

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA**

**March 4, 2019 – 7 p.m. – Select Board Room – Town House**

1.	Call to Order
2.	Consent Agenda: <ul style="list-style-type: none"> <li>• Town Accountant Warrants</li> <li>• One Day Special Licenses <ul style="list-style-type: none"> <li>· Judy Truglia                      3/15    11am-3pm      40 Westford Road      Wine &amp; Malt</li> <li>· Xavier HS Class of 1969    6/29    6pm-12am      246 ORNAC              All Alcohol</li> </ul> </li> <li>• License Renewal <ul style="list-style-type: none"> <li>· John Richardson                      Class II                      17 Belknap Street</li> </ul> </li> <li>• Minutes</li> <li>• Sunday Entertainment Licenses</li> </ul>
3.	Town Manager's Report
4.	Chair's Report
5.	2229 Main Street Advisory Committee update and membership update
6.	NMI-Starmet Re-use Planning Committee update and membership update
7.	Discuss appointment of Middle School building committee
8.	Take Positions on Warrant Articles #12, 14, 16, 19, 20, 21, 23, 24, 25, 26
9.	Public Comments
10.	Committee Liaison Reports
11.	Miscellaneous/Correspondence
12.	Committee Nominations:
13.	Confirm Town Manager Appointment: William Herring of 214 Peter Spring Rd to the Board of Assessors for a term to expire May 31, 2021 effective April 1, 2019
14.	Committee Appointments: Michelle Wiggins of 138 Partridge Lane to the Conservation Restriction Stewardship Committee for a term to expire May 31, 2022
15.	Adjourn

**PENDING**

Tuesday	March 5	6:30 pm	<del>Select Board Meeting</del> <i>Cancelled</i>	Town House
Tuesday	March 5	7 pm	Planning Board – Public Hearing	Town House
Monday	March 11	6:30 pm	Select Board Meeting	Town House
Monday	March 11	7 pm	Finance Committee – Public Hearing	Town House
Monday	March 18	7 pm	Select Board Meeting	Town House
Tuesday	March 26	7 am - 8 pm	Annual Town Election	All Precincts
Monday	April 1	7 pm	Select Board Meeting	Town House
April 8, 9, 10, 11		6:30 pm	Select Board Meeting	CCHS
April 8, 9, 10, 11		7 pm	Annual Town Meeting	CCHS

Supporting materials for agenda items are available online at [www.concordma.gov/sbmtgdocs](http://www.concordma.gov/sbmtgdocs). Materials are uploaded on the Friday before a Select Board meeting.

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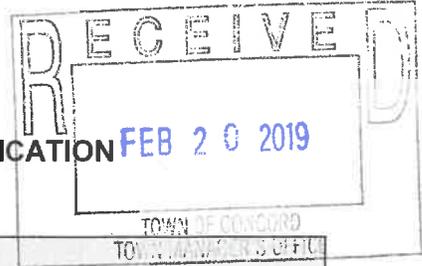
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TOWN OF CONCORD  
MOTOR VEHICLE LICENSE RENEWAL APPLICATION



Renewal: \$150/year

The undersigned hereby applies for a Motor Vehicle License in accordance with the provisions of the State relating thereto:

License Type: **Class II**  
Name: **John E. Richardson Classic Car Sales**  
Address: **17 Belknap St.**  
On premises described as follows: **Limited to not more than one automobile for sale at one time.**  
Location of Establishment: **Concord, MA 01742**  
Telephone #: 978-287-0609

in accordance with the rules and regulations made under authority of said Statute.

**Class II Licenses - Surety bond or other equivalent proof of financial responsibility in the amount of \$25,000 attached:**

Signed: *John E. Richardson*

Print Name: John E Richardson

Title: owner

..... Office use .....

