

SELECT BOARD
MINUTES
JULY 29, 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 29, 2019 at 7PM.

Present were Michael Lawson, Chair; Linda Escobedo, Clerk; Terri Ackerman, Susan Bates, and Jane Hotchkiss. Also present was Kate Hodges, Acting Town Manager.

CALL TO ORDER

Mr. Lawson called the meeting to Order and announced that it was being recorded and broadcast.

CONSENT AGENDA

Town Accountants Warrants

Gift Acceptance: Community Chest \$11,107.00 Community Services Coordinator Gift Acct
Community Chest \$5,750.00 School Resource Officer Gift Acct

Resolution: FUTURE Act--"An Act for Utility Transition to Using Renewable Energy" H.2849/S.1940

One Day Special Licenses

Saltbox Farm	8/20	6pm-10pm	40 Westford Road	Wine & Malt
Saltbox Farm	8/23	6pm-8:30pm	40 Westford Road	Wine & Malt
True West Brewing	8/13, 8/16-17	5pm-9pm	275 Forest Ridge Rd	Wine & Malt
Verrill Farm	8/20	12pm-3pm	11 Wheeler Road	Wine & Malt
Verrill Farm	8/22	6pm-8pm	11 Wheeler Road	Wine & Malt
Verrill Farm	9/22	4pm-7pm	11 Wheeler Road	Wine & Malt

Sunday Entertainment License:

Concord Players 11/10, 11/17, 2/16/20, 5/3/20, 6/7/20 51 Walden St Theater

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

VOTED to approve the Consent Agenda as read.

TOWN MANAGER'S REPORT

1. Deputy Town Manager Kate Hodges announced that the second ambulance has arrived, in service, and is located at the West Concord Station and will be staffed 24/7 by four new Firefighters. This very exciting news has been met with positive response from the community. In response, Ms. Ackerman agreed and asked for a report on the ambulance fees that the Town collects from insurance companies to help pay for this service.
2. The Finance Committee has sent a letter to the Town and Schools noting that it has responded to the Town's sustainability goal with the intention to allow 1.8% growth in that function. In response, Mr. Lawson clarified that this is not actually the annual Guideline, but a fiscal sustainability index calculation based partially on the Regional Consumer Price Index.

Call to Order

Consent

TM Rpt

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3. The Town is getting Natural Resources assistance from the Town of Acton during the period that Natural Resources Director Delia Kaye is on vacation. Recently the Asst. Director resigned to take a job in another town, leaving no coverage. Tom Tidman will provide part-time hours in Concord.
4. Health Director Susan Rask and Building Commissioner Ray Matte have taken two sets of sound readings at the Emerson Umbrella for the Arts in response to neighborhood noise complaints. It was determined that the roof-top air handling equipment was operating improperly and has been adjusted to lower the sound level. Local Inspector Ed (Mullen) has completed his inspection of the addition/renovation project and will work with the Department of Planning and Land Management to determine that all conditions of the Special Permit have been met prior to issuing a final Certificate of Occupancy.
5. The Health Department has issued letters to all food service establishments and retail food stores that MA Department of Public Health has issued a policy that CBD oil may not be added to their products.
6. The Town has hired Beth Williams as its new Tourism and Visitors Service Manager. Ms. Williams is a marketing consultant whose experience includes both large and small organizations such as asst. marketing director of Peabody Essex Museum, Destination Salem, and Salem Food Tours. She has a positive attitude and sees great potential in the Visitor Center.

CHAIR REMARKS

Mr. Lawson reminded the community that there will be no Board meeting on August 12. The Board will next meet on August 26, which will be the first meeting with the New Town Manager Stephen Crane who arrives on August 12. Mr. Lawson expressed the Board's appreciation to Interim Town Manager Kate Hodges for the work that she has done in the past weeks to cover both the role of Deputy Town Manager and Town Manager.

7:05PM PUBLIC HEARING PETITION FOR INSTALLATION OF COAXIAL CABLE from utility pole #142 Main St. To utility pole #4 Church St. –Comcast of Massachusetts III, Inc. On a motion made and duly seconded, it was UNANIMOUSLY:

VOTED: to Open the Hearing.

Chair

Pole Petition

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Comcast Representative Gregory Franks was present to seek approval to install coaxial cable from Pole #4 on Church St to Pole #1402 on Main St. for a new customer at 27 Junction Square Dr. The application is complete, a site visit has occurred, and the company is prepared to comply with the conditions proposed by Concord Public Works and Concord Municipal Light Plant. Mr. Sands stated that this is not a particularly long distance for a connection to run. Ms. Hodges stated that CPW and CMLP typically state conditions for such an installation, but the Police Department does only if a police detail is required. There was no public comment.

