

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA  
December 11, 2017**

**7PM – Select Board Room – Town House**

1.	Call to Order
2.	Consent Agenda: <ul style="list-style-type: none"> <li>• Town Accountant's Warrants</li> <li>• Gift Acceptance</li> <li>• Minutes</li> <li>• One Day Special Licenses</li> <li>• Concord Youth Theatre      1/6/18                      7PM-11PM      51 Walden Street      Wines Only</li> <li>• Extension of Hours</li> <li>• Proclamation</li> <li>• Country Kitchen</li> </ul>
3.	Town Manager's Report
4.	Gift Acceptance - Ainu Robe from Residents of Nanae, Japan
5.	Comprehensive Long Range Plan Committee Update
6.	Discuss Marijuana Policy – Board of Health, Planning Board, Finance Committee
7.	FY19 Budget Discussion
8.	Annual Licenses Renewal
9.	Public Comments
10.	Committee Liaison Reports
11.	Miscellaneous/Correspondence
12.	Committee Nominations:
13.	Committee Appointments: Abigail Flanagan of 398 Main Street to the Historic Districts Commission as an associate member for a term to expire January 1, 2023
14.	Committee Reappointments: Peter Nobile of 73 Coburn Hill Road to the Historic Districts Commission as a full member for a term to expire January 1, 2023
15.	Adjourn to Executive Session for the purposes of discussing Land Acquisition

**PENDING**

Tuesday	December 12		<b>Hanukah</b>	<b>No evening meetings</b>
Monday	December 25	All Day	<b>Christmas</b>	<b>Town Offices Closed</b>
Monday	January 1	All Day	<b>New Year Day</b>	<b>Town Offices Closed</b>
Monday	January 8	7PM	Select Board Meeting	Town House
Monday	January 15	All Day	<b>Martin Luther King Day</b>	<b>Town Offices Closed</b>
Monday	January 22	7PM	Select Board Meeting	Town House

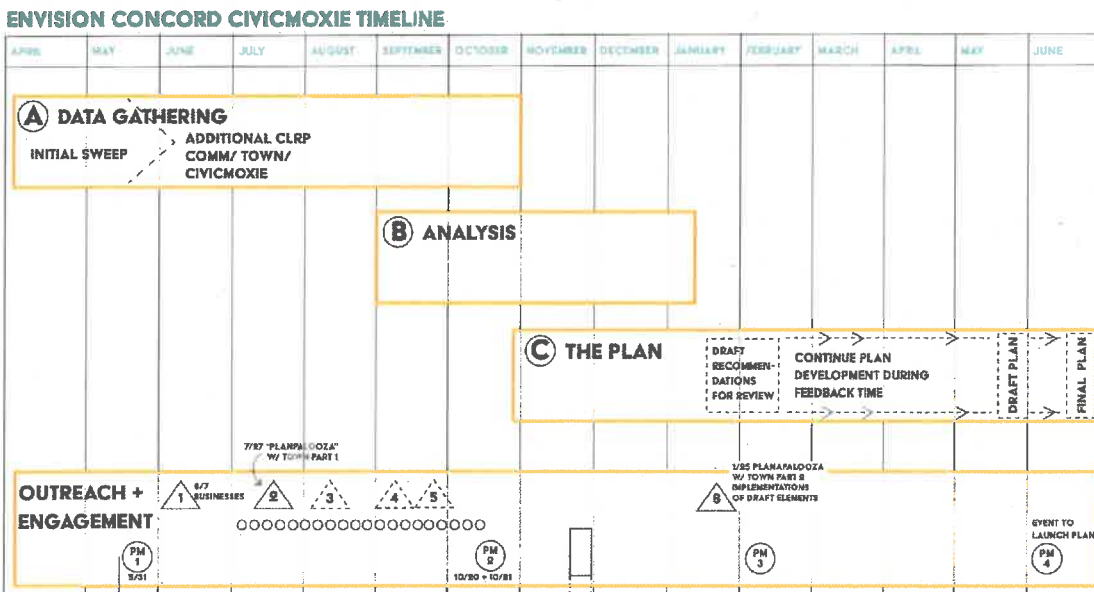
## Envision Concord Progress Report to Select Board

The Comprehensive Long Range Plan Committee of the Town of Concord is midway through the planning process for “Envision Concord – Bridge to 2030” – our town-wide comprehensive plan that seeks to understand the current and future challenges faced by the community, as well as opportunities to reinforce our collective vision for a strong future. The Envision Concord Plan will include a vision for the future of Concord to assist the Town in prioritizing needs of the community for the coming decade and will create an action plan to move toward that future vision. The progress report is to provide the Select Board and citizens of Concord with an overview of the planning process to date and to describe the process to come.

