

WEST CONCORD TASK FORCE  
MINUTES  
JUNE 28, 2011

Pursuant to notice duly filed with the Town Clerk, a meeting of the West Concord Task Force was held at 7:30p.m. at Concord Park.

Present were Phil Adams, Chair; Nancy Carey, Clerk; Bobbie Brennan, Gary Clayton, Sue Felshin, Don Hawley, David Holdorf, Gary Kleiman, Chris Sgarzi, and Jimi Two Feathers. Also present were Chair of the Board of Selectmen Elise Woodward and members of the community Leslie Sederlund and Mari Weinberg.

The Meeting was called to order by Phil Adams at 7:30PM.

**MINUTES**

Gary Clayton moved to approve the minutes of 12 May 2011, as amended. Bobbie Brennan seconded. All **VOTED** in favor.

**FUTURE OF TASK FORCE / WEST CONCORD ADVISORY COMMITTEE**

The Task Force discussed the proposal of the Task Force's Board of Selectmen liaison, Greg Howes, that the Task Force continue for another year with an altered charge [see List of Attachments] rather than the Task Force disbanding and a follow-on West Concord Advisory Committee (WCAC) being appointed as previously proposed. The Chair was asked whether the proposal comes from the whole Board of Selectmen and responded that the proposal came from Mr. Howes as the Task Force's liaison; he noted that Mr. Howes has asked for feedback from the Task Force on his proposal. The Chair listed four options for the Task Force to choose amongst:

1. Support the Task Force's originally proposed draft charge for a WCAC, as delivered to the Board of Selectmen [see List of Attachments].
2. Support the draft charge for a WCAC amended to recommend a two-year term.
3. Support selectman Greg Howes' proposal for an extended Task Force.
4. Recommend that interested citizens form a private group if desired rather than there being any Town committee specifically related to West Concord.

A committee member noted a further option:

5. Modify the draft WCAC to address the questions and comments of the Board of Selectmen and recommend the amended WCAC charge.

Discussion was tabled to hear a report on the Board of Selectmen meeting of 6 June 2011.

**BOARD OF SELECTMEN MEETING**

Gary Clayton reported on the Board of Selectmen meeting of June 6, where he presented the Task Force's report to the selectmen along with the Task Force's draft charge for a WCAC. He reported that there was a half hour presentation with questions from the selectmen, with no consensus or decision. Selectmen questioned whether the committee's scope was too broad, whether it would be duplicative in function of existing town bodies, whether it would engage in "advocacy" for West Concord as opposed to maintaining lines of communication. Other members of the Task Force present at the meeting noted that the selectmen questioned why there should be a committee for a particular part of town and whether a WCAC would help people navigate Concord's regulatory process, and that the selectmen were reluctant to make a decision without all their members present.

**FUTURE, CONTINUED**

The Task Force returned to discussion of options for the future. Discussion included: It is important to have *some* entity with focus on West Concord given all the work of the Task Force and before; we shouldn't lose the momentum of the West Concord Master Plan; there are already committees for particular parts of town such as the Historic Districts Commission; the WCAC would not help people navigate Concord's regulatory process in general and would

Call to Order

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rather help people navigate the West Concord Master Plan and West Concord Design Guidelines; if the Planning Board's interpretation of the Master Plan and Design Guidelines differ from the WCAC's interpretation, then a WCAC would not speed up or ease the process for applicants; the WCAC should consult closely with the Planning Board on the first few projects to avoid conflicting interpretations; if an applicant is paying a consultant, it is the consultant's job to read the Master Plan and Design Guidelines; the Master Plan and Design Guidelines are too lengthy for everyone to read and it would be the WCAC's job to know these documents and help applicants with them; applications go to the Planning Department first; the WCAC could convene early on in the process and serve as a forum for the community to learn about the project and the role of the Planning Board, Zoning Board of Appeals, etc., with one evening per application held at the applicant's option when the application is about to be filed; in lieu of a WCAC, the Planning Department could advise the applicant to get on the Planning Board's agenda to through the existing boards only, but earlier than currently; a WCAC would have the responsibility of actively reaching out to stakeholders and the community; previous Town plans have been left unused; the Planning Board makes active use of the Comprehensive Long Range Plan; if we're saying that the WCAC would have power like the Planning Department and Planning Board, then the WCAC would be another regulatory layer; the town only needs any special scrutiny for very large projects.