Fee Paid: 150 Check # 1376

Date: 2/20

### Weekly One Day License Log – March 4, 2019

Applicant Name & License Number	Phone Number	Date	Location	Type of Alcohol	Event Details
19-34 Judy Truglia	781 622-5930	3/15	40 Westford Road	Wine & Malt	Event Coordinator: Judy Truglia Bartenders: Ben Elliott Under 21: No First License in Concord: Yes
19-35 Xavier High School Reunion Committee (1969)	978 443-0206	6/29	246 ORNAC	All Alcohol	Event Coordinator: Duffy Brent Bartenders: Sara Killelea, Kali Aquaro, Allison Reusch, Taryn O'Neil Under 21: No First License in Concord: Yes

2229 Main Street Advisory Committee

**A. Background**

The 1996 Annual Town Meeting recommended that the Town should create a committee of interested citizens and designees from relevant Town Boards to review air monitoring and risk assessment at the Starmet site on Main Street during the removal of the contents of the holding basin. That work has been completed and the committee has made its final report to the Town. In the meantime, the Environmental Protection Agency (EPA) has begun consideration of whether the Starmet parcel is appropriate to list as a Federal Superfund site on the National Priorities List (NPL). The NPL is a list of hazardous waste sites that are eligible for Federal funding to pay for extensive, long-term cleanup actions under the Superfund Program. The Board of Selectmen believes that a more comprehensive approach to monitoring of the site is required.

**B. Purpose**

The Starmet Advisory Committee is to advise the Board of Selectmen regarding matters on the Starmet parcel, to advise other Town Boards regarding matters within the committee's responsibility, and to assist the Town in review and analysis of Superfund site data and EPA recommendations requiring a Town response, particularly regarding the cleanup standards for the site.

**C. Membership**

The Starmet Advisory Committee shall be a standing committee comprised of seven residents with diverse knowledge and a broad view appointed by the Board of Selectmen for a term of three years. Initial appointments shall be staggered so that no more than three appointments expire in each year.

The membership shall be as follows:

One designee or representative of the Board of Health

One designee or representative of the Natural Resources Commission

Five citizens at-large with a broad range of expertise including hydrology, environmental law, health physics, general science or engineering

**D. Organization**

The Committee shall elect its own chair and clerk and other such officers, as it deems appropriate. The Committee is responsible for conducting its activities in a manner that is in compliance with all relevant State and local laws and regulations, including but not limited to Open Meeting Law, Public Records Law and Conflict of Interest Law. All meetings will be posted and minutes submitted in the approved timeframe.

Requests for staff and budgetary support shall be directed to the Town Manager.

**E. Duties and Responsibilities**

- Keep informed about environmental matters and activities affecting the Starmet parcel at 2229 Main Street including legislation, planning, studies, activities performed at the site pursuant to its "Superfund" designation, expansion or change of site usage.
- Review, comment, and advise the Board of Selectmen on:
  - the quarterly stack and other air quality emission reports
  - the semi-annual groundwater monitoring reports required by the Zoning Board of Appeals Special Permit for Building E
  - Town permits required for activities at the site
  - reports generated as a result of Town permits and Massachusetts Department of Public Health reports

- licenses or permits that Starmet would receive from other government agencies, such as Nuclear Regulatory Commission licenses, cooling water withdrawal permits and cooling pond discharge permits
  - documents related to the cleanup of the entire site, such as site assessments, risk assessments, and cleanup plans. This would include the plans for and data from all interim surveys and investigations
  - legal and status issues that arise regarding the investigation and cleanup of the Starmet site.
- Work with
- Environmental Protection Agency (EPA) officials regarding matters for which that agency is not required to secure local permits.
  - Town Staff to generate RFQs, grant requests, and to review bids for any professional services that are required that are beyond the skills of the board members and Town employees.
  - The Local Emergency Plan Committee (LEPC) to determine what level of preparedness Town fire, police, and medical facilities should have for problems at the Starmet site.
- Develop and recommend to the Board a protocol for media contacts regarding issues at 2229 Main Street.
- Submit reports to the Board of Selectmen and the Town including the following:
- Semi-annual updates that could be written reports or appearances before the Board
  - Annual Town Report
- Advise the Board of Selectmen regarding any and all other matters related to the property.