In an effort to integrate the Town’s sustainability principles into the planning process, the Envision Concord plan will be based on the American Planning Association’s *Sustaining Places: Best Practices for Comprehensive Plans* standards, which rely on several principles, processes and attributes. This approach has enabled a far more dynamic, vibrant and participatory development process relative to past plans and the Committee believes will result in a more integrated, holistic plan in the near future.

As Figure 1 below demonstrates, the Committee has adopted a planning timeline organized into three phases, including data gathering, analysis and plan development, working with the consultant, CivicMoxie.

**Figure 1. Envision Concord Timeline**





We are now at the conclusion of the data gathering phase after an extensive period of collecting input through public comments on our website, attending public outreach events, interviews, focus groups, surveys, workshops, and other public outreach/input processes. As we turn to the analysis phase of the project, it is an opportune time to review what we have heard. The six APA principles were detailed in a series of articles in the Concord Journal over the summer (see Appendix E) and will be woven throughout the analysis process. With respect to the data gathering phase, it is worth reflecting for a moment on one of the APA processes specifically: authentic participation. The Committee has made tremendous effort to reach out to as many segments of our Town community as possible. The following statistics provide some perspective on the extent of outreach efforts undertaken and additional details on specific outreach events are listed at the end of this report.

**Statistics:**

- 32 Committee meetings since appointments by Select Board
- 477 unique comments posted on Envision Concord website
- 1,022 respondents to Town Survey with special section on long-range plan, 458 responses to Envision Concord survey, 133 participants in intercept survey
- More than 60 participants in each of the two public workshops
- 21 Town boards/committees responded in writing to the Committee representing a full membership of approximately 105 individuals on those committees
- 19 people attended the Public Hearing held on November 16 at Willard School

After collecting and assembling data for more than seven months, the Committee is now excited to turn to the task of analyzing these data to shape the vision and goals for the future of our community. We will continue to seek public input for that conversation, but are not seeking to merely develop a “wish list.” Rather, we will seek to frame potential opportunities as optimized solutions that span all Town sectors and municipal functions. In order to “kick off” that process, in late October and early November, the committee held a set of listening sessions around two or three themes at a time. These included:

1. Culture and History/Economic Viability and Vitality
2. Housing/ Open Space and Natural Resources/ Land Use
3. Transportation and Infrastructure/Housing/Social Services
4. Town Character/Culture and History/Diversity
5. Sustainability Goals and Policies/Town Resources

Also, as the Analysis Phase begins, and to more widely gather public input and reaction to “What We’ve Heard”, the Committee held a Public Hearing on November 16, 2017.

**Analysis and Plan Development**

The majority of the effort for the Committee in the coming four months will include Visioning conversations, and integration of themes gathered from the public input, listening sessions and the thoughtful contributions from Town Board and Committees, to develop the framework for the implementation plan that will address optimal opportunities for Concord’s future decision-making.



To find optimal solutions to the many issues raised will not be easy, but utilizing the rich public input already received, the committee will start by better defining the vision of a future Concord in 2030. Based on that vision, we will explore ideas embracing the spirit of the APA principles. This means looking at potential opportunities to simultaneously achieve multiple goals on multiple fronts that will improve livability, sustainability, economic vitality, health and equity in a spirit of regionalism.

The multiple appendices to this report are intended to provide the Select Board and the public with an understanding of what is most valued and cherished about Concord by those who live, work and visit here, as well as what various constituencies in Town are seeking in order to provide a basis for building a plan to sustain those values and characteristics well into the future.

**Appendices:**

<http://concordma.gov/1863/Current-Meeting-Nov-16th-Public-Hearing->

- Appendix A: Envision Concord Committee Correspondence Log
- Appendix B: CLRP Committee Draft APA SWOT analysis summary
- Appendix C: Preliminary Town of Concord Key Demographic and Economic Conditions and Trends Memo to Envision Concord Committee – 6/21/17
- Appendix D: Town of Concord Senior Management Team meeting summary – 7/27/17
- Appendix E: Six Envision Concord Commentaries based on American Planning Association Comprehensive Plan Standards for Sustaining Places Six Principles – Aug. – Sept. 2017
- Appendix F: Public Event Slides – 3 Parts – 10/21/17
- Appendix G: Focus Group Sessions Summary – 11/01/17
- Appendix H: Concord Commissions and Board SWOT Comments Summary – 11/06/17
- Appendix I: Envision Concord Survey Results Summary – 10/25/17

