



TOWN OF CHELMSFORD

**WARRANT FOR THE
2020 FALL
ANNUAL TOWN MEETING**

OCTOBER 19, 2020

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 Chelmsford High School Gymnasium, 220 Richardson Road, North Chelmsford on Monday, the nineteenth day of October in the year two-thousand and twenty 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: Select Board

ARTICLE 2. 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 3. To see if the Town will vote to appropriate the sum of \$10,696.90, 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 4. 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 5. To see if the Town will vote to transfer a sum money that has been received by the Town under the Town’s inclusionary housing zoning bylaw to the Affordable Housing Stabilization Fund; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 6. 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 7. To see if the Town will vote to amend the Fiscal Year 2021 operating budget adopted under Articles 4, 5, and 6 of the Warrant for the Spring Annual Town Meeting held on June 22, 2020; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 8. To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land containing .14 acres, more or less, which is identified as Parker Road, shown as Lot 4 on Assessor’s Map 102, Block 410, and more fully described in a deed recorded in the Middlesex Land Court Department as Document No. 239258, said parcel to be held under the care, custody, and control of the Conservation Commission for the purpose of open space; and further to appropriate a sum of money to fund said acquisition, including related legal and other costs incidental and related thereto; and further authorize the Select Board and Town Manager to take all actions necessary to acquire said parcels; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow pursuant to Massachusetts General Laws Chapter 44, Sections 7 or 8, or any other enabling authority a sum of money for the renovation and expansion of the Fire Department station located at 35 Princeton Street identified as Lot 1 on Assessors’ Map 13, Block 44, including related survey, legal, and other costs incidental and related thereto; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 10. To see if the Town will vote to: a.) appropriate a certain sum of money for the following capital projects:

- Roadway Improvements \$400,000
- Sidewalk Construction \$350,000
- Fire Department Turnout Gear \$115,000
- Parker Middle School Kitchen Renovation \$373,000
- McCarthy Middle School Auditorium Renovation \$740,000

; and b.) raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the General Stabilization Fund, and/or borrow a certain sum of money (or any combination thereof) to fund said projects; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 11. To see if the Town will vote to transfer from Free Cash \$1,000,000 (one million dollars even) to reduce the Fiscal Year 2021 property tax levee; or act in relation there to.

SUBMITTED BY: Citizen Petition – Paul J. Rigazio

ARTICLE 12. To see if the Town will vote to transfer from Free Cash a sum of money to reduce the Fiscal Year 2021 property tax levee; or act in relation there to.

SUBMITTED BY: Citizen Petition – Paul J. Rigazio

ARTICLE 13. 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 14. To see if the Town will vote to transfer from the General Stabilization Fund \$1,000,000 (one million dollars even) to reduce the Fiscal Year 2021 property tax levee; or act in relation there to.

SUBMITTED BY: Citizen Petition – Paul J. Rigazio
Two-Thirds Vote

ARTICLE 15. To see if the Town will vote to transfer from the General Stabilization Fund a sum of money to reduce the Fiscal Year 2021 property tax levee; or act in relation there to.

SUBMITTED BY: Citizen Petition – Paul J. Rigazio
Two-Thirds Vote

ARTICLE 16. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw,” by adopting a new zoning bylaw, Article XXV, “Historical Preservation and Reuse”, as follows:

**ARTICLE XXV HISTORIC PRESERVATION
AND REUSE**

195-148 Purpose and Intent.

The purpose of this by-law is to encourage the preservation of buildings, structures, sites and settings of historic significance, by allowing such buildings or features to remain in place, rather than be demolished or otherwise compromised. The continuing presence of historic properties in the Town of Chelmsford immeasurably enhances the quality of our lives; they help to establish our sense of place and to define the very character of our community.

This by-law gives the Planning Board the authority to issue a Special Permit for the creation of new lots, or for the use of existing lots, for purposes of preservation of historic structures or buildings. The special permit granting authority shall be the Planning Board.

195-149 Historic Structures.

For purposes of a special permit for historic preservation the historic building or structure must

1. Be listed in the Chelmsford Assessor’s Data Base as being constructed no later than 1800, and
2. The structure has been determined to be of Historical Significance by the Chelmsford Historical Commission, and
3. The historic building or structure must be listed on one of the following:
 - a. The National Register of Historic Places; or
 - b. The State (Commonwealth of Massachusetts) Register of Historic Places; or
 - c. The Chelmsford Historical Commission Building Inventory.

195-150 Definitions.

1. PARENT PARCEL: The parcel of land that is the subject of the application for a special permit for subdivision contingent upon historic preservation. This subdivision includes a HOST LOT, and may include one BONUS LOT, and any number of CONFORMING LOTS.

2. **HOST LOT:** The lot on which the historic building or structure is to be located. A **HOST LOT** may be the entire **PARENT PARCEL**, or may be created by the division of the **PARENT PARCEL**.

3. **BONUS LOT:** Any lot created by the subdivision of the **PARENT PARCEL**, that is not a **HOST LOT** as defined above, or a **CONFORMING LOT**.

4. **CONFORMING LOT:** A lot created that meets all applicable requirements of the Chelmsford Zoning By-laws.

195-151 Standards and Regulations.

The following specific standards shall be applied to a Special Permit for Historic Preservation:

1. The Parent Parcel shall be located in the RA, RB or RC Zoning District.

2. Any Host Lot or Bonus Lot created under this by-law shall contain not less than one-half of the minimum Dimensional Requirements set forth in Chapter 195 Attachment 2 Table of Dimensional Requirements.

3. Additional Conforming Lots may be created from the Parent Parcel, subject to all applicable requirements of the Zoning By-laws.

195-152 Rear Lots.

Rear lots created by the subdivision of the **PARENT PARCEL** that is a **HOST LOT** or **BONUS LOT** shall be allowed. These Rear Lots shall meet all of the conditions set forth in *Section 195-15* (Rear lots), with the following exceptions:

1. minimum lot area, shall be 40,000 square feet, and
2. Lot width is at no point less than 50 feet.

195-153 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, based on requirements provided by the Chelmsford Historical Commission, 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. Required repair, restoration and modifications to the historic structure shall be 100% complete prior to issuing occupancy permits to the Host or Bonus Lots.

3. The owner shall record at the Middlesex North District Registry of Deeds a *Historic Preservation Restriction* in the form prepared by the Massachusetts Historical Commission and approved by the Chelmsford Historical Commission and Planning Board which shall at a minimum provide for conditions under which alterations, additions or modifications may be made. No Building Permit shall be issued to the newly created lots, until the Historic Preservation Restriction has been recorded and a copy received by the Planning Board, Historical Commission, Building Commissioner and the Office of Community Development.

195-154 **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 the foregoing standards and regulations, 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, 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, <shall preserve> 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 report of the interdepartmental review team; and
5. The Report of the Chelmsford Historical Commission including Findings of Applicability of Historic Significance, Recommendation to place the property under Historic Preservation Restrictions, and Requirements for the repair, restoration or modifications to the existing historic structure, as set forth in §1.1.6.

; or act in relation thereto.

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

ARTICLE 17. To see if the Town will vote to amend the Town Code, Chapter 11 Animals, by adding a new Article, Article II Wildlife Feeding and Sections 11-30 through 11-33 as follows:

Article II Wildlife Feeding

§ 11-30. Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, deer, foxes, raccoons, skunks, turkeys and other animals or fowl causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.

Designated enforcement authority shall mean Chelmsford Animal Control Officers, Police Officers, and agents of the Board of Health; and State Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

§ 11-31. Prohibited activity.

No person shall feed any wildlife at any place within the Town of Chelmsford. Whenever the Chelmsford Animal Control Officer or any designated enforcement authority determines a person has violated the provisions of this Section, such person shall be notified pursuant to Section 11-33. Further violations in the same location, either by act of commission or omission, may constitute prima facie evidence that such violation was with the knowledge or consent of the person previously found in violation of this provision.

§ 11-32 Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl or other animals, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. Chapter 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. Chapter 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.

- B. Regardless of this By-Law, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Select Board thereof by first class mail.

- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.

- D. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).

- E. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.

- F. This section shall not be interpreted so as to prohibit bird feeders, squirrel feeders, or bat houses. However, if a feeder is determined to be the cause of a public safety threat or nuisance, the Chelmsford Animal Control Officer may order the feeder(s) and seed debris to be removed within 48 hours.

- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will, upon notification by the Chelmsford Animal Control Officer, be required to take steps to render such pet food inaccessible to wildlife, including the requirement that the pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.

- H. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Chelmsford, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

§ 11-33 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated

enforcement authority through non-criminal disposition, pursuant to Massachusetts General Laws Chapter 40, Section 21D, in accordance with the following schedule of

finest:

First offense:	Written warning
Second offense:	\$25 fine
Third offense:	\$50 fine
Each subsequent offense:	\$100 fine

or act in relation thereto.

SUBMITTED BY: Select Board

ARTICLE 18. To see if the Town will vote to transfer from the Chelmsford Sewer System Capital Improvement Fund a sum of money to provide for a study to determine the options to increase the capacity of the sewer system servicing the Town of Chelmsford and the means to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from groundwater and other sources of leakage into pipes, facilities and other components of the sewer system; or act in relation thereto.

SUBMITTED BY: Town Manager

ARTICLE 19. To see if the Town will vote to amend the Town Code, Chapter 132 Sewage Disposal, Section 132-2 Connection to public sewer, by deleting the language shown in strikethrough and adding the language shown in underline, which reads as follows:

§ 132-2 Connection to public sewer.

~~The owners of all dwellings, buildings and other structures used for human occupancy, employment, recreation or other related use abutting on any public or private way, alley or right-of-way in which there is now located or may be located a public sanitary sewer of the town shall be required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the Sewer Commission regulations within one year from the date of official notice by the Sewer Commission; provided, however, that~~ The Board of Health may order any person to connect with the public sewer at any time if it is deemed to be in the best interest of the town, and if it is informed by the Sewer Division of the Department of Public Works that a connection to the public sewer is reasonably available taking into account whether sufficient sewer capacity exists and whether sewer infrastructure is located

within 300' of the subject property, upon giving 30 days' notice to do so. The Board of Health shall not require a connection to the public sewer for properties which have existing and properly functioning septic systems or private wastewater treatment facilities. If a connection to the public sewer is reasonably available, the Board of Health may require a connection for septic systems which are not properly functioning, and which are located within environmentally sensitive areas (as determined by the Board of Health), rather than allowing such improperly functioning septic system to be repaired and replaced.

; or act in relation thereto.

SUBMITTED BY: Town Manager

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 14th day of September, 2020.

SELECT BOARD OF THE TOWN OF CHELMSFORD

Kenneth M. Lefebvre, Chairman

Virginia Crocker Timmins, Vice Chair

George R. Dixon, Jr., Clerk

Patricia Wojtas

Emily R. Antul

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

The Select Board shall propose the following dates and times for continued sessions of the Town Meeting of October 19, 2020 to be held at the Chelmsford High School Gymnasium, 220 Richardson Road, North Chelmsford:

Thursday, October 22, 2020 at 7:30 p.m.

Monday, October 26, 2020 at 7:30 p.m.

Thursday, October 29, 2020 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 _____, 2020

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