Attachments:

1996 Town Meeting Vote

Final Report of Article 41 Committee

Letter recommending inclusion on Superfund list

**TOWN OF CONCORD**  
**Nuclear Metals/Starmet Property Re-use Planning Committee**  
**Committee Charge**

**A. Background**

The property at 2229 Main Street is a 46-acre site once operated by the defense contractor Starmet, formerly Nuclear Metals, Inc. (NMI). The company made depleted uranium products for the U.S. Department of Defense, as well as other specialty metal products. Manufacturing operations resulted in soil and water contamination on the property. The site was placed on the U.S. EPA's national priorities list in 2001 and is now a Superfund site. Significant progress has been made toward clean-up of the site, including the removal of contaminated soil from the holding basin and removal of the buildings and contents that were contaminated. The work that now remains is cleaning up contaminated soil and groundwater. This will require the responsible parties to sign a consent decree to fund the final remediation. In 2015, Concord Town Meeting voted to authorize the Select Board to acquire the property. It appears the consent decree could be finalized in the fall of 2018. The next phase of clean-up is expected to take four to six years. Therefore the timing is right for the town to consider how the property might best be re-used following the remediation.

**B. Purpose**

The purpose of the Nuclear Metals/Starmet Property Re-use Planning Committee is to assist the town with identifying possible ways to reuse the property at 2229 Main Street for maximum public benefit.

**C. Membership**

The members of the Nuclear Metals/Starmet Property Re-use Planning Committee shall be appointed by the Select Board. The term of office shall be two years, and the initial appointments shall be of one and two years so that terms of members shall be staggered. The committee shall be comprised of seven members representing a diversity of interests in the community. The membership shall be as follows:

- Two representatives from the 2229 Main Street Oversight Committee;
- Two representatives with experience in land-use planning;
- One representative with experience in the affordable housing community;
- One representative designated by the West Concord Advisory Committee;
- One citizen at-large.

**D. Duties and Responsibilities**

1. To review the record of environmental contamination and clean-up on the site to fully understand existing and likely future conditions;
2. To hold a public hearing early in the term of the committee to solicit preliminary public comments and suggestions regarding the kinds of public and private uses that should be considered in the re-use planning process;
3. To work with staff and professional consultants to assess each idea for possible reuse activity, including housing, commercial uses, and municipal uses;
4. To explore funding opportunities, including federal grants and private funding;

5. To prepare a draft report for submission to the Select Board on or before September 1, 2019 and to hold a public hearing to solicit comment from the public, town boards and committees, and others concerning the preliminary recommendations of the committee;
6. To finalize the report after including such public comments as the committee deems appropriate and to submit the report to the Select Board for the board's consideration;
7. To submit a report for inclusion in the "Annual Town Report" each year that the committee is active, providing a discussion of the Committee's work during the prior year;
8. To meet regularly and annually elect a Chair and Clerk.

**E. Other Considerations**

The Nuclear Metals/Starmet Property Re-use Planning Committee is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations, including but not limited to, the Open Meeting Law, Public Records Law and Conflict of Interest Law. The Committee shall consult with the Town Manager concerning the allocation of town staff or financial resources toward this effort.

Example of school building charge

Adopted: June 24, 2006  
Amended October 3, 2006

**TOWN OF CONCORD  
WILLARD SCHOOL BUILDING COMMITTEE**

**A. Purpose**

The Willard School Building Committee is charged by the Board of Selectmen to oversee the design of the proposed new Willard School building as authorized under Article 42 by the 2006 Annual Town Meeting. It is anticipated that the Town will be asked in 2007 to approve construction funding for the new school and, should such funding be approved, the Committee shall anticipate serving as the construction oversight body as well. The Committee has final authority on all design decisions and will make recommendations to the Town Manager on all financial, contractual and schedule matters. The Building Committee shall be the point of contact for all community groups for all issues regarding the project.

**B. Membership and Operations**

The Willard School Building Committee shall be appointed by the Board of Selectmen to coordinate and facilitate the design and eventual construction of a new Willard Elementary School. The committee shall have thirteen voting members. In accordance with Section 5 of May 2006 draft School Building Authority requirements, which are subject to revision, the membership shall be as follows:

- a member of the Board of Selectmen
- the Town Manager
- One Member or designee of the Concord School Committee
- Superintendent of Schools
- School Facilities Manager
- Willard School Principal
- Representative of the Finance Department/Committee
- One Member knowledgeable in field of sustainable building design and operation
- Five community residents at-large

The community members shall bring as many of the following areas of expertise as possible: general construction, HVAC expertise, architectural, financial, recreation, and education technology.

Committee members shall be geographically distributed throughout the town to the extent reasonable.