**Events/ Outreach:**

- 4/18/17 Concord CAN, “Growth and Development in Concord -Marcia Rasmussen, Gary Kleiman, Elise Woodward
- May 2017 Separate Envision Concord project website launched
- 5/31/17 Kick-off Event at Concord-Carlisle High School Cafeteria
- June 2017 Concord Teens-College Survey (coordinated with Concord Youth Services)
- 7/4/17 Picnic in the Park
- 7/27/17 Town Senior Management Team meeting (CM team)
- Summer 2017 Text Signs in Concord Center, West Concord, Emerson Playground, Old Rifle Range, Hapgood Wright Forest
- Summer 2017 Envision Concord Commentaries based on American Planning Association Comprehensive Plan Standards for Sustaining Places Six Principles



- 9/09/17 12th Annual Ag Day
- Sept. 2017 Back to School events – posters
- 9/6/17 West Concord Advisory Committee – Gary Kleiman
- Sept. 2017 Comment Requests on Committee’s SWOT Analysis from Concord Commissions, Boards, and Committees
- 9/19 - 10/16/17 Envision Concord Survey
- 10/6/17 League of Women Voters First Friday – “Comprehensive Long Range Plan” – Gary Kleiman and Elise Woodward
- 10/14/17 Concord After 60 – “Envision Concord: Bridge to 2030” – Gary Kleiman, James Bryant
- 10/20/17 Open House/ Tables at Concord Center (by Concord Bell) and West Concord (Junction Park)
- 10/21/17 Public Workshop Event at Concord-Carlisle High School Cafeteria
- 10/26-11/06/17 Envision Concord Committee - Five “Transforming Competing Priorities to Mutually Beneficial Outcomes” Listening Sessions:
  - Culture and History/Economic Vitality Listening Session (10/26/17)
  - Transportation and Infrastructure/Housing/Social Services Listening Session (10/31/17)
  - Town Character/Culture and History/Diversity Listening Session (11/02/17)
  - Sustainability Goals and Policies/Town Resources Listening Session (11/03/17)
  - Open Space and Natural Resources/Housing/Land Use Listening Session (11/06/17)
- 11/16/17 Public Hearing at Willard School Auditorium

June – Nov. 2017 Ten Focus Group sessions (facilitated/attended by CM team):

- Concord Business Partnership meeting (6/07/17)
- Concord Historic Commission (9/14/17)
- Wheelhouse Coworking Space businesses (9/21/17)
- Cultural and Historical organizations (10/02/17)
- Real Estate professionals (10/03/17)
- Social Services and Financial Assistance providers (10/05/17)
- Artists and Art groups (10/05/17)
- CC High School students (10/11/17)
- Concord Boy Scouts troop (10/17/17)
- Conservation Coffee (11/07/17)



**The Comprehensive Long Range Plan Committee:**

**John Boynton, Member-at-Large (Clerk)**

**Margaret Briggs, Concord Municipal Light Plant**

**James Bryant, Member-at-Large**

**Jane Hotchkiss, Select Board ex-officio**

**Peter Hunter, Recreation Commission**

**Wally Johnston, School Committee**

**Gary Kleiman, Planning Board (Co-Chair)**

**Barron Lambert, Member-at-Large**

**Barbara Morse, Concord Housing Development Corporation**

**Sharyn Lenhart, Council on Aging**

**Nick Pappas, Public Works Commission**

**Wade Rubenstein, Member-at-Large**

**Elise Woodward, Historical Commission (Co-Chair)**

**Judith Zaunbrecher, Natural Resources Commission**

## **PROPOSED ARTICLES – 2018 TOWN MEETING WARRANT**

### **BOARD OF HEALTH**

To see if the Town will vote to amend the Town's General Bylaw by adding a new Section XXXX,

MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section XXX, "Marijuana Establishments":

Section [INSERT BYLAW SECTION REFERENCE HERE]

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Concord.

This Section shall be effective upon passage by the voters at a Town Election.

Or take any action relative thereto.

### **FINANCE COMMITTEE**

To determine whether the Town will vote to accept M.G.L. Chapter 64N Section 3 and impose a local sales tax upon the sale or transfer of marijuana or marijuana- products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of 3 percent of the total sales price received by the marijuana retailer, said sales tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of the Town Meeting, or take any other action relative thereto.

