



**Town of Concord**  
Finance Committee  
22 Monument Square  
Concord, Massachusetts 01742-0535

**AGENDA**

**Concord Finance Committee**

**September 26, 2019**

**Select Board Meeting Room  
Town House  
7:00PM**

1. **Minutes-** June 27, 2019; July 25, 2019
2. **Calendar Review: FY21 and Town Meeting**
3. **Process Review**
  - 5-Year Tax Projection- methodology discussion
  - Fiscal Sustainability- goals and process for 2019 -2020
  -
4. **Correspondence**
  - Resident, Brooks Read, 8/11/19
  - Planning Board, 9/4/19
  - Resident, Ellen Emerson, 9/9/19
5. **Review of FY21 Revenues & Fixed Costs**
6. **Chair's Report**
7. **Observer Reports**
8. **Finance Director's Report**
  - 2019 Refunding Bond Issue
9. **Citizen comments**

**Reminders**

- **Next Regular Meeting:**
- **Guidelines Subcommittee Meetings:**
- **Joint Meeting with Select Board, School Committee & Carlisle Reps:**
- ***When Finance Committee members anticipate being absent from a meeting, it would be appreciated if they would notify Chair Dean Banfield by email at:***  
[dbanfield.fincm@gmail.com](mailto:dbanfield.fincm@gmail.com)

Supporting materials for agenda items are available online at [www.concordma.gov/fcmtgdocs](http://www.concordma.gov/fcmtgdocs) . Materials are generally uploaded on the Tuesday prior to the Regular Meeting.

**Town of Concord  
Finance Committee  
Meeting Minutes – July 25, 2019**

**Present:** Dean Banfield, Greg Guarriello, Mary Hartman, John Hickling, Richard Jamison, Dee Ortner, Parashar Patel, Wade Rubinstein, Phil Swain, Brian Taylor and Andrea Zall

**Absent:** Peter Fischelis, Karle Packard, Christine Reynolds and Thomas Tarpey

**Others Present:** Select Board Chair Michael Lawson; School Committee Member Cynthia Rainey; Finance Director Kerry Lafleur

**Meeting Opened**

Mr. Banfield called the meeting to order in the Select Board Meeting Room at the Town House at 7:00 pm. He announced that the meeting was being televised and recorded by MMN.

**Approval of Minutes**

None

**Calendar Review**

Mr. Banfield proposed that the Finance Committee (FC) host a “joint meeting” with Concord and Carlisle officials to discuss shared responsibilities for the regional school district. He suggested that the Chair and Vice Chair of the FCs from Concord and Carlisle meet with the Chair and Vice Chairs of the Select Boards (SBs) of the two communities, along with the Concord-Carlisle Regional School Committee. One purpose of the meeting would be to identify any financial pressures or limitations each community is facing in the years ahead. He suggested Thursday, September 19 as a possible meeting date. Mr. Banfield clarified that the meeting would be posted and all would be welcome to attend, although his preference is to limit the discussion to the individuals noted above.

After discussion of alternative dates, it was agreed that the Finance Director’s Orientation Session will be held on Thursday, August 1. Mr. Banfield reported that he and Ms. Hartman had met with the Chairs of the School Committees and the School Superintendent to discuss the challenges of the budget schedule in light of the Zero Based Budgeting (ZBB) process. It was agreed that the schedule would be moved out by one week to accommodate school officials. Meeting dates as follows:

- September 26 – Regular Meeting Finance Committee
- October 3 – Guidelines Subcommittee Meeting with Minuteman School Budget Officials
- October 10 – Guidelines Subcommittee Meeting with Town Budget Officials (1<sup>st</sup> round)
- October 17 – Regular Meeting Finance Committee
- October 24 – Guidelines Subcommittee Meeting with School Budget Officials (1<sup>st</sup> round)
- October 24 (following the Guidelines Subcommittee Meeting) – Regular Meeting Finance Committee to approve the preliminary FY21 Guidelines
- November 7 – Guidelines Subcommittee Meeting with Town budget Officials (2<sup>nd</sup> round)
- November 14 – Regular Meeting Finance Committee
- November 21 – Guidelines Subcommittee Meeting with School Budget Officials (2<sup>nd</sup> round)

