



Office of the Town Clerk

Mary E. St. Hilaire CMC, CMMC
Town Clerk

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Elizabeth L. Delaney
Assistant Town Clerk

APR 25 2001

To Whom It May Concern:

The Moderator Dennis J. McHugh called the Special Town Meeting of February 26, 2001, to order at 7:35 PM. At the Senior Citizen Center. He recognized the presence of a quorum. There were 136 Town Meeting Representatives present at the Senior Citizen Center on Groton Road. The following action took place:

UNDER ARTICLE 2. Dwight Hayward moved to waive the reading of the article. The Moderator asked for a show of hands, motion carried, unanimously. The Town Manager came forward and explained the article. This article is the second part of article one. He felt that the Committee should be made up of nine members. The State recommended the first five positions shown in the article, he added the additional four positions. The different categories addressed in the Act would benefit from their input. The Finance Committee was not in favor of the current proposed committee members and would offer an amendment. The Board of Selectmen were in favor of the article and aware of the Finance Committee's upcoming amendment regarding the change of the membership. Clare Jeannotte, Chairman of the Finance Committee moved to amend the article. In section 19.1 A. Membership

Eliminate (6) One member of the Finance Committee as designated by the Chairman (8) The Town Manager, or the Town Manager's designee.

Renumber and add: "Two citizens of the Town of Chelmsford to be appointed by the Town Manager who are neither a municipal employee of the Town or an elected or appointed Town official except that they may be Town Meeting members"

In section 19.3

Add new section between section A and B to read "At the first meeting in each fiscal year, a chairman of the Community Preservation Committee shall be elected by a majority vote" Current sections B and C to become sections C and D.

Clare Jeannotte explained the purpose of the amendment. There were four positions that are appointed by the Town Manager on the Committee and three elected positions. The Committee felt that it was important that the citizens of the Town be represented on this committee. A discussion took place. John Wilder questioned the makeup of elected officials vs appointed officials. Judith Mallette moved to amend the amendment "To award the appointing authority of the members of the CPA Committee to the Town Moderator. Liz Marshall spoke in favor of both of the amendments. Roger Sumner and John Wilder spoke against the Mallette amendment. Tom Newcomb spoke against the amendment. The Finance Committee was against the Mallette amendment. The Board of Selectmen recommend against the Mallette amendment, but were in

favor of the Finance Committee's amendment. The Moderator asked for a show of hands on the Mallette amendment to have the Moderator make the appointments. Motion defeated. He asked if there was any need for further discussion on the Finance Committee's amendment. Bill Martin spoke in favor. The Board of Selectmen were in favor of the amendment. The Finance Committee was in favor of their amendment. The Moderator asked for a show of hands, **motion carried to amend**. The Moderator asked for a show of hands on the article as amended. **Motion carried**. The article reads as follows:

Selectman Philip Eliopoulos moved that the Town vote, pursuant to the provisions of MGL c. 44B, §5, to amend the Chelmsford Code, Chapter 19, to adopt a new general by-law creating a Community Preservation Committee to read as follows:

Chapter 19

Community Preservation Committee

§ 19-1. Establishment; appointment of members; membership; terms of office.

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members, pursuant to the provisions of MGL, c. 44B, §5. The composition of the Committee, the appointing authority and the terms of office for the Committee members shall be as follows

A. Membership.

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) The Public Works Director, whose responsibilities include the duties of the Board of Park Commissioners, established under MGL c. 45, §2, or his designee;
- (5) One member of the Housing Authority as designated by the Authority;
- (6) The Community Development Director;
- (7) One member of the Board of Selectmen, as designated by the Board of Selectmen.
- (8) Two Citizens of the Town of Chelmsford, to be appointed by the Town Manager who are neither a municipal employee of the Town or an elected or appointed Town Official except that they may be Town Meeting members.

B. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

C. Should any of the officers and commissions, boards or committees listed in this section no longer be in existence for whatever reason, the Town Manager shall appoint a suitable person to serve in his or her place.

D. Any member of the Committee may be removed for cause by his or her respective appointing authority after hearing.

§ 19-2. Duties.

A. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Department of Public Works, and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one annual public informational hearing, or more, at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

B. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

C. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

D. In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend or set aside for later spending not less than 10% of the annual revenues in the Community Preservation Fund for:

- (1) Open space (not including land for recreational use);
- (2) Historic resources; and
- (3) Community housing.

§ 19-3. Conduct of meetings; approval of actions; cost estimates.

- A. The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, MGL c. 39, §23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee.
- B. At the first meeting in each fiscal year, a chairman of the Community Preservation Committee shall be elected by a majority vote.
- C. The Community Preservation Committee shall approve its actions by majority vote.
- D. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§ 19-4. Amendments.

This chapter may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of MGL c. 44B.

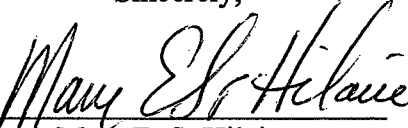
§ 19-5. Severability.

In case any section, paragraph or part of this chapter is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

§ 19-6. When effective.


Provided that the Community Preservation Act, MGL c. 44B, is accepted at the 2001 Annual Town election, this chapter shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL c. 40, §32, have been met. Each appointing authority shall have 30 days after approval by the Attorney General to make its appointments.

Sincerely,



Mary E. St. Hilaire,
Town Clerk

A True Copy Attest:



Mary E. St. Hilaire, Town Clerk



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Elizabeth L. Delaney
Assistant Town Clerk

APR 20 2000

To Whom It May Concern:

The Moderator Dennis J. McHugh called the March 27, 2000, Special Town Meeting to order at 7:30 PM. He recognized the presence of a quorum. There were 142 Town Meeting Representatives present at the Senior Citizen Center on Groton Road. The following action took place:

Under Article 4. David McLachlan Chairman of the Conservation Commission explained that the some areas would be updated to reflect the present state laws and strengthen the definitions already in place. It would include the Town's past practice of exempting small structures from being built within fifty feet of wetlands, such as tool sheds or playhouses provided that certain requirements are met. It still would not allow parking lots to be constructed within fifty feet of wetlands, but driveways could be allowed as long as they are at least twenty-five feet from wetlands. but not parking lots. It also would allow buildings on lots less than 40,000 square feet if it doesn't effect the wetlands. This would also make minor corrections and adopt the States procedures for notifying abutters. A discussion took place concerning the exemption of small structures being built. Who monitor's the contents of these buildings? Oil or gasoline could be stored there and leakage could occur. David McLachlan explained that this concern would be expressed at the time of the exemption and it would be the homeowner's responsibility to comply with the concerns. The Moderator makes a point of order. Earlier at the beginning of the meeting he was asked about people wearing campaign buttons into the Town Meeting. At that time he said the buttons where not allowed. He now announced to the Body that buttons are not allowed to be worn within the room, and asked for the removal of any buttons. He then asked for various recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for a show of hands on the article, **motion carried**. The article reads as follows:

David McLachlan Chairman of the Conservation Commission moved that the Town vote to amend the Wetlands Bylaw, Chapter 187 of the Chelmsford Code, by making the following changes:

1. Section 187-2 Definitions.
Add the following definition of River: "RIVER - As defined in G.L. c. 131, s. 40.
2. Section 187-4. Limitations on construction.
 - A. Insert the following at the end of subsection A:

"The Conservation Commission may, at its discretion, exempt a shed, playhouse, or other structure from this definition provided it is built on footings requiring no more than four (4) square feet cumulative ground disturbance and has a footprint no larger than one-hundred-forty-four (144) square feet."

- B. Insert the following at the end of subsection A: "For the purposes of this chapter a parking lot shall be defined as a paved area containing 10 or more parking spaces. The term parking lot shall not be interpreted to include drives, fire lanes, or other appurtenances. Any such drives, fire lanes, or appurtenances shall be clearly marked 'no parking'. Parking areas which provide fewer than 10 parking spaces shall not be subject to Section 187-4."

The amended section will read: "The construction of any building, as defined herein, on any lot having an area of 40,000 square feet or more or any parking lot containing 10 or more parking spaces shall be prohibited within 50 feet of any resource area. The Conservation Commission may, at its discretion, exempt a shed, playhouse, or other structure from this definition provided it is built on footings requiring no more than four (4) square feet cumulative ground disturbance and has a footprint no larger than one-hundred-forty-four (144) square feet. For the purposes of this chapter a parking lot shall be defined as a paved area containing 10 or more parking spaces. The term parking lot shall not be interpreted to include drives, fire lanes, or other appurtenances. Any such drives, fire lanes, or appurtenances shall be clearly marked 'no parking'. Parking areas which provide fewer than 10 parking spaces shall not be subject to Section 187-4."

- C. Insert the following at the end of subsection C:
"The Commission may, at its discretion, issue a permit for a parcel which qualifies as a grandfathered lot under G. L. c. 40A, s. 6, if it specifically finds that the interests of this chapter are protected." The amended section will read: "The Commission shall be prohibited from issuing a permit for any parcel where at least 80% of the lot area required by Chapter 195, Zoning, Table of Dimensional Requirements, Minimum Lot Requirements, is not contiguous land other than that under any water body or bog, swamp, wet meadow, marsh or any other wetland as defined in MGL c. 131, s. 40. The Commission may, at its discretion, issue a permit for a parcel which qualifies as a grandfathered lot under G. L. c. 40A, s. 6, if it specifically finds that the interests of this chapter are protected."

- D. Insert a new subsection E which reads:
"E. The Commission shall not allow any impervious surface within 25' of any resource area. The Commission may waive this requirement if it specifically finds that the interests of this chapter are protected."

3. Section 187-7. Notice of intent.

- A. Delete "Notice of Intent" and "notice" where they appear in subsections A-D of this section and insert "Application for Permit" in their place.
- B. Delete subsection E which reads:
"Notice of the public hearing shall be sent by the applicant by certified mail to all parties in interest. Parties in interest shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and abutters to

abutters within 300 feet of the property line of the petitioner or the boundary of the wetland area under consideration, whichever is greater, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.”

and insert the following in its place:

“E. Any person filing a notice of intent shall at the same time give written notification thereof, by delivery in hand or certified mail, return receipt requested, to all abutters and abutters to abutters within 300 feet of the property line of the land where the activity is proposed, at the mailing addresses shown on the most recent applicable tax list of the Assessors, including but not limited to owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. Said notification shall be at the applicant’s expense, and shall state where copies of the notice of intent may be examined and obtained, and where information regarding the date, time, and place of the public hearing may be obtained, and shall include all available information regarding the date, time, and place of the public hearing. Proof of said notification, with a copy of the notice mailed or delivered, shall be filed with the Conservation Commission.”

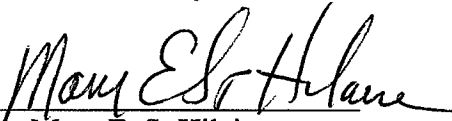
4. Section 187-8. Public hearing.

- A. Delete “Notice of Intent” where it appears in this section and insert “Application for Permit” in its place.
- B. Delete “the Board of Health, Board of Appeals and Planning Board.” from the second sentence.

The amended section will read: “The Commission shall hold a public hearing on the application within 21 days of the filing of the Application for Permit. Notice of the date, time and place of the hearing shall be given by the Commission, at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Chelmsford and by mailing a notice to the applicant. Such hearing may be held at the same time and place, as any public hearing required to be held under MGL c. 131, s. 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date.”

5. Section 187-10. Order of conditions.
 - A. Delete "Order of Conditions" where it appears in this section and insert "Permit" in its place.
 - B. Delete subsection B which reads: "B. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this chapter or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within 21 days of the public hearing. The applicant and all others who have received notice of such hearing by mail shall be notified of such determination within 21 days after said hearing."
6. Section 187-15. Recording. Delete "statement of compliance" and insert "certificate of compliance"

Sincerely,



Mary E. St.Hilaire,
Town Clerk

A True Copy Attest:



Mary E. St.Hilaire, Town Clerk