(MGL Ch.64N Sec. 3 – attached)

### **PLANNING BOARD**

See next page

**WARRANT ARTICLE**  
**ZONING BYLAW AMENDMENT –MARIJUANA ESTABLISHMENT TEMPORARY**  
**MORATORIUM EXTENSION**

Temporary Moratorium Extension on Marijuana Establishments Which Are Not Included in the  
Definition of Medical Marijuana Treatment Centers

**ARTICLE XX.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.8.3 Marijuana Establishment Temporary Moratorium** to delete the date July 31, 2018 and insert in its place the date July 1, 2019 (changes are shown in bold for emphasis only) so that the Section reads as follows:

**4.8                    Marijuana Establishment Temporary Moratorium**

**4.8.3                Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for “Marijuana Establishments”. The moratorium shall be in effect through **July 1, 2019**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.

or take any other action relative thereto.

In 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control and production and distribution of marijuana under a system of licenses and regulations. At the 2017 Annual Town Meeting, a temporary moratorium on marijuana establishments was adopted until July 31, 2018 to allow the Town time to study and consider the regulation of Marijuana Retail or Distribution centers. Due to recent amendments to the Act by the Legislature, the Cannabis Control Commission (CCC) is now required to adopt rules and regulations regarding the permitting of marijuana establishments by March 15, 2018. The Planning Board believes the Town should not decide how to regulate marijuana establishments until the CCC issues their rules and regulations. The Attorney General has denied moratorium bylaws in other communities with a date beyond December 31, 2018. The Planning Board is recommending the current moratorium be extended until July 1, 2019 in case the CCC does not issues their regulations by March 15, 2018. If the CCC does issue their regulations on time, the Planning Board will amend the time extension date to December 31, 2018 so it is accepted by the Attorney General.



**Part I** ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter 64N**MARIJUANA TAX**Section 3** LOCAL TAX OPTION

*[ Text of section added by 2016, 334, Sec. 4 effective December 15, 2016. See 2016, 334, Sec. 12.]*

Section 3. Local tax option. Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

All sums received by the commissioner under this section shall not be considered received on account of the commonwealth and shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the sale or transfer of marijuana and marijuana products in the city or town.

FY18 Appropriation = \$23,064,013

**FY19 Incremental Operations**

**Mandated Items**

	Request	Recommended	Comment
1 <b>Resource Sustainability - Director of Sustainability</b> hired Nov 2017, \$100k appropriated, est. \$40k encumbrance	\$ 100,000.00	\$ 60,000.00	Article 51, 2017 ATM
2 <b>Elections - Two Additional Scheduled Elections</b> Town, State Primary, and State General (\$17.5K each)	\$ 35,000.00	\$ 35,000.00	State/ Federal Law
3 <b>Accounting Division - Increase in Annual Audit</b> Due to compliance with compliance with OPEB rules	\$ 2,500.00	\$ 2,500.00	GASB Requirement
4 <b>Town Meeting and Reports - AV Services and Rental Equip.</b> Reduction in the use of PEG Funds for TM A/V Services Rental of Tables and Chairs for TM at Lower Gym Handheld Electronic Voting Devices (clickers) for Town Meeting	\$ 36,000.00 \$ 14,000.00 \$ 7,000.00	\$ 36,000.00 \$ 14,000.00 \$ 7,000.00	
<b>5 Sub-total: Mandated Items</b>	<b>\$ 194,500.00</b>	<b>\$ 154,500.00</b>	<b>0.67%</b>

**Non-Discretionary Items**

6 <b>55 Church Street - Operating Costs</b> Receptionist, Maintenance, and Repair Costs	\$ 35,000.00	\$ 35,000.00	Operating costs for new building less rental income
7 <b>Snow and Ice Removal Account</b> 10-Year Average of \$650,000 is \$40,000	\$ 40,000.00	\$ 20,000.00	to meet policy objective
8 <b>Capital Outlay</b> FY19 additions (+\$175K) to the Capital Plan are 55 Church Street (+\$5K), Resource Sustainability (+\$25K), Police Cruisers (+\$35K), Fire Medical Equip (+\$25K), Sidewalks (+\$5K), Turf Improvements (+\$10K), HWCC (+\$K), and COA Van (+\$5K). Subtractions (-\$100K) are IT Fund (-\$45K), Police Bulletproof Vests (-\$25K), Fire Pickup Truck (-\$25K), and Library Computers (-\$5K).	\$ 75,000.00	\$ 75,000.00	to meet policy objective
9 <b>Salary Reserve- Collective Bargaining Agreements</b> Unions (4.5% increase on \$9,368,611) Union OT (4.5% of \$1,416,480)	\$ 415,867.00 \$ 61,116.00	\$ 415,867.00 \$ 61,116.00	to meet terms of various CBA's
<b>10 Sub-Total: Non-Discretionary Items</b>	<b>\$ 626,983.00</b>	<b>\$ 606,983.00</b>	<b>2.63%</b>