The Committee shall elect a chair, keep minutes of its deliberations, observe the Open Meeting and Public Records law, and comply with other laws and regulations fostering a free and open discussion of ideas.

Building Committee members shall serve through completion of the project, which is expected during the summer of 2009. In the event that any Building Committee member is not able to serve through 2009, the Board of Selectmen shall be notified so an appropriate replacement can be found.

Staff assistance for the committee shall be coordinated through the Town Manager and the Superintendent of Schools.

Committee members will strive to avoid any conflict-of-interest or appearance of a conflict of interest. To this end, members are instructed to advise the Board of Selectmen immediately should they be considering employment with or a contract for services with any contractor or subcontractor working on the Willard School project.

### **C. Powers and Duties**

The Willard School Building Committee shall coordinate the design and eventually will monitor the construction of the new Willard School building through occupancy, including the demolition of the old Willard building, the construction of playing fields and landscaping, as appropriate. Specific duties will include:

#### **During Design Phase:**

- Assist with the Selection of a Project Manager, who will serve as the Owner's Representative for the project, during both design and construction;
- Issue a Request for Proposals for Design services; interview several designers and make a recommendation to the Town Manager for a contract for design services;
- Review the educational specifications as recommended by the School Committee;
- Solicit input from school staff, parents, neighbors of the school and the community as a whole concerning the design of the new building, including any public spaces.
- Foster a discussion of sustainable building design concepts as they may relate to this project and incorporate the concepts as the Committee deems appropriate into the final design;
- Consider any "lessons learned" or other useful experienced gained from earlier school construction projects;
- Ensure the development of an accurate construction cost-estimate to be used when recommending construction funding to Town Meeting and the voters;
- Develop a projected construction schedule to include estimated completion and occupancy dates, timing for the demolition of the existing Willard building, and full completion of the project.
- Understanding that state reimbursement is not a certainty and that the Willard project is proceeding during the moratorium on school building funding, the committee will monitor the substantive steps and actions set forth in 964 CMR 2.00, will work in the spirit of those regulations, following the model set forth therein of collaboration between the School building Authority and local community represented by the Town Manager and the School Committee, will notify the Authority in advance of each new step proposed, and seek, but not necessarily await, guidance from the Authority, all with a view towards maximizing the Town's opportunity to have the project deemed eligible under the School Building Assistance Program.
- Descriptively document, in writing and in photographs, the state of the existing Willard building, and review with and submit those materials to the Massachusetts School Building Authority.

**During Design and Construction Phase:**

- Supervise architect(s) to prepare construction documents and all architectural services during construction;
- Assist the School and Finance Departments in development of documents for School Building Authority (SBA) reimbursement;
- Review construction bids and recommend a general contractor or contractors to the Town Manager who will approve and execute all contracts;
- Monitor the construction of the building;
- Evaluate for cost and effectiveness all proposed change orders and recommend to the Town Manager approval of change orders;
- Recommend to the Town Manager the payment of contractor requisitions;
- Manage the work of the architectural firm and its consultants and recommend action by the Town Manager as it relates to the firm's contract with the Town, including payments, negotiations and change-orders or contract modifications;
- Complete the project on schedule, within budget, and minimize the expenditure of contingency funds;
- Serve as the point of contact for all individuals and community groups for all issues regarding the project, including but not limited to safety policies and procedures for building and site users, an occupancy plan, communication, etc.;
- Establish regular communication channels with the Town, Willard School families, and neighbors regarding the project progress through periodic newsletters and public meetings. Actively solicit the comments of neighbors and interested parties by dedicating one meeting early in the design phase to hearing the concerns of neighbors and other interested individuals.
- Provide these same services as they relate to Phase 2, if any, for the removal of the existing Willard School, as appropriate;
- Make a final report to the Board of Selectmen and School Committee upon substantial completion of the project. The report shall include information concerning final costs for the project, the status of SBA reimbursement applications and any recommendations the Committee may have concerning on-going operation and maintenance of the building. The report may also include any recommendations from the Committee concerning lessons learned from this project that may be applicable to future Town construction projects.

**D. Other Considerations**

The Committee will comply with the provisions of the Open Meeting Law, the Public Records Law the Conflict of Interest Law and all other applicable laws and regulations of the Commonwealth, as well as all relevant Bylaws and Administrative Policies of the Town.