The Chair of the Board of Selectmen, Elise Woodward, was asked for her thoughts regarding what the Board of Selectmen wants from the Task Force. Ms. Woodward answered as follows: It would be most helpful to the Board of Selectmen to have the goal of an advisory committee clearly articulated. Would it be to implement the Design Guidelines? How would it be better than the existing regulatory process? In an ideal world, one would seed members of the Task Force into existing boards and committees and avoid a need to staff another committee. A possible downside to that is dilution of the Task Force and less critical mass of people focused on West Concord. Ms. Woodward stated that for her, the most difficult issues with the proposed charge are mandatory aspects, and working with the Town Manager to *identify* investments, which should be the Finance Committee's job.

The Task Force returned to a discussion of the options for a West Concord Advisory committee. Those in favor cited the progress the WCTF had made in rebuilding public trust in the political process and that the citizenry was appreciative that West Concord had a voice in its future. They cited the need for continuity in promoting the Master Plan and Design Guidelines, and for an official Town committee that would be subject to Open Meeting Law and more likely to retain focus. They agreed that a two-year period was a good amount of time to determine if a continuing committee was useful. Those opposed agreed with the usefulness of a group of people looking after West Concord's interests, but questioned the need for an official Town committee. Two alternatives—an ex-officio committee and having West Concord residents serve on existing boards and committees—were ultimately not brought forward for a vote.

David Holdorf had delivered an opinion letter to Task Force members [see List of Attachments]. He summarized the letter, stating that existing Town committees are sufficient, and a citizens' "Friends Of" group, which would not be subject to Open Meeting Law, could go to open meetings and would have to be heard. He stated his opposition to giving any committee the ability to be quasi-regulatory, and said that there is a well established and smoothly function process for approving projects.

No motion was made, but six members expressed support for sending the Board of Selectmen an amended charge while four members expressed support for Mr. Holdorf's position. The Task Force proceeded to amend the draft WCAC charge.

During this and other discussions, four members of the WCTF expressed interest in serving on the WCAC: Bobbie Brennan, Sue Felshin, Gary Kleiman, and Jimi Two Feathers.

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Ms. Felshin moved that the Task Force deliver the charge for a WCAC as amended to the Board of Selectmen (cc Planning Board) at the Board's meeting of June 29, noting the Task Force's majority support for the charge. Gary Kleiman seconded. All **VOTED** in favor.

Further discussion included: Note a minority opinion that there should be no follow-on committee.

**PUBLIC COMMENT**

Public comment: Mari Weinberg stated that Betsy Higgins, who recently retired from her position as Director, Office of Environmental Review, EPA-New England, after 39 years with the EPA, has found that a hazardous waste cleanup was performed at 50 Beharrell St. in 1986; that Ms. Higgins met with the Town Manager on May 13 and was told that this information would be passed to Planning Director Marcia Rasmussen, which it was. Ms. Weinberg stated that there is a history of contamination issues regarding 50 Beharrell St. available on the Massachusetts Department of Environmental Protection website but that it hasn't been mentioned in any public meetings with respect to 50 Beharrell St. in the last three years. She provided the Task Force with the URL of the Massachusetts DEP website for the site (go to <http://db.state.ma.us/dep/cleanup/sites/search.asp> and enter "Concord" as the Town and "50 Beharrell" as the Address). Ms. Weinberg provided the Task Force, at Ms. Higgins' request, with copies of three newspaper articles: (1) Concord Journal, Thursday, December 5, 1985, "Soil removal slated for Beharrell Street hazardous waste site", (2) Concord Journal, January 9, 1986, p 10, "Smith promises smooth cleanup of contaminated West Concord lot", and (3) Middlesex News, Thursday, December 5, 1985, p. 18, 2B, "Company submits cleanup plan".

Public comment

**ADJOURNMENT**

On a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** To adjourn the Open Session and to conclude business for the evening.