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

On a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Comcast of Massachusetts III, Inc., to install overhead coaxial cable from utility pole #1402 Main St. to utility pole #4 Church Street, in accordance with the plan Aerial Cable Placement Request received July 1, 2019 filed with the Select Board.

7:10PM PUBLIC HEARING CHANGE OF OFFICERS associated with Section 12 Club All Alcohol License – Musketaquid Sportsmen Club, 250 Old Mill Rd.

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

President John McGarry was present to represent the Musketaquid Sportsmen's Club application for a change of officers and directors as required by the Alcoholic Beverages Commission. This is an annual event. The application is complete and lists new officers and directors. There were no questions or comments from the Board or from the public.

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

On a motion made and duly seconded, it was UNANIMOUSLY:
VOTED: to approve the application from Musketaquid Sportsmen's Club, Inc., located at 250 Old Mill Road, for a change of Directors and Manager associated with existing Section 12 Club All Alcohol License.

LIBRARY PARTNERSHIP PROCESS

Alcohol License

Library Agreement

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Mr. Lawson spoke about the long-standing partnership between the Town and the Concord Free Public Library Corporation. Fiscally, the agreement calls for the Town to be responsible for operations and employee salaries. The Library Corporation takes responsibility for infrastructure and construction. It has been some time since the agreement has been reviewed. Mr. Lawson has proposed that members of the Corporation meet with the Board on August 26 to articulate the issues and proposals. In his opinion, representatives, including one member of each Board, will get together to resolve any issues, update the agreement substantially as discussed at that meeting, and then bring it to the respective Boards for signatures.

CONFLICT OF INTEREST DISCLOSURE BY SPECIAL MUNICIPAL EMPLOYEE

Recently elected School Committee member Court Booth also has program development and teaching responsibilities for CPR classes for both the Beede Center and Recreation Dept.. Because of the dual role he is required to file disclosure forms to be filed with the State Ethics Commission. He receives no compensation from the enterprise as the fees charged for the training are directed to certification, textbooks and supplies. There were no questions or comments.

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

VOTED: Move to approve the Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as required by G.L.c. 268A (20(d)).

CONCORD HOUSING AUTHORITY UPDATE ON GEROW LAND

Executive Director Marianne Nelson and Chair Rick Eiffler were present from the Concord Housing Authority to seek approval for \$50,000 from the approved 2019 TM affordable housing fund to build one unit of affordable housing on the Gerow land recently purchased by the town for both recreation and affordable housing purposes.. The allocated affordable housing parcel has not yet be transferred to the Concord Housing Authority as Planning Director Marsha Rasmussen is still dealing with appraisals before transferring the parcel to CHA. Mr. Lawson indicated that it would be unusual to grant funds for a parcel that is not yet acquired, and therefore expected CHA to return with a formal request after the transfer has been made.

SME

Gerow

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Mr. Eiffler stated that the Authority would prefer access to the funds now so that the design process can begin. He summarized the situation: the Town purchased a large parcel in West Concord that wraps around Warner's Pond. There is a driveway at Commonwealth Ave. and agreement that 1 unit of affordable housing could be built on the front half acre. Town Meeting voted to transfer the land to the Housing Authority to build there. It will be a tight fit and will require permits and approvals from several agencies. Mr. Eiffler indicated that starting now, it could take until next spring or summer to get the project ready to build. Two things are necessary to go out for a Request for Proposal – the parcel and the funds.

Ms. Hodges outlined the process for disposition of Real Property under Chapter 30B. It requires advertising in the Central Register, a valuation, a Taking, and the commitment to give the parcel to another public entity. This is a familiar process. However, Concord does not yet have an official access agreement from the State giving access to the 8-foot right of way over the Bruce Freeman Rail Trail to enter the property. Phase 2B lease agreement is in place and the State was not willing to open it again. The plan calls for signing and recording the agreement and immediately amending it. Concord is at the mercy of the State regarding timing. We do, however, have a letter stating that it will happen.

Ms. Ackerman stated that the plan outlined by CHA is an ambitious one, some things are out of our control. She suggested working on the RFP and even issuing it, but not awarding it until the parcel is transferred. Ms. Escobedo asked whether the parcel and the one next door that it will be combined with, will both count in the Town Housing inventory. Mr. Eiffler noted that both would be counted but it will require a special permit from Town Boards to get approval for two units on one lot. Ms. Escobedo asked whether CHA would accept the transfer from the Town before the State grants access of the right of way. Ms. Hodges recommended moving ahead with design while pushing the State hard on its timeline for the access agreement.

VOTED: to approve the allocation of \$50,000 from the affordable housing funds made available in Article #23 at the 2019 Town Meeting and as approved by the Interim Town Manager, to the Concord Housing Authority for design development of one unit of affordable housing on the Gerow property contingent upon formalized gifting and acceptance of the parcel.

UPDATE ON LONG RANGE PLAN INITIATIVES

Mr. Lawson stated that the Board has reviewed and begun to develop action plans for broad areas of the recommendations of the Long-Range Plan. Among these are the proposed Economic Vitality Committee and Capital Planning Task Force, and this evening, acting on Affordable Housing goals. At the same time, other Boards and Committees are also looking closely at the Long-Range Plan recommendations for their respective committee goals. Tonight, members of the Planning Board are present to update the Board on their own long-range goals regarding affordable housing.

LRP

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Housing

LONG-RANGE TOWN-WIDE HOUSING DISCUSSION – Planning Board

Matt Johnson, Chair, Nathan Bosdet and Kate McEaney were present in the spirit of cross-town cooperation and consultation to discuss issues relative to housing. The Town has already done a lot of work on affordable housing but there is another dimension to housing that is beyond state housing inventory, generally less expensive, but not technically affordable housing, that better meets the evolving needs of the community. Over time, the size of families living in Concord has declined. We need more small units and fewer large units; people are wishing to age in place as they become empty nesters. What is needed is a way to re-configure current spaces and accommodate other uses without having to move. The Planning Board has discussed smart growth as well as locating housing closer to village centers, transportation, shopping, appointments, and with housing units that are walkable. The Board resolved that the challenge in this is to maintain neighborhoods, scale, and density without requiring financial subsidies and yet maintain character.

The Planning Board focuses on zoning. They looked at Long Range Plan recommendations focused on zoning and considered: amending two-family and additional dwelling unit bylaws; adopting natural resources protection zoning to make better use of open space; and looked at transit-oriented development, particularly in the Thoreau Depot area. Mr. Johnson stated that the area of most feedback is that of addressing accessory dwellings. Concord is predominantly a town of single-family dwellings. An accessory use is a separate dwelling within the interior or in an outbuilding. The few existing examples pre-date zoning and were often in-law apartments. Currently, either a primary or secondary dwelling could be owner-occupied, although generally there is a familial connection; the units must be attached even tenuously, and the special permit is tied to the owner, not the land.

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The proposed bylaw would create new conditions such that there need not be a familial relation, one unit could be a rental, the secondary unit need no longer be attached, the dimensional setbacks must be the same as underlying zoning, minimum size is 350 square feet and maximum size would be 750 square feet by right with the ability to increase through a special permit. In doing its research, much was learned about how other towns are approaching this. Several had special permits that travelled with the owner and would need renewal if the property changed hands; Lincoln wrote its bylaw to require renewal every three years and no longer is comfortable with that condition. In Concord, it cannot be anticipated whether there will be many or few conversions of barns, out buildings and garages; or whether there will be new purpose-built accessory units. It seems to be a self-constraining proposal in that the allowable square footage would limit the number of bedrooms and location would reduce the need for cars. The Planning Board intends to come to 2020 Town Meeting with a proposed bylaw on accessory housing units. It plans a joint meeting with the Zoning Board of Appeals to study common issues and obtain its feedback. It was suggested that it is prudent to check with the Town Assessors to learn more about current real estate tax implications of the current situation.

The Planning Board also investigated two-family or duplex houses. Except for areas like Hubbard Street and scattered Housing Authority units throughout town, there are few existing duplexes in town. Planning Board study has focused on village centers, an overlay to Residence C, and Residence Zone C as the locations most appropriate to this kind of development. Conversations need to occur with realtors and developers to learn more about the economic viability of two-family housing. One issue will be the sewerage issue/capacity and the Water & Sewer is still to be included in discussion as those fees are substantial.

Subsequent discussion included: will this be a landlord tenant relationship, or condos? will there be design standards? Village centers put the housing close to transportation, but space will still be required for some cars.; There is shortage of rental housing in the Town.; Will the floor area and setbacks be the same as the rest of Residence C?

The Planning Board also investigated PRDs and were not thrilled by that option. A PRD in the village would be walkable and there is a sustainability incentive, but the villages are built out. An open space PRD or Natural Resource Protection Zone with limited development requires an inventory of lands, investigation of the land to be protected, and then finding someone who is willing to develop under those conditions. Not impossible, but not now.

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Lastly, the Planning Board considered redevelopment of a built-out village, specifically the Thoreau Depot area. The area is suited to residences as it is close to shopping, restaurants, banking, businesses, and suited to transit. While there is no expertise on the committee for this, the MAPC has provided a Technical Assistance Grant to the Planning Board to undertake more research to gear up for Town Meeting 2021. It will be complicated, but potentially a great outcome. This option best fulfills economic vitality, development, sustainable retail, and tourism goals of the Long-Range Plan.

Karlen Reed commended the Planning Board for its work and wondered how they intend to evaluate the impact all these additional housing units on the Town's character. Further, she asked how the number of two-family homes needed/anticipated was forecast. Planner Elizabeth Hughes indicated that she is working closely on this and right now there is no way to project the unexpected. Mr. Johnson stated that a recent State report offered negative evidence—an effort to limit two-family homes.

REVIEW AND APPROVE ECONOMIC VITALITY COMMITTEE CHARGE

Susan Bates stated that she had revised the draft Charge in response to Board discussion and public input. The main change to purpose and goals was to explore and make recommendations regarding the role of transportation in accomplishing the goals. The change is membership is to increase the number to 13. These would include: 2 commercial property owners in any of the four districts, 2 owner/managers of local businesses from any of the four districts, 2 representatives of local historical / cultural sites, the Executive Director of The Chamber of Commerce or designee, a member of the Planning Department or designee, the new Visitor and Tourism Manager, and 4 at large members from the community. The committee will be asked to analyze goals and report to the Board with specific recommendations.

Board discussion included: Mr. Lawson has been meeting with members of the business community and Ms. Bates will join those discussions. Would the committee dissolve at the end of the 3 years or could that be amended? This is a committee not a task force. Periodic updates should be at least annually, or earlier if required for Town Meeting action. This is a complicated issue that will likely take more time than the term stated in the Charge. Some in the business community have suggested that the Town hire an Economic Development Coordinator. The Long Range Plan indicated that we should be alert for alternate funding sources such as public private partnerships. The Town does not charge a committee and then tell them how to address the problem being investigated. the committee charge is not intended to open the floodgates for many new visitorst is rather intended to improve the visitor experience for the visitors who come and residents who live here.

Upon a motion duly made and seconded, it was UNANIMOUSLY

EVC

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VOTED: to approve the Economic Vitality Committee Charge as amended. Mr. Lawson stated that those interested in serving on the committee should submit Green Cards.

(It was announced that the meeting was not being broadcast live due to a malfunction that could not be remedied from the booth. It is hoped that rebroadcast is possible.)

REVIEW AND APPROVE CAPITAL PLANNING CHARGE

Ms. Ackerman stated that the current draft Charge incorporates discussion from the Board as well as public input the Board has received. Changes include: it is called a Task Force with a term of 6 months; its task is to decide on the process of capital planning; it will develop a method for the Schools and Town to integrate their respective planning processes for large capital items that are subject to debt exclusion votes. Regarding membership, the new draft includes citizens, officials, members of the School Committees, Select Board, and the participation of the Finance Committee in some role. The Finance Committee is not a policy making board; its job is to look at budgets and make judgments that result in the annual Guideline.

Ms. Ackerman stated that some entity needs to merge the templates of the elected bodies and they cannot do it on behalf of each other. The separate planning processes must come together and be prioritized. In her opinion, the task force would be charged with figuring out the best way to do this merging so that every year one capital plan would come to Town Meeting. Mr. Lawson stated that the task force would do data gathering from Town and Schools and spend its time developing a way for those plans to be integrated – integrated in a timing sense, not a capital sense. *When, not what*, is the factor that the task force needs to grapple with so that the elected bodies can make use of the template/spreadsheet/assumptions to reduce the impact of the tax burden caused by needed expenditures. This is not just a one-time template; it should have strong components to allow it to be used over time.

Both Town and Schools already do Capital Planning. The task force work would eliminate any perceived competition for resources because all parties would know in advance what is on the horizon for very large capital expenditures. Earlier discussion resolved that there are three levels of capital expenditure: the first is those items that are built into the budget or 5-year capital improvement plan; second is those items that are larger and warrant a special article at Town Meeting for consideration; the third is the very large debt exclusion items such as a new school. This draft of the Charge assumes that the task force will only tackle the third category, but Ms. Ackerman has a preference for including some projects in the second level as well.

CPTF

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Ms. Hodges urged that the task force also include the second level as well. She stated that the recent Gerow acquisition made clear the community frustration with new opportunities pushing aside planned expenditures. She said that the Town gets the most push back regarding the second level; it is the category with the most activity, most fluidity. Ms. Hotchkiss noted that the price point is not the “trigger,” neither is it the size of the project, rather it is the goal the adds the urgency.

Dean Banfield, Chr. of the Finance Committee stated that the Finance Committee worries about increasing the tax burden on the median household. Borrowings of 5-7% is the debt service policy and won't push the burden up dramatically; maybe we will be annoyed and complain, but not because of the unplanned tax burden. In his opinion, the work of the task force should focus on managing the very large expenditures which are going to have a tax impact on the median household. Perhaps there are surprises that push planned expenditures back in the queue, that is by choice and within the policy spending level. That may require a better explanation at Town Meeting. What we should avoid are the surprises that are in addition to the queue.

Ms. Hotchkiss stated that limiting the financial discussion t is not good enough when it encourages us to make smaller decisions when a larger goal-oriented discussion can make us aware of bigger decisions that can also solve problems in the middle ground. Mr. Lawson stated that this is an example of his notion of asymmetry – the schools make very few, but some very large and atypical expenditures. They generally cause spikes in the debt. Mr. Banfield stated that managing the peaks or spikes of excluded debt to try to lighten the tax burden should be the focus of the task force template.

Ms. Ackerman noted that there might be instances when middle level expenditures would be part of the task force process. That can be addressed at a later discussion of whether to alter the parameters of the task. Most important is to get started on the larger issues before us.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve Draft 5 of the Capital Planning Committee Charge substantially as discussed.

PUBLIC COMMENT

Karlen Reed of Whit's End noted that the Special Municipal Employee list has not been updated since 2013. From her read of the list, it is out of date and should be refreshed and included in the annual Volunteer Training.

LIAISON REPORTS

Public Comment

Liaison Reports

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Ms. Bates reported that she had attended Rep. Gouveia's Town Hall on Transit; she attended the Planning Board meeting and the Complete Streets meeting which is taking comments until August 1. The Middle School Building Committee will be making site visits. DA Ryan made a presentation to the COA on scams that target seniors.

Ms. Escobedo stated that the Community Preservation Committee is now fully staffed and hopeful that the Legislature will be increasing the CPC matching funds sent to towns. The Housing Authority discussed the development request for the Gerow land and continued discussion about repurposing its federal housing properties. Ms. Escobedo noted that cyclists were very engaged to date with the Complete Streets Outreach Program, but more outreach should also be extended to seniors and other citizens for their suggestions.

Ms. Ackerman reported that she also attended the recent Complete Streets Public Forum and CPW offered a phone number in addition to the internet report function for citizen responses. She attended a conference for Elected Municipal Women at Wellesley College and found it useful for networking and tips on recruiting volunteers.

Ms. Hotchkiss reported that she attended a Climate Action Advisory Committee meeting at which Gary Kleiman was the speaker. The HDC meeting had not been posted so those present did not hold a meeting as such.. Regarding Complete Streets, she also noticed the focus on cyclists and hikers and said it is not capturing all the community for input.

Mr. Lawson also attended the DA Ryan workshop for seniors and the Finance Committee meeting where the Guidelines for the schools and town were finalized along with a discussion on fiscal sustainability. Creating a stabilization fund for the new Middle School Building, not from a Free Cash appropriation, but from selling surplus property was also discussed.

COMMITTEE APPOINTMENTS

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

VOTED to appoint Diana Clymer of 13 River St. and Robert Munro of 1400 Lowell Rd. to the Concord Center Cultural District Committee; Jon Harris, Budget & Purchasing Administrator, to the Concord Middle School Building Committee; Eve Isenberg of 833 Old Road to Nine Acre Corner to the Zoning Board of Appeals as Associate Member; Todd Benjamin of 333 Sudbury Rd. to the Affordable Housing Trust Study Committee.

APPOINT ELECTION OFFICERS

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

VOTED: to appoint the 52 voters as Election Officers for terms to expire July 31, 2020, as listed with names and addresses in the Town Clerk's Memo to the Select Board dated July 29, 2019.

ADJOURNMENT

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn Open Session and conclude business for the evening.

Appointments

Election Officers

Adjourn

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Respectfully Submitted,

Linda Escobedo, Clerk

Link to MinutemanMedia Network coverage:
<https://concordma.gov/2259/Government>

Link to Select Board meeting documents:
<http://concordma.gov/sbmtgdocs>