**Communications**

In order to ensure a successful building project, the Committee will work with the following individuals and groups.

### The Town Manager

The Town Manager has final approval regarding all financial matters and is responsible for all contracts related to the project. The Willard School Building Committee shall have primary responsibility for making decisions and recommendations related to the Willard project.

Therefore, the Committee will:

- Engage the Town Manager throughout project as needed.
- Recommend approval of all changes to schedule and cost to the Town Manager.
- Recommend the payment of all contractor requisitions to the Town Manager.
- Review construction bids and make recommendation of a general contractor to the Town Manager.
- Solicit bids and recommend appropriate consultants/contractors to the Town Manager, including Project Manager and owner representatives.
- Although the Town Manager is the official spokesman for the Town, the Building Committee will speak about the building project on behalf of the Town Manager by agreement and where appropriate.
- Expect the Town Manager through the Town Finance Director to maintain and monitor total project cash flow, balance sheet, and budget projections.
- Expect that the Town Manager will designate appropriate channels of communication between Town and School Departments regarding safety, operational, and other issues.
- Ensure that the Project Manager and architect maintain careful records of project activities in order to ensure maximum opportunity for the Town to secure State funding for a portion of the project costs.
- Maintain regular contact with the Finance Department to ensure proper accounting of all expenditures and maximum opportunity to secure State reimbursement

### Elected Officials and appointed Committees

The Committee will:

- Report on progress (i.e. budget, schedule, important decisions) to the Board of Selectmen and School Committee on a quarterly basis.
- Confirm the School Committee's recommendation on items such as the technology plan where appropriate and within the established budget.
- Update the Finance Committee concerning the financial aspects of the project from time to time. The Committee anticipates that a Finance Committee Observer will regularly attend meetings.

### Town and School Staff

The Committee will:

- Expect that the School Superintendent will identify an appropriate interface between the school department and the construction project. The representative of the School Department will be present at Willard School Building Committee meetings and will attend construction meetings where appropriate.
- Expect that the Willard School Principal will attend Committee meetings and construction meetings where appropriate. The Principal will relay problems and issues from staff, families and neighbors for Committee consideration and resolution.

- Expect that the School Department will maintain an organized central file of original and substantive documents throughout the project sufficient to satisfy SBA auditing and Town requirements.

The Project Management (PM) Firm

On behalf of the Town Manager, the Committee shall be responsible to supervise the work of the Project Manager. The Committee will have a designee available to receive questions and issues during site meetings and during normal working hours. Responsibilities for this task may rotate.

The PM will:

- Perform on a day-to-day basis the duties of an Owner's Representative including safety inspections, construction mitigation, dispute resolution, and move assistance.
- Represent the best interests of the Town of Concord and Willard School Building Committee on a day-to-day basis throughout the project.
- Keep the committee fully informed regarding all matters affecting the successful outcome of the building project, including change orders, missed dates, poor communications, etc., throughout the life of the project.
- Evaluate and make recommendations on requisitions and potential changes in cost and schedule.
- Organize and maintain construction records, shop drawings and files to supplement the Town files at the conclusion of the project. Upon completion, the PM will provide a digitized set of as-built plans to the Building Commissioner's Office, as well as a printed copy.
- Develop regular communications to the community.

The Architectural Firm

The Willard School Building Committee expects that the designer will:

- Attend all appropriate Willard School Building Committee meetings and communicate all necessary information on a timely basis to the Willard School Building Committee and PM firm.
- Evaluate Change Order requests.
- Provide requisition approval, construction clarifications and construction observation, among other services, consistent with its contractual requirements.

Construction Reform

The Willard School Building Committee shall keep abreast of any potential reform to construction laws at the State level. The committee shall review such reforms that may apply to the project and apply them if the committee determines that they are appropriate and they would reduce costs without causing delay in the schedule.

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Virginia McIntyre, Chair  
Board of Selectmen

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Date

Link to 2019 Annual Town Meeting webpage

<https://concordma.gov/2235/2019-Annual-Town-Meeting>

Link to 2019 Town Meeting Warrant (PDF)

<https://concordma.gov/DocumentCenter/View/17892/Concord-2019-Town-Meeting-Warrant->

**Select Board Recommendations/Positions/Comments**  
**Recommendations for inclusion in the FinCom Report - updated 2/27/19**

Article #	Article Name	In Favor	Not In Favor	Report at TM	No Action
1	Choose Town Officers				
2	Hear Reports				
3	Meeting Procedure	X (5-0)			
4	Ratify Personnel Board Classification Actions	X (5-0)			
5	Classification & Compensation Plan for Regular Status Positions	X (5-0)			
6	Town Budget	X <i>(5-0) in the amount of \$49,052,504 as printed in warrant</i>			
7	Appropriate Funds -- Municipal Capital Projects	X <i>(5-0) in the amount of \$3,950,000 as printed in warrant</i>			
8	Authorize Expenditure of Revolving Funds under MGL Chapter 44, Section 53E ½	X (5-0)			
9	Authorization to Accep M.G.L. ch.32B, §20 -- Other Post-Employment Benefits (OPEB) Liability Trust Fund	X (5-0)			
10	Minuteman Regional Technical High School District Budget	X <i>(3-0, JH &amp; ML absent) in the amount of \$1,066,841 as printed in warrant</i>			
11	Concord Public Schools Budget	X <i>(3-0, JH &amp; ML absent) in the amount of \$39,390,163 as printed in warrant</i>			
12	Concord Public Schools Capital Projects				
13	Authorization to Accept M.G.L. ch.71 §71E -- School Property Fund	X <i>(3-0, JH &amp; ML absent)</i>			
14	Concord Middle School Feasibility Study				
15	Concord-Carlisle Regional High School Budget	X <i>(3-0, JH &amp; ML absent) in the amount of \$23,344,987 as printed in warrant</i>			

**Select Board Recommendations/Positions/Comments**  
**Recommendations for inclusion in the FinCom Report - updated 2/27/19**

16	Concord-Carlisle Regional High School Capital Projects				
17	Use of Free Cash	<i>X (5-0) in the amount of \$1,000,000 as printed in warrant</i>			
18	General Bylaw Amendment - Sustainable Growth Rate				
19	General Bylaw Amendment - Town Meeting Notice				
20	General Bylaw Amendmennt - Records Management				
21	Acceptance of M.G.L. ch.54, §16A -- Election Vacancy Appointments				
22	Community Preservation Committee Appropriation Recommendations	<i>X (3-0, JH &amp; ML absent) in the amount of \$1,811,419 as printed in warrant</i>			
23	Appropriate Funds -- Affordable Housing Development				
24	Authorization to Accept M.G.L. ch. 44 § 55C -- Municipal Affordable Housing Trust Fund				
25	Authorize Special Legislation -- Real Estate Transfer Tax for Affordable Housing				
26	Authorize Special Legislation - Building Permit Fee Surcharge for Affordable Housing				
27	Authorize Transfer of a Portion of the Property at 369 Commonwealth Avenue for Affordable Housing				
28	PETITION: Adopt a Moratorium of Synthetic Turf on Town Property				
29	Zoning Article Amendment - Formula Business				
30	Zoning Article Amendment - Personal Wireless Communications Facility Overlay District Map				

**Select Board Recommendations/Positions/Comments**  
**Recommendations for inclusion in the FinCom Report - updated 2/27/19**

31	Zoning Bylaw Amendment - Handicapped Parking				
32	Zoning Bylaw Amendment - Groundwater Conservancy District				
33	Zoning Bylaw Amendment - Marijuana Establishment Temporary Moratorium				
34	Zoning Bylaw Amendment - Nonconforming Single & Two Family Residential Structures				
35	Zoning Bylaw Amendment - Fairs, Bazaars, Antique Shows etc.				
36	Zoning Bylaw Amendment - Flood Plain Conservancy District Map				
37	Zoning Bylaw Amendment - Large Ground-Mounted Solar Table of Uses				
38	Light Plant Expenditures & Payment In Lieu of Taxes				
39	Solid Waste Disposal Fund Expenditures				
40	Sewer System Expenditures				
41	Sewer Improvement Fund Expenditures				
42	Water System Expenditures				
43	Debt Authorization: Water Main Replacement				
44	Authorize Expenditure from PEG Access and Cable-Related Fund				
45	Beede Swim & Fitness Center Enterprise Fund Expenditures				
46	Unpaid Bills	No Motion Expected			