37 “Sign Advisory Committee” in its entirety; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 29. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by deleting Section 195-15 “Rear lots” in its entirety and replacing it with the following language:

§ 195-15 Rear lots.

Rear lots shall be allowed in RA, RB and RC Districts by special permit issued by the Planning Board. Individual lots need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

A. Lot width is at no point less than 50 feet, and lot frontage is not less than 50 feet. No section of the lot with a width of less than 100 feet shall be used to compute the minimum lot area required by the dimensional tables for the applicable District.

B. There shall be a turnaround at the house site suitable for an SU30 vehicle. There shall be a pullout on the access driveway every 250 feet.

; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

ARTICLE 30. To see if the Town will vote to exempt certain property from taxation by accepting the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause Twenty-second H, which reads as follows:

Twenty-second H. Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents’ or guardians’ domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or

guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

SUBMITTED BY: Town Manager

ARTICLE 31. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 140, Section 139, Paragraph C, to waive the fee for a license for a dog that is owned by a person aged 70 or older; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 32. To see if the Town will vote to amend the Code of the Town of Chelmsford by adopting a new section, “Section 144: Sustainable Community” and under said section adopting a new bylaw to regulate the retail use of single-use plastic checkout bags as follows:

Article I. Plastic Bag Reduction in Business Establishments

Section 144-1. Purpose and Intent

This bylaw is enacted for the purpose of eliminating the use of thin film single use plastic bags by all business establishments in the Town of Chelmsford. The production and use of thin film single use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; causing the potential death of marine animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

Section 144-2. Definitions

144-2.1 “Business establishment” means the following business uses as defined in Section 195-108 of the Chelmsford Zoning Bylaw: a retail store; supermarket and general department store; restaurant; and take out retail.

144-2.2 “Thin film single use plastic bags” means bags, typically with plastic handles, with a thickness of 4.0 mils or less and which are intended for single use transport of purchased products purchased at a business establishment.

144-2.3 Reusable bag” means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

Section 144-3 Use Regulations

144-3.1 Effective July 1, 2020, thin film single use plastic bags shall not be distributed, provided, or sold for checkout or other purposes at any business establishment within the Town of Chelmsford.

144-3.2 Thin film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods and other similar merchandise, typically without handles, are permissible.

144-3.3 Customers are encouraged to bring their own reusable bags to stores. Business establishments are encouraged to provide reusable thick plastic, paper, fabric, or other types of bags.

Section 144-4 Enforcement

144-4.1 The Inspector of Buildings of his designee is hereby designated and authorized as the officer charged with the enforcement of this bylaw.

144-4.2 Penalty for Violation. Whoever violates any provision of this bylaw shall be punished by a fine not exceeding one hundred dollars (\$100.00) for each offense. Nothing contained herein shall preclude the Building Inspector from seeking equitable relief to enforce this bylaw.

144-4.3 Noncriminal Disposition. In addition to the procedure for enforcement as described above, the provisions of this bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violation shall be \$25.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third and each subsequent offense.

; or act in relation thereto.

SUBMITTED BY: Recycling Committee


Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 9th day of September, 2019.

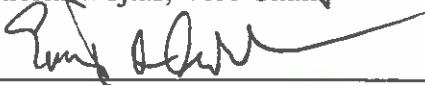
BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD



Kenneth M. Lefebvre, Chairman



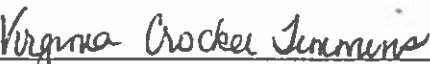
Patricia Wojtas, Vice Chair



Emily R. Antul, Clerk



George R. Dixon, Jr.



Virginia Crocker Timmins

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 21, 2019 to be held at the Chelmsford Senior Center, 75 Groton Road, North Chelmsford then:

Thursday, October 24, 2019 at 7:30 p.m.

Monday, October 28, 2019 at 7:30 p.m.

Thursday, October 31, 2019 at 7:30 p.m.

If additional continued sessions are necessary, they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

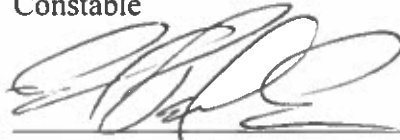
September 11, 2019

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Offices Building, 50 Billerica Road; North Chelmsford Fire Station, 35 Princeton Street; Senior Center, 75 Groton Road; East Chelmsford Fire Station, 115 Riverneck Road; Byam Elementary School, 25 Maple Road; Westlands School, 171 Dalton Road; West Chelmsford Fire Station, 260 Old Westford Road; McCarthy Middle School, 250 North Road; and South Row Elementary School, 250 Boston Road.

Signed:



Edwin Paul Eriksen,
Constable



A True Copy Attest,

Edwin Paul Eriksen,
Constable