**Priority Items**

11	Salary Reserve- Non-Union NP (4.12% (2.5% + 2/3 or 2.5%) increase on \$5,715,062 AC (3.32% (2.5% + 1/3 of 2.5%) increase on \$1,963,030 FY19 Unscheduled Adjustments	\$ 185,973.00 \$ \$ 51,165.00 \$ \$ 35,879.00 \$	185,973.00 51,165.00 35,879.00	provides 2.5% COLA, 2.5% Merit, to keep parity with Union Agreements only the General Fund portion is charged against Salary Reserve
12	Town Manager's Office- Economic Development Coordinator	\$ 12,500.00 \$	12,500.00	to provide services to current and potential Concord businesses
13	Human Resources - Town-wide Training for legal compliance training	\$ 10,000.00 \$	-	encumbrance available to fund this activity
14	Facilities Management- Facilities Maintainer position unbudgeted position filled in FY18	\$ 61,000.00 \$	-	charge to capital projects account
15	Legal Services - increased cost of legal services	\$ 25,000.00 \$	25,000.00	no change to appropriation since <del>xxxx</del>
16	Informations Systems - IT Services Manager unbudgeted position filled in FY19	\$ 35,000.00 \$	35,000.00	to meet the increased technology demands of the organization
17	Police Department- Day Shift Officer , salary & benefits	\$ 62,000.00 \$	10,000.00	Benefits chaged to General Fund, Salary charged to Emergency Services Stabilization; proposed 25% shift to GF beginning in FY20
18	Police Department- Investigation Software	\$ 15,000.00 \$	-	
19	Library - Books & Materials to bring General Fund appropriation to required State Level	\$ 20,000.00 \$	-	Deferred, funded by Corporation
20	Human Services- Community Services Coordinator Youth Services Coordinator	\$ 10,000.00 \$ \$ 2,500.00 \$	10,000.00 2,500.00	reduction in funding from Community Chest reduction in funding from Community Chest
21	Senior Services - Competitive Salaries & Service Level Increase Raise in wage for Van Drivers, Outreach Coordinators, Social Services Coordinators & Nurse; increase in hours for Van Drivers	\$ 20,000.00 \$	20,000.00	Salary survey shows that the Town's Human Services salaries are on the very low end
22	Recreation Services - Parks & Playgrounds new funding for parks & playgrounds	\$ 35,000.00 \$	-	Deferred
23	Land Acquisition Fund - additional funding	\$ 10,000.00 \$	-	Deferred
24	sub-total: Priority Items	\$ 591,017.00 \$	388,017.00	1.68%
25	Important Items Natural Resources- Program Improvements Invasive Species Removal	\$ 10,000.00 \$ \$ 10,000.00 \$	- -	Deferred Deferred

26	Agricultural Fields Improvements Pond & Stream Management	\$	15,000.00	\$	-	Deferred
	<i>Police Department-</i>					
	Reassign Sergeant to Lieutenant for Criminal Investigation	\$	7,000.00	\$	-	Deferred
	Reassign Detective to Sergeant for Court Case Management	\$	1,000.00	\$	-	Deferred
	Detective for Narcotic Investigations (Opioid Crisis)	\$	60,000.00	\$	-	Deferred
	School Resource Officer for the Middle School	\$	52,000.00	\$	-	Deferred
	<i>Fire Department</i>					
27	4 Additional Firefighters to staff Ambulance 2	\$	280,000.00	\$	-	Deferred
	Reassign 4 Firefighters to Lieutenants	\$	40,000.00	\$	-	Deferred
	Increase in replacement Overtime	\$	500,000.00	\$	-	Deferred
	Increase in Training Overtime	\$	90,000.00	\$	-	Deferred
28	<b>sub-total: Important Items</b>	\$	<b>1,065,000.00</b>	\$	<b>-</b>	<b>0.00%</b>
29	<b>Total:</b>	\$	<b>2,477,500.00</b>	\$	<b>1,149,500.00</b>	<b>-4.98%</b>