Adjourn

Respectfully submitted,

Sue Felshin  
Approved: 6 Oct 2011

**LIST OF ATTACHMENTS**

1. "Ammended [sic] DRAFT CHARGE for the WEST CONCORD Task Force", Draft Ammended WCTF Charge 2011 06 22.docx
2. "DRAFT CHARGE for a WEST CONCORD ADVISORY COMMITTEE", Draft WCAC Charge 2011 05 23.doc
3. "Opinion on Continuing Role of WCTF", Opinion on Continuing Role of WCTF.docx

## **Ammended DRAFT CHARGE for the WEST CONCORD Task Force**

### **Responsibility**

1. The West Concord Village Center Master Plan of 2010 ("Master Plan") is the roadmap for future development in West Concord Center and the primary guide for the WCTF. The WCTF shall ensure that the Master Plan, along with the West Concord Design Guidelines and town sustainability initiatives, are made use of and are updated to reflect current and anticipated needs and opportunities.
2. The WCTF shall work with the Town Manager, town departments such as the Planning Department and Public Works, and town committees such as the Planning Board and Board of Selectmen, to provide prospective recommendations and review proposed ideas for development, renovation, circulation, beautification, etc.. The WCTF shall promote the enhancement of the existing character of the West Concord Village, by using the Master Plan in current or updated form, and its successor documents and plans. The WCTF shall comment on any relevant local, state, or federal projects within its defined geographic domain.
3. Create a process to solicit public comment on:
  - Building permits
  - Special Permits
  - Site Plan Review Plans

for any addition, modification, or new building or landscape project, except a single-family detached dwelling or existing two-family dwelling unit that shall remain as that use, that is proposed within the WCTF's defined geographic domain. Projects include new construction, additions, and visible exterior modifications, and do not include interior renovations. The process shall streamline public comment and offer Town officials and developers a productive way of gathering community input.

4. Work with the Selectmen in identifying and promoting public investments in West Concord through the Town's capital and operating budgets.
5. Provide periodic status reports to the Board of Selectmen.

### **Term and Requirements:**

1. Term will expire May 2012 with an annual renewal option by vote of the Board of Selectmen.
2. The Committee shall hold scheduled quarterly meetings, and meet with greater frequency if deemed necessary by the Committee.

## **DRAFT CHARGE for a WEST CONCORD ADVISORY COMMITTEE**

### **Mission**

It is the intention of the Board of Selectmen (BOS), in creating the West Concord Advisory Committee (WCAC), to provide a mechanism for thoughtful and public examination of the issues surrounding future development, growth, and improvement in West Concord Center as defined by the West Concord Village Center Master Plan of 2010; see attached map defining the WCAC's geographic domain. As an advisory and liaison to the Board of Selectmen, the Committee will be an advocate for West Concord. The WCAC will also be a resource for developers advising on how future developments can best support the implementation of the Village Master Plan and adhere to the Planning Board's approved Design Guidelines. Finally, the WCAC can be a focal point for soliciting input from citizens, business operators, and property owners as appropriate. The WCAC was recommended by the West Concord Task Force (2008), the Village Centers Study (2007) and the Comprehensive Long Range Plan (2005).

### **Responsibility**

1. The West Concord Village Center Master Plan of 2010 ("Master Plan") is the roadmap for future development in West Concord Center and the primary guide for the WCAC. The WCAC shall ensure that the Master Plan, along with the West Concord Design Guidelines and town sustainability initiatives, are made use of and are updated to reflect current and anticipated needs and opportunities.
2. As an advocate for West Concord, the WCAC shall work with the Town Manager, town departments such as the Planning Department and Public Works, and town committees such as the Planning Board and Board of Selectmen, to provide prospective recommendations and review proposed ideas for development, renovation, circulation, beautification, etc., and promote the enhancement of the existing character, by using the Master Plan in current or updated form, and its successor documents and plans. The WCAC shall comment on any relevant local, state, or federal projects within its defined geographic domain.
3. Create a process whereby commentary from the WCAC shall be required
  - by the Building Inspector prior to issuance of a building permit,
  - as a part of the application whenever a Special Permit is required, and
  - as a part of the application whenever a Site Plan Review is required,

for any addition, modification, or new building or landscape project, except a single-family detached dwelling or existing two-family dwelling unit that shall remain as that use, that is proposed within the WCAC's defined geographic domain. Projects include new construction, additions, and visible exterior modifications, and do not include interior renovations. The process for review shall be updated as needed as changes to design guidelines, zoning revisions, and/or other recommendations of the Master Plan are adopted by the Town in the manner required.

4. Review and comment whenever required, using the process created in item 3.
5. Solicit community feedback as appropriate. Reviews by the WCAC shall be publicly promoted and encourage awareness and community feedback. The intention is to engage the community in the WCAC's process.
6. Work with the Town Manager in identifying and promoting public investments in West Concord through the Town's capital and operating budgets.
7. Provide periodic status reports to the Board of Selectmen.

#### **Membership Requirements and Expectations**

1. Five members will be appointed by the Board of Selectmen for three year terms. Terms will be staggered to ensure continuity: no more than two terms will end in any one year and members may be appointed for an additional term. Up to two non-voting associate members may be appointed.
2. The Committee shall hold scheduled monthly meetings, and meet with greater frequency if deemed necessary by the Committee, the BOS, or the Town Manager.
3. At least three voting members shall have a connection to West Concord: resident, property owner, local business operator, or tenant.
4. The committee shall include members reflecting a mix of qualifications, skills, and/or expertise such as:
  - Working familiarity with West Concord Task Force initiatives including but not limited to the Master Plan, Design Guidelines, and Zoning Bylaw
  - Specific skills: Architecture, planning, site design, engineering, environment and natural resources, sustainability
  - General skills: Community outreach, meeting management, communications
5. The Committee shall include the following liaisons as additional, non-voting participants:
  - Planning Board
  - Finance Committee

#### **Other Considerations**

The Committee shall elect a chair and a committee clerk, who will be responsible for maintaining the record of the committee's discussions, votes and actions.

All meetings will be conducted in conformance with the Open Meeting Law including proper notice and posting of meetings, and all records will be maintained in conformance with the Public Record Law.

Requests for staff assistance or operating expenses will be made through the Town Manager who will endeavor to comply with reasonable requests.

## **Opinion on Continuing Role of WCTF** By David Holdorf, 6/28/11

The following Town Departments and Town Committees each have part of the responsibility for reviewing and approving building projects, large and small:

Planning Department and Planning Committee

Department of Public Works, including Engineering, Water and Sewer, and Light Plant

Natural Resources Department

Building and Inspections Department

Fire Department

Zoning Board of Appeals and Historical Commission, if needed

No project can proceed without approvals from each. The checks and balances inherent in the approvals processes insure that projects meet all established standards, whether codified or not. In the case of West Concord projects, the standards will include the Master Plan and the Design Guidelines.

Regulation is only one part of the process, however, for helping insure that projects meet the aspirations of the citizens. But in addition to the opinions of the citizens, property owners have property rights guaranteed by the Constitution and by years of legal precedence, and these rights cannot be ignored, even if a group of citizens deems a project not consistent with their own aspirations. By the same token, citizens do not permit their residential property rights to be infringed.

The challenge is to balance regulations, property rights, and aspirations. The first two of these are well covered within the existing Town structure. That leaves aspirations, which by nature are subjective. Aspirations are promoted by advocacy. Advocacy, if organized, is generally exercised by an ad hoc group of citizens, and usually takes the form of "Friends of...". An advocacy group cannot also be part of the regulatory process, and vice versa, as that may inherently involve conflicts of interests. An advocacy group is not required to strike a balance, unlike a regulatory entity, but is free to pursue its own agenda and has a right to be heard during the approvals process.

Two years ago when the Dino's project was undergoing scrutiny, the WCTF deemed it was not within their scope of responsibility to review individual projects. That precedent also was applied to the Bradford Mills project. That precedent would indicate that the work of the WCTF is completed, as the frameworks for guiding the future of West Concord are now in place with the Master Plan, Design Guidelines, and various zoning changes. It is time for the Town governmental structure to take the framework created and apply it to allow or disallow, through negotiation as needed, physical changes to West Concord, and for interested citizens to band together to form a "Friends of West Concord" in order to be involved in that process.

The formation of a quasi-regulatory entity (any Town body with assigned responsibilities is de-facto quasi-regulatory), whether it takes the form of a West Concord Advisory Committee or a WCTF with a revised charge, not only is redundant with existing Town governing authorities and may usurp those authorities, but places an extraordinary and unnecessary burden upon the property owners who ultimately will be the only people who can actually make the Master Plan a reality. It is time to fold the tent.