- December 5 – Regular Meeting Finance Committee – vote to approve final FY21 Guidelines

Mr. Banfield noted that the FC is required to submit the Guideline by November 30, and it will miss this deadline by five days this year. He noted that the Annual Town Meeting Warrant closes on January 10, which is a few days later than normal; this will allow the schedule to shift out slightly. Mr. Taylor inquired about the FC amending its bylaw to provide for a later vote on the Guidelines. Mr. Banfield's preference would be for the School Dept. to start its budget process a week earlier. Mr. Jamison noted that staffing decisions are made by late summer, so the bulk of the school budget could be made available earlier than October. Ms. Ortner noted that the Town has been asked to consider a ZBB in the future, so perhaps a change in the FC Bylaw to provide for more flexibility in the Guidelines vote be considered. It was agreed that the schedule will be monitored this fall, for possible adjustments in the future.

On a **MOTION** made by Mr. Swain and seconded by Mr. Taylor, it was unanimously **VOTED** to accept the revised calendar as presented above.

Mr. Banfield suggested that the FC schedule a fiscal sustainability public hearing prior to town meeting.

#### **FY21 Guideline Information Letters**

Ms. Hartman prepared draft letters to the budget entities, which were included in the meeting packet. She noted that the letters had been modified following the feedback at the June 27 meeting. Several members thanked Ms. Hartman for the concise and streamlined format of the letters, which will be helpful for all parties. Mr. Swain suggested that the following question be added to the letter to the Regional School Committee: "What is being done to assure that Carlisle is paying its fair share of the district's budget?" Ms. Hartman preferred that this issue be discussed at the joint meeting tentatively scheduled for September 19. She felt that the emphasis at the Guidelines meeting should be on the total spending for the district. Mr. Swain disagreed, noting that Concord paid \$4 million to rebuild the school bus depot, after it was torn down by a vote of the Regional School Committee. While promises were made that Carlisle would financially participate, there has been no evidence that this has been done. At a minimum, the Regional District should be charged rent for the new depot, with Carlisle paying its share. Mr. Banfield suggested alternative wording of the question, such as "These services have been provided by the Town of Concord for the benefit of the Regional School District, and need to be accounted for." Mr. Patel suggested that the Regional School Committee be asked to identify a process going forward, to pay for expenses equitably.

Mr. Swain noted another incident where Concord bore more than its share of the burden—a decision by the Concord Town Manager to waive most of the building permit fee for the new high school, following a request made by the CCHS Building Committee. This came at a cost to Concord of approximately \$900,000 in lost revenue. He noted that the Town of Lincoln recently charged Minuteman Regional School \$1 million in building permit fees. Mr. Patel suggested that this question should more appropriately be posed to the Town Manager, who made the waiver decision. It was noted that former Town Manager Chris Whelan prepared a memo about a year ago that item-

ized the costs borne by the Town of Concord on behalf of the Regional School District. It was noted that the issue has been pushed back and forth between the School Superintendent and the Town Manager for the past year, with no progress made. Mr. Swain felt strongly that this should be included in the Guidelines Information letter so that it doesn't get lost or shuffled along.

Mr. Patel questioned the appropriateness of sending separate letters to the budget entities—why not send one letter to all, emphasizing that all belong to one “team?” Ms. Hartman noted that the budget entities are being asked to collaborate on capital spending. Mr. Taylor noted that one question was being asked of the Schools (trends in labor costs), but was not included in the letter to the Town. Ms. Hartman agreed that this was an oversight and should be included in both letters. Ms. Ortner inquired as to whether the schools should be asked for 10-year projections of capital projects. Mr. Banfield responded that five years is traditionally the length of time for reasonable predictions/projections. Mr. Swain suggested that the wording of the question be: “...a list of any other significant capital expenses that you can foresee.” Ms. Hartman emphasized that the point of the information letters is to assure that the budget entities consider and think about these issues prior to the in-person conversations with the FC.

In discussing the benchmarking section of the letters, Mr. Hickling inquired as to whether specific metrics should be requested for comparison purposes. He noted that ClearGov has a wide array of available data, as does the State Dept. of Revenue.

On a **MOTION** made by Ms. Hartman and seconded by Mr. Taylor, it was unanimously **VOTED** to approve the draft letters, with the following additions:

1. Regional School Committee – What is the strategy for assuring that Carlisle equitably contributes towards the costs of the regional school, in light of the November 2018 document outlining costs borne only by the Town of Concord?
2. What are the trends in labor costs for municipal services and in the schools?
3. Do you foresee any other capital costs or long-term capital needs?

### **Fiscal Sustainability—Goals & Process for 2019-2020**

Mr. Banfield reviewed the process that had been discussed last year, with a formula voted on by the FC in November 2018. While in the end it was decided to not bring the planned article to a vote at town meeting, the FC is still committed to establishing some sort of spending guardrail. It was suggested that the Sustainable Growth Rate (SGR) be calculated and included in the Guidelines Information letters, urging the budget entities to consider this number when building their budgets. It was agreed that knowing the SGR in advance of contract negotiations would be helpful. Ms. Rainey noted that one of the teacher bargaining units negotiated a one-year contract (2½% increase), with the idea that both teacher contracts would be on the same schedule going forward. It was noted that the SGR would have been 2.95% last year, had it been promulgated.

During the discussion, the SGR for July 1, 2019 was calculated to be 1.8%. Ms. Ortner made a **MOTION** that was seconded by Mr. Taylor to request that Ms. Hartman develop a brief paragraph about the Sustainable Growth Rate to include in the Guidelines letters, and include the calculation

for July 1, 2019. Mr. Rubinstein suggested that information about the SGR be made available to the community, perhaps via a letter from the FC Chair in the Concord Journal and online in September. Ms. Zall suggested that the letter also be distributed to the Chamber of Commerce, so that it can be posted for its members. Ms. Ortner suggested that the SGR hearing be considered earlier in the process, perhaps in the fall.

In response to a question from Mr. Patel, Mr. Banfield explained why town meeting was not asked to approved the SGR at last year's town meeting. Mr. Guarriello noted the importance of footnoting the source of the data used for the SGR calculation, to reduce questions about the formula.

After discussion, a **VOTE** was then taken on Ms. Ortner's earlier **MOTION** to add a paragraph to the Guidelines Information letters about the SGR, which unanimously **PASSED**.

### **Middle School Stabilization Fund**

The ultimate disposition of the existing Peabody School was discussed, with the idea that funds from the sale of the surplus building/land could possibly be used to offset the costs of building a new middle school. Mr. Lawson noted that these conversations are currently taking place with the relevant boards. Establishing a stabilization fund was discussed—this requires a town meeting vote to establish and identify the source of funds, and a town meeting vote to spend funds. The purpose of a stabilization fund was explained. For the middle school, such a fund could be created (using either free cash or funds from the sale of the Peabody School) in order to mitigate the impact of the debt repayment. The fund could be used to reduce the “spike” from the debt repayment in the peak years, and soften the impact on the average taxpayer. The fund could also be used to soften any “blips” in the debt repayment schedule. The specific use of the fund could be identified when it is established. The amount would be determined by the FC and a town meeting vote, following a recommendation from the Town Manager and Finance Director. In response to a question from Mr. Taylor, Ms. Lafleur noted that the stabilization fund would be invested to the fullest extent possible, so it would likely increase in value.

On a **MOTION** made by Mr. Swain and seconded by Mr. Patel, it was unanimously **VOTED** to recommend to the SB and Middle School Building Committee that consideration be given to establishing a Middle School Stabilization Fund, for the specific purpose of mitigating the tax impact of building a new middle school.

### **Correspondence**

Mr. Banfield noted receipt of a letter from resident Kevin Parke, expressing concerns about legal expenses for Estabrook Woods litigation. In his letter, Mr. Parke suggested that the Town Manager and SB ask legal counsel to provide a range of estimates and probabilities for legal costs for Estabrook Woods going forward, so that the funds can be included in the budget that is brought to town meeting. He felt that this would improve the transparency of costs. Mr. Swain was concerned that there is a misunderstanding of the process—the FC is not involved in litigation. He suggested that Mr. Parke's question be included in the Guidelines letter sent to the Town, in the paragraph about legal costs. Legal costs at the level that has been spent the past couple of years is not sustain-

able, and continues to be jarring to many. Ms. Lafleur commented that it has been duly noted that the FC is not supportive of using the Reserve Fund in the future to fund legal costs overages for the Estabrook Woods legal case. Mr. Swain suggested that if additional legal costs are known, then adequate numbers should be included in the budget requests.

On a **MOTION** made by Mr. Swain and seconded by Mr. Taylor, it was **VOTED** (with 9 voting in favor and 2 opposed—Hartman and Patel) to amend the question about legal expenses in the Guidelines letters to include a request for a range of financial estimates combined with probabilities for any known litigation. It was agreed to include this in the letters to all of the budget entities.

### **Chair's Report**

Mr. Banfield noted that the Long-Range Capital Planning that is being considered by the SB will most likely be a task force to start, and then possibly move to a standing committee in the future.

Other issues:

- Tax Fairness Committee—trying to align the Town of Concord's issues for qualifying with those at the state level, such as circuit breaker eligibility
- Personnel Board – They are going through an identity crisis, serving as a rubber stamp for the Human Resources Department in recent years; exploring their role going forward.
- Facilities Plan will be presented to the SB on August 26
- Board of Health – CBD oil is not allowed in food products
- State Building Inspector – disagreement and confusion as to whether group homes must all be ADA compliant; still under review at the state level

### **Observer Reports**

Community Preservation Committee – Ms. Hartman reported that the State's \$43 billion budget includes more funds for CPA projects, so matching funds may increase. We should anticipate an increase in the administrative portion of the CPA budget, since signage has been stolen and there are not sufficient funds to replace those that are lost.

Planning Board – Mr. Patel reported that there are lots of issues with the new library addition. An effort will be made to identify any changes in zoning or new construction that will have a financial impact/consequence.

Ms. Ortnier inquired whether a member of the FC could serve on a task force, or whether the prohibition against serving on a second board only applied to standing committees. Mr. Banfield noted that a task force is probably considered a board for the purpose of the prohibition, although there would be no problem with a member of the FC observing and participating in the proceedings, without voting. He noted that the Moderator had said no to his request to serve as a member of SUASCO (a regional group) while also serving on the FC.

Tax Relief Committee – Mr. Hickling reported that the committee is still wrestling with trying to make it easier for taxpayers to qualify and apply for tax relief.

Middle School Building Committee – Mr. Hickling attended the inaugural meeting of this group, and they plan to visit some recently built middle schools in the area. He expressed some concern about the rushed nature of the process—they are moving very quickly. Although the School Department plans to apply for MSBA funds, it is unlikely that Concord will receive any funding. Ms. Rainey noted that the School Committee will know by December whether it is eligible for MSBA funding.

Library Committee – Mr. Taylor noted that the committee is wrestling with handicapped parking and access issues.

Affordable Housing Committee – Ms. Hartman noted that Grantham did not receive tax credits for the Junction Village project, but anticipates applying again next year. So this project is still alive.

### **Finance Director’s Report**

Ms. Lafleur provided an update on the line item transfers that were made under the auspices of MGL Ch. 44, §33B at the June 27 meeting. FY19 has now been closed out, so the numbers are now finalized. Two of the transfers voted at the June 27 meeting have been changed, as follows:

Item	Department	Transfer To	Transfer From	Description
2	Legal Services	(\$54,462.47)		To cover June 2019 expenses; originally estimated at \$40,000
8	Finance (Treasurer/Coll)		\$54,462.47	
38	Social Security & Medicare	(\$1,962.35)		To cover deficit in Social Security expense
31	Town Employee Benefits		\$1,962.35	

Ms. Lafleur clarified that the transfer from the Finance Department was possible due to a couple of vacancies and one retirement, with positions filled at lower salaries. She explained that the statute only allows transfers from May 1 to July 15 each year by votes of the SB and FC, and only to close out the fiscal year. Otherwise, transfers can only be done by a town meeting vote. Mr. Swain noted that use of the Reserve Fund rests with the FC alone, while the responsibility for approving transfers is shared between the FC and the SB.

On a **MOTION** made by Ms. Hartman and seconded by Mr. Taylor, it was unanimously **VOTED** to approve the above two adjusted transfers under MGL Ch. 44, §33B.

### **Citizen Comments**

None

### **Adjournment**

The meeting adjourned at 9:26 pm.

Respectfully submitted,

Anita S. Tekle

### ***Documents Used or Referenced at Meeting:***

- Finance Committee meeting schedule
- Draft FY21 Guideline Letters (Chair CCRSD; Chair CPS; Chair Minuteman SC; Town Manager)
- Line-Item Transfers Chart, Revised

**Town of Concord  
Finance Committee  
Meeting Minutes – June 27, 2019**

**Present:** Dean Banfield, Greg Guarriello, Mary Hartman, John Hickling, Richard Jamison, Dee Ortner, Karle Packard, Parashar Patel, Christine Reynolds, Wade Rubinstein, Phil Swain, Thomas Tarpey and Brian Taylor

**Absent:** Peter Fischelis and Andrea Zall

**Others Present:** Select Board Chair Michael Lawson; Select Board Member Terri Ackerman; School Committee Member Cynthia Rainey; Finance Director Kerry Lafleur; Resident Bob Grom; Financial Advisor Peter Frazier; Recording Secretary Anita Tekle

**Meeting Opened**

Banfield called the meeting to order in the Hearing Room at the Town House at 7:00 pm. He announced that the meeting was being televised and recorded by MMN.

**Approval of Minutes**

On a **MOTION** made by Ms. Hartman and seconded by Mr. Hickling, the minutes of March 14, 2019 were unanimously **APPROVED** (with two abstentions), with one amendment.

On a **MOTION** made by Ms. Hartman and seconded by Ms. Reynolds, the minutes of April 8, 2019 were unanimously **APPROVED** (with one abstention), as written.

On a **MOTION** made by Ms. Reynolds and seconded by Mr. Patel, the minutes of April 25, 2019 were unanimously **APPROVED**, with one amendment.

On a **MOTION** made by Ms. Hartman and seconded by Ms. Ortner, the minutes of May 23, 2019 were unanimously **APPROVED**, as written.

**Bond Rating Review/Discussion with Financial Advisor**

Peter Frazier, Managing Director of Hilltop Securities and the Town's Financial Advisor, was present to review the Town's bond rating. Mr. Frazier introduced himself, noting that he has had the privilege of working with the Town of Concord for 33 years. He began his presentation by explaining that Concord is in terrific financial shape, retaining a Aaa bond rating since 1987. Concord is one of only a handful of Massachusetts communities to achieve a Aaa rating. He noted that Hilltop Securities currently works with approximately 80 municipalities and public entities.

Mr. Frazier's presentation explained the bond rating process, noting that the lower the risk, the higher the rating. With a rating of Aaa, Concord is able to experience the lowest possible interest rate when borrowing money. A bond rating is the unbiased, expert assessment of the creditworthiness of the issuer; is used by market participants to determine the interest rates of securities; and is paid for by the issuer, as a protection for investors. Concord requests a bond rating review prior to

every bond issuance, which is generally annually. Concord's high rating gives it greater access to the bond market. Factors that are considered when rating a community are its economy and tax base (30%); its overall management (best practices, budgeting, forecasting, capital planning, financial policies—20%); its finances (amount and type of reserves and structural balance of recurring revenues vs. recurring expenditures—30%); and its debt and contingent liabilities (amount of debt—both actual and prospective; sources of revenue; amortization; offsetting aid payments/subsidy; and unfunded pension and OPEB liabilities—20%).

Mr. Frazier also explained that rating firms look at a community's reserves (free cash and stabilization funds) as a measure of its financial flexibility and capacity to meet its obligations. Reserves provide resources to meet unanticipated expenses; help to stabilize town employment and service delivery through economic cycles; generate investment income; and contribute to the community's enhanced market access and lower borrowing costs. In response to a question, Mr. Frazier indicated that a town's OPEB liability would generally be considered a huge liability; however, the rating agencies don't have a lot of comparative information to use in predicting future medical costs. Under the new GASB rules, the liability is included in the Town's balance sheet, and Concord is doing better than most communities with reducing its liability, which is considered a strength. Concord is also doing very well in funding its future pension liability. Although by law these payments could theoretically be stretched out further, Mr. Frazier does not recommend that this be done.

Mr. Frazier noted that Concord has been very disciplined with its debt over the years, tending to keep its debt amortization short so that additional debt can be added when needed without being an overwhelming burden to taxpayers. This discipline is looked upon very favorably by raters. Mr. Frazier noted that there is no single factor that tips the rating of a community, with the exception of the community's fund balance. All factors are considered on a cumulative basis. Concord has benefited from its superb management and the level of educated taxpayers who understand that prudent spending factors into both the quality of life and home values. Concord scores well in every factor, with no material weaknesses. The community maintains a robust set of financial policies that have guided it well. The rating assumes that we will maintain our strong reserves. Mr. Frazier provided the Finance Committee (FC) with Moody's rating methodology and detailed scorecard factors for Concord, which he suggested be taken with a grain of salt. He noted that Moody's requires a community to have \$12 billion in tax base value in order to be rated Aaa in that factor, so only Boston and Cambridge meet that criterion (having a larger base over which to spread the cost). In response to a question, Mr. Frazier noted that the split between residential and commercial properties isn't a large factor in the rating—there are advantages and disadvantages of both.

### **Observer Assignments**

Mr. Banfield distributed a preliminary observer assignment chart, noting that there are 25 committees and 15 FC members. In some cases, it was suggested that a committee's agenda be monitored to see if there are any upcoming financial issues. He also suggested that when more than one FC member is assigned to a particular committee, the members coordinate attendance among them-

selves. FC members should be in touch with their assigned committee in order to be on the agenda distribution list. The final assignments are as follows:

- Select Board – Dean
- Financial Audit Advisory Committee – John
- Retirement Board – Dick
- Concord Housing Authority – Wade
- Tax Fairness Committee – John
- Municipal Light Plant – Phil
- Public Works Commission – Dick
- Cemetery Committee – Parashar (agenda monitor)
- Planning Board – Parashar
- Community Preservation Act Committee – Mary
- Natural Resources Commission – Dean (agenda monitor)
- Board of Health – Greg (agenda monitor)
- CCRSD and CPS – Dean & Tom
- Middle School Building Committee – Peter
- Minuteman Vocational Tech – Christine
- Library – Brian
- Recreation Commission – Wade
- Senior Services/Council on Aging – Andrea
- Energy Futures Task Force – Karle
- Public Safety Liaison (Police & Fire) – Greg
- Long Range Capital Planning Committee – Dee

### **Five-Year Tax Projection—Methodology Discussion**

Mr. Banfield explained that the five-year tax projection practice was initiated by citizen petition at town meeting in 2012. He noted that historically this has been calculated on the assumption that the town operating budget will be approved at town meeting. Some projections are based on actuals and some are based on projected growth numbers. These numbers are plugged into a spreadsheet, with low, medium and high options. It has been a static process. Mr. Patel suggested that a more dynamic process be considered; e.g., if we were to take on “xyz,” then how would the model react? Mr. Banfield noted that the actual modeling exercise last year was completed by Ms. Lafleur and Jon Harris. He suggested that Mr. Patel sit down with Mr. Banfield, Ms. Lafleur and Mr. Harris to consider if the process could be improved. Ms. Ortner suggested that debt items that are included on the long range capital plan be factored into the tax rate projection, noting that currently only those items that have received town meeting approval are included.

The group reviewed a handout entitled “Items to consider for expanded Guidelines Process Scope,” with the idea that some items that are currently outside the guidelines be considered for bringing into the guidelines process. In particular, these non-guideline spending items to be considered are: Debt Service; Stabilization Fund Emergency Services (MEWS Fund); OPEB; and Group Insurance. Ms. Lafleur noted that these items have been considered “fixed costs” and outside the operating

budget for many years. She noted that the Town is obligated to pay for debt service, and she considers these to be fixed costs based on prior town meeting votes. Ms. Reynolds asked for a clarification as to which of these non-guideline spending costs are management decisions. Mr. Patel asked whether capital costs are considered in the normal guidelines process, and was told that they are not. He suggested that perhaps they should be considered, noting that there has been a shift between mandatory vs. discretionary costs. Mr. Swain noted that large capital costs are frequently brought to the FC late in the budget process. Ms. Reynolds suggested that the request be made by the FC that capital costs be presented to the FC earlier than in the past.

Ms. Hartman noted that the Select Board (SB) is considering the appointment of a Long Range Capital Planning Committee (LRCPC). Mr. Packard suggested that the guideline be issued earlier in the process, so that it can be considered by those who create the budget; i.e., they should know about the guidelines prior to their creation of the budget. He also noted that the FC only gets to see the impact of salaries on the budget, without information about the cost of benefits and supportive components. Mr. Banfield suggested that benefits be considered as percentage of salary costs, so that the true cost of adding a new position is known. Ms. Hartman noted the importance of looking at the total impact on property taxes when establishing the guidelines. She also suggested that the letters sent to the budget entities include a request for the cost of a “fully loaded head count and anticipated capital costs.”

In response to a question from Mr. Patel, Ms. Lafleur noted that she can provide the annual debt service cost for any project within the existing 5-year capital plan (which includes smaller capital costs, within the levy limit). She noted that the FC guideline for annual debt service spending is 7-8% of the annual budget. She also noted that the Town’s custom has been to finance any capital cost that exceeds \$100K, to avoid large fluctuations in the budget. Smaller capital projects have the debt financed within the levy limit; this is generally everything except large building projects. She noted that the Town Manager is the one who decides which items to bring to town meeting as separate warrant articles, vs. those items which are included as capital projects within the operating budget. The smaller capital projects (within the levy limit) have not traditionally been within the guidelines budget. Mr. Banfield noted that in recent years, the Town has budgeted \$900,000 to \$1 million/year for Concord Public School capital projects, within the Town’s 5-year capital budget.

### **Middle School Stabilization Fund**

Mr. Hickling brought up the subject of establishing a Stabilization Fund to help finance a new middle school. He noted that about 25% of Concord households have school-aged children (some of whom attend private schools). He suggested that the Town consider a way to monetize the value of the Peabody School land and building. To repurpose the building for municipal use will not achieve this goal. He urged the School Committee to collaborate with the Town to make this possible, which would be a great gesture, and bring in possibly \$10-11 million to the Town to offset the cost of a new middle school. He noted that he has no foundation as to the origin of the value of the land/building at Peabody, but the above number has been suggested by some. The Town needs to

collaboratively find a way to mitigate the debt service cost for the middle school. If the Peabody School were to be sold, those funds could be put into a Stabilization Fund.

In response to a question as to the process for repurposing a building, Ms. Lafleur noted the following steps: (1) School Committee declare the building surplus once the new middle school is completed; (2) town meeting take a vote to put the building under the jurisdiction of another group (most likely the SB); and (3) town meeting vote eventually would be required if the land and building were to be sold. Mr. Packard suggