

SELECT BOARD
MINUTES
JULY 1, 2019

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in the Select Board Room of the Town House on July 1, 2019 at 7PM.

CALL TO ORDER

Michael Lawson, Chair, called the meeting to order and announced that it was being recorded and broadcast.

CONSENT AGENDA

- Town Accountant Warrants
- Minutes – 5/6, 5/20
- Tour Guide Licenses
- Gift Acceptance

Mariann Goslovich \$2,500 Council on Aging Gift Account

- One Day Special Licenses

Fidelity Investments 9/4,5,9-11,16-18, 23-26,30,10/1-3 5pm-8pm 40 Westford Rd Wine & Malt

Upon a motion made and seconded, it was UNANIMOUSLY

VOTED: to approve the Consent Agenda as read.

CHAIR'S REMARKS

Mr. Lawson reminded everyone of Picnic in the Park on Independence Day. This is always a fun event at Emerson Field for the entire family.

MISCELLANEOUS/CORRESPONDENCE

The Board has received correspondence regarding the Economic Vitality Committee, Middle School Building Committee, and Capital Planning Committee that are most appreciated. The Board will include this in their consideration of the topics.

FINALIZE 2020 ANNUAL TOWN MEETING DATES

Mr. Lawson reviewed planning for 2020 Annual Town Meeting and noted that holy days, holidays and school vacation are the primary scheduling factors. He recommends that the Board set the dates of April 27, 28, and 29 and 30 for Town Meeting at its next meeting.

There was a consensus on the proposed dates.

7:05PM PUBLIC HEARING STORAGE OF INFLAMMABLE FLUIDS LICENSE: to amend the existing license for underground storage of liquified petroleum gas – Eastern Propane on behalf of Ziad Fares, 210 Monument Farm Rd.

Upon a motion made and duly seconded, it was UNANIMOUSLY:

VOTED: to open the Hearing.

Representatives of Ziad Fares were present to explain the request to amend the license. Last year, a license to install three 1000-gallon tanks of liquified propane was approved for the site. The resident would like to amend the license to three 2,000-gallon tanks due to increased usage. The household uses propane to run 2 boilers, melt driveway snow, heat the house, pool and enclosure, provide hot water, run the clothes dryer, and fuel the commercial-sized kitchen. Speaking for Eastern Propane, Mike MacDermott stated that the tanks would be installed off the driveway behind protective bollards and landscaping.

Call to Order

Chair

Misc. Coord.

2020 ATM

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In response to a question about risk, Mr. MacDermott stated that the Fire Chief had done some investigation with the State Fire Marshall and the Chiefs in other towns with similar installations and has signed off on the request. Regarding the options of potential future owners, Mr. MacDermott stated that the tanks can be drained and removed.

Mr. Lawson noted that the Board has received recommended approvals from the Fire Chief and the Natural Resources Commission. There were no questions or comments from the public.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to approve the application from Eastern Propane on behalf of Ziad Fares, to amend existing license for the underground storage of liquefied petroleum gas at 210 Monument Farm Road. Approval is subject to the standard requirements of the Concord Fire Department.

7:07 PUBLIC HEARING: STORAGE OF INFLAMMABLE FLUIDS license for the underground storage of liquefied petroleum gas – Lorden on behalf of Amy Borner, 360 Great Meadows Road.

Inflamm. Fluid

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Representatives of the applicant are present to explain the application to install three 1,000-gallon fuel tanks off the driveway and protected. The size of the tanks is to enable fewer, larger deliveries over the long, tight driveway. The house also has a generator for heating and hot water. The primary role of the propane will be to provide power to move sewer effluent uphill to the septic field should the house lose power. The house is under construction and the previous 4,000-gallon underground oil tank has been removed. It is safe and up to code and all approvals have been received.

There were no questions or comments from the public.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Lorden on behalf of Amy Borner, for underground storage of liquefied petroleum gas license at 360 Great Meadows Road. Approval is subject to the standard requirements of the Concord Fire Department.

7:10PM CONTINUED PUBLIC HEARING ALTERATION OF LICENSED PREMISES
ASSOCIATED WITH EXISTING SECTION 15 RETAIL PACKAGE STORE WINE & MALT LICENSE, to remove entire second floor area (4,542 sq. Ft.) And portion of first floor (980 sq. Ft.) from existing licensed premises – Concord Market, 77 Lowell Road

Alter premises

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Mr. Lawson reported that the applicant has a requested a Continuance to July 15, 2019.

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Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED to Continue the Hearing until July 15, 2019.

7:15 P.M. PUBLIC HEARING: ALTERATION OF LICENSED PREMISES ASSOCIATED WITH EXISTING SECTION 12 RESTAURANT ALL ALCOHOL LICENSE, for outdoor patio seating – Concord Brewery II, Inc. D/b/a RapsCALLION, 208 Fitchburg Turnpike

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to Open the Hearing.

Peter Daniel from Concord Brewery II was present to seek approval for an alteration to his Section 15 license. There is currently a 400 square foot pad behind the restaurant that has been used as tenant lunch and break area. The landlords have indicated that they will support repurposing of the area. What is being sought is the ability to provide up to 30 seats outdoors seasonally with dedicated wait staff, without adding additional seating. Since it cannot be accessed from within the restaurant, patrons would be guided along a thirty-foot path to the location but would be under observation through the glass door into the kitchen. The patio would be limited with plantings. Rather than removing interior seats during the patio season, they would simply not be filled.

There was no public comment.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to close the Hearing.

Upon a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Concord Brewery II, Inc. d/b/a RapsCALLION, for the alteration of licensed premises associated with existing Section 12 Restaurant All Alcohol License, for up to 30 seats of outdoor patio seating, located at 208 Fitchburg Turnpike. Final approval is subject to ABCC approval.

ACCEPTANCE OF ACCESS EASEMENT – 47 WARNER STREET

Delia Kaye, Natural Resources Director, was present with Alison Aley to seek approval for a pedestrian access easement across the Aley property. The Aleys have received approvals from the Zoning Board of Appeals and the Natural Resources Commission to reconstruct their home on Warner St. As part of the project they have done substantial invasive species removal and replanting. They have become very interested in allowing the public access to view, not entrance to, Warner Pond. To do this they propose a 20-foot wide easement from Warner St, to an area overlooking the pond where they have installed benches fashioned from felled trees. There will eventually be signage noting the limits of the easement and prohibiting movement down the bank which is undergoing restoration.

The Board expressed appreciation for the gift to the community. There was no public comment

Upon a motion duly made and seconded, it was UNANIMOSLY

Alter premises

Easement

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VOTED: to approve the Access Easement between Gordon Thomas Aley III and Allison Y. Aley, of 47 Warner Street, Concord, Massachusetts (together, the "Grantor"), and the Town of Concord, Massachusetts, acting by and through its Natural Resources Commission, acting as a Conservation Commission, pursuant to Massachusetts General Laws, Chapter 40, Section 8c as amended, having an address at 22 Monument Square, Concord, MA 01742 ("Grantee").

REQUEST FOR FUNDS TO CREATE TWO UNITS OF AFFORDABLE HOUSING –
CONCORD HOUSING DEVELOPMENT CORPORATION

CHDC

Mr. Lawson reported that 2019 Town Meeting acted on four articles relating to housing. One created a surcharge, another was a Home Rule Petition to the Legislature for a transfer tax to support affordable housing, the third called for a new housing committee (Affordable Housing Trust Study Committee), and lastly there was an appropriation from Free Cash for affordable housing.

Elizabeth Rust, Regional Housing Director, Jerry Evans of the Concord Housing Development Corporation, Charles Phillips of the Housing Foundation, and Brenda Gore of Habitat for Humanity are present to seek funds for a project that meets the criteria for the use of funds approved by Town Meeting.

Ms. Rust stated the home near the corner of Main St and Route 2 has been offered for sale by the owner who prefers that it remain an affordable home. After some time, it is now under offer. Ms. Rust stated that the project would not be possible without a multiple entity collaboration. It will require the use of \$186,000 of CPC funds, \$75,000 from the Concord Housing Foundation, \$75,000 from Habitat for Humanity, \$25,000 from CHDC, and \$150,000 from the Town. Once purchased, Habitat for Humanity will take over to provide an Owner's Project Manager, manage the permitting process, convert the house into a duplex, sell the house, and ensure that it is included in the LIP program

While no one funding source has sufficient money for the project, CHDC could provide more if it limited its support of the small grants program which it is reluctant to do. It has about \$120,000 for three years of a small grant program. CPC funds have been allocated a bit at a time in 2013, 2014, 2016, and 2019. The Housing Foundation funds come from private fundraising in the community.

Ms. Gore stated that Habitat is pleased to develop a project in Concord. The intention is to retain the current footprint of the building but open up the walk out basement to create a 2-bedroom home downstairs and a 3-bedroom home upstairs, both of which would qualify for inclusion in the 40B calculations. One unit will be for local preference. The time frame generally involves acquiring the project, then getting the interest of sponsors and raising the funds to do construction. If permitting begins upon closing, and construction is underway in the spring, then it will likely be complete in 7-9 months.

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Ms. Escobedo asked what form the legal agreement to collaborate would take, whether Town Counsel had been consulted yet, and how the Town Manager would be involved since the language of Town Meeting funding article indicates the action would be approved by the Town Manager with the approval of the Select Board. Ms. Rust stated the agreement is called a Land Disposition Agreement and it is in process. Should the Board vote to approve, it could all come together in time for closing. Kate Hodges is already aware of the project.

Ms. Gore stated that Habitat intends to use the existing garage and the same footprint. Mr. Lawson noted that the process is very like one used for Concord Junction wherein Town funds were never at risk. Mr. Banfield asked how the process would work to use CPC funds without going back to Town Meeting. It was explained that the requested Article 23 funds for this project (not CPC funds) meets the terms of the language used at Town Meeting. Since no funds will come from the reserve fund they are available now.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to recommend that the Interim Town Manager approve \$150,000 from Town funds allocated by the 2019 Town Meeting for a project at 930 Main St. that will partner with the Concord Housing Development Corporation, Concord Housing Foundation, and Habitat for Humanity to create two units of affordable housing to be included on the Town's SHI.

PRESERVATION PLAN – THOMAS MOTT SHAW ESTATE, 317 GARFIELD ROAD

Mr. Dan Bailey, attorney at Pierce Atwood LLP, is present to represent Joyce Lawrence owner of 317 Garfield Rd. This 8-acre property has two National Historic Registry houses on it and the owner wants to subdivide the parcel in order to sell. The zoning bylaw has a provision that would permit this if the purpose, under a special permit, is to preserve an historic property. The main estate includes a house designed by Thomas Mott Shaw. The other structure is a carriage house across a private road. The owner has worked with the Historical Commission, Planning Board, and Zoning Board of Appeals over the past year and the process is now concluding with the requirement of an executed Historic Preservation Plan to be approved by the Select Board.

Ms. Escobedo noted that approval for a preservation plan rather than a preservation restriction is being requested. (A restriction must be submitted to and approved by the state.) Mr. Bailey stated that he has been working with Town Counsel on the language of the plan and they differ on the nature of the indemnity clause.

Upon a motion duly made and seconded, it was UNANIMOSLY

VOTED: to accept the proposed Preservation Plan for Thomas Mott Shaw estate located at 317 Garfield Road substantially as drafted with the provision that Town Counsel approves the wording of item #19 and any changes will come back to the Board.

REVIEW AND APPROVE CAPITAL PLANNING COMMITTEE CHARGE

Preserv.Plan

Cap Plan Com

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Ms. Ackerman reported that she has received comments and suggestions from the Board, other committees, and residents. Her goal this evening is to share that information and get a sense of the Board's intent. Whether the capital plan function should be a team or a committee has resolved as a committee. Whether it should focus on five years or ten has resolved into 10 as both town and school already do a 5-year plan. There appears to be some public confusion about the current planning process, so she intends to add language to clarify. The next question regards which level of project should be the focus; the consensus seems to be the very large projects only. It is not the intent of this committee to decide which projects to undertake, but discover the projects out there and inform town, schools, and the public of the likely financial impact we are facing so that the responsible agencies can make informed decisions that better protect the taxpayer. Membership on the committee will include named functions or their designee. Citizens at large will be essential. There was the notion that facilities should become part of the title and focus. Duties and timeline were discussed as was the importance of including the Finance Committee viewpoint.

Ms. Ackerman agreed that she had heard enough discussion to allow her to redraft the Charge, circulate it to the Board and include it on the agenda of the next meeting.

LONG RANGE TOWN-WIDE ECONOMIC VITALITY DISCUSSION

Mr. Lawson stated that the Board continues to work on pulling together and prioritizing recommendations from the Long-Range Plan into action plans led by Board members. The Capital Plan Committee Charge reviewed by Terri Akerman is one initiative. Susan Bates is developing a focus on economic vitality. The Board considers vitality to include economic development and diversity, tourism, visitors, and retail sustainability. The Board has invited a range of people who have roles in all of these components to sit down together to share their insights and make suggestions. Guests this evening include BJ Dunn NPS Supt., Jane Obaggy, Executive Director of the Chamber of Commerce; Henry Dane, attorney; Gregg Higgins, President of Concord Business Partnership; and Carole Wilson, Deborah Stark, Stephen Verrill, and Bill Montague, retailers.

LRP

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Mr. Dunn stated that federal data shows the National Park is a major economic driver in the region and state, with the local impact at about \$60M in 2018 with the Park responsible for 790 jobs in the area. The park is anticipating its 60th anniversary and along with that a spike in attendance. Attendance has risen from 5,000 per in 1959 to 900,000 recently. The data does not indicate how many visitors spent time in other aspects of Concord life such as shops, restaurants, or other cultural offerings. There was a spike in attendance tied to the opening of Battle Road Trail branding and marketing in 2000. The year 2025 will be a major celebration of the founding of the nation and the Park is beginning to plan to be a part of that as it did for the Bicentennial. Mr. Dunn stated that parking is a seasonal challenge. He is working with the Planning Director to apply for a study of using a shuttle bus with federal funding. If the application is successful, more will be known in a month with the pilot program next year. Transportation is another of the long-range plan components that the Select Board is focused on.

Ms. Obaggy stated that walkability is a major component of satisfaction with the experience. In her opinion, the paths between Concord Center and the Park and between the West Concord Depot and the shops are not well maintained.

Mr. Dunn stated that a bike share service is being planned by several entities and they have agreed to all use the same so there is less overhead in space and better connectivity. The NPS has a goal to open the Barrett's Farm unit open to the public. Public comment will be sought on the concept plan, a 2-year plan to assess conditions and assess the flow of parking and people. The Park has recently been directed to implement Commercial Use Authorizations (CUA) for road-based tour operators. A fee will be established for access to the park and parking. The fees that will stay with the local park and enable knowledge in advance of arrival and promote better opportunities for visitors.

Mr. Dane reported that at a recent Concord Business Partnership meeting, economic developers from a number of local towns were present to describe what and how they set about improving the local experience. Their role was to facilitate the economic health of the community, not regulate behavior. In Lexington, the officer, under the direction of the Town Manager, acts as an ombudsman to assist residents, owners and developers to grow and prosper. Mr. Lawson stated that an economic officer had been proposed in the annual budget but was withdrawn in the face of other needs. If it is proposed again, he looks forward to the business community's support.

Ms. Wilson stated that the partnership mission has long been to reach across the table to help colleagues; this includes encouraging members to serve on Town Boards to better understand the process and to share perspectives. Ms. Stark noted that she would love to serve on local Boards but is precluded due to not being a resident. She noted parking and the lack of public transportation are difficult aspects of hiring.

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Mr. Verrill noted the call to streamline permitting is a persistent refrain. Mr. Montague shared a memo about parking that shows that metering reduces business by as much as 20%. Snow and clearing is also an issue.

Ms. Obaggy stated that a study on retail mix in similar towns is needed to improve knowledge of what works and what landlords might do to cultivate businesses likely to success. Ms. Wilson agreed and referred to the Park focus on the upcoming celebrations. It will take lots of work to make our commercial centers inviting for tourists and residents alike. Mr. Higgins stated that the Town needed a Tourism Board; he noted the towns who employed economic vitality officers have managed to turn the town centers around to benefit residents, retail, and visitors. This is a regional need; could we cooperate regionally, like we do in housing, to coordinate and sustain economic vitality?

Mr. Dane stated that people come to live in Concord due to the schools and the town character. Once here, residents are resistant to any activities that might change the character. The Town has seasonal buses available now, school buses that are town property and that are idle all summer.

Ms. Ackerman noted walkability, streamlining permits, parking, marketing as ideas mentioned that could all benefit from a vitality officer. Next is to get the position through the budgeting process. For this the Board will need all the help it can get. Is there help to find alternate funding sources? Ms. Hotchkiss stated the need for help in crafting the argument. Meeting monthly to discuss the topic was mentioned. Mr. Lawson stated that the goal is to turn these insights into action without duplication of effort. He thanked everyone for their participation in the conversation.

LIAISON REPORTS

1. Susan Bates reported that she attended the convening session of the Concord Middle School Building Committee. There are still some slots vacant. They have decided to forego leadership selection until the committee is fully staffed. The committee is scheduled to meet every other Thursday at 7:30AM. The first task is to create a subcommittee to draft a Request for Proposals (RFP) for the Owners Project Manager (OPM) who will have a major role in the project. Ms. Bates also attended the Trails Committee, Planning Board, and the meeting in West Concord about a pedestrian bridge.

Liaison Reports

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2. Ms. Escobedo stated that she attended a meeting of the Community Preservation Committee, there was no quorum, but there was a presentation regarding a potential project to restore the clock in the steeple of First Parish, which, to some people's surprise is in fact Town property. She also attended the first meeting of the NMI/Starmet Property Re-use Planning Committee; there will be a website on which you can find the schematics and other information about site restoration. She attended HATS and HFAC and learned that there is a new flight route from Concord to Nantucket at least for the summer, that recent noise complaints were likely due to related traffic for the Stanley Cup events. The new Hanscom Fire Station should be up and running by end of month.

3. Mr. Lawson stated that he wrote to the MassPort Director about noise complaints who did discovery, responded to him, and he has forwarded the letter to the resident who asked for Board assistance. He attended the Finance Committee meeting.

4. Ms. Ackerman stated that she attended the West Concord meeting regarding a pedestrian bridge over the Assabet. She also attended a Finance Committee meeting about the Aaa bond rating and the guideline process. There were more than 140 volunteers who attended the COA Volunteer luncheon.

5. Ms. Hotchkiss reported that the newly hired station manager has proved to be excellent; the PEG Access Committee spent some time discussing the issue of 5G because it has the potential to affect revenue. She noted that she asked the members with particular expertise to write to the Select Board to provide any input on this emerging issue. Mr. Lawson noted that the Town had earlier drafted a Charge for a Technology Committee which got submerged in providing internet service.

MISCELLANEOUS/CORRESPONDENCE

Mr. Lawson stated there were a number of miscellaneous issues already mentioned such as correspondence, capital planning, and 5G. TBA, the facilities consultant, will attend the August 26 meeting for a report on findings. The August 12 meeting is cancelled.

COMMITTEE NOMINATIONS

Ms. Escobedo nominated Susan Curtin of 169 Holden Wood Road and Krysten Morganti of 136 Baker Avenue to the Library Committee for terms to expire May 31, 2022; Lee Smith of 1836 Main Street and Keith Bergman of 56 White Avenue to the Affordable Housing Trust Study Committee for terms to expire May 31, 2021; Peter Ward of 29 Pilgrim Rd and Diane Proctor of 57 Sudbury Rd, to the Community Preservation Committee as Select Board appointees for terms to expire May 31, 2023.

Misc.

Nominate

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Ms. Bates nominated Russell Hughes Facilities Manager of Concord Public School to the Concord Middle School Building for a term to expire upon completion of the project.

COMMITTEE APPOINTMENTS

On a motion made and duly seconded, it was:

VOTED: to appoint Jim Terry of 368 College Road and Linda Miller of 300 Main Street to the Affordable Housing Trust Study Committee for terms to expire May 31, 2021; Andrew Boardman of 110 Hillcrest Road and James Burns of 1515 Main Street to the NMI/Starmet Property Re-use Planning Committee for terms to expire May 31, 2021; Peter Lowitt of 5 Westvale Drive to the Concord Housing Development Corporation for a term to expire May 31, 2022.

Appointments

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn the meeting and conclude business for the evening.

adjourn

Respectfully Submitted,

Linda Escobedo, Clerk

Approved: 9/23

Meeting Documents

<https://www.concordma.gov/2470/2020>

<https://www.concordma.gov/DocumentCenter/View/15432/Section-42-Economic-Vitality-Plan-Element>

Minuteman Media Network Coverage:

https://www.youtube.com/watch?v=1T0YmG_Vy2Q&list=PL1TTzrWEKOOKHKXNLQprEz0f0ofHYKj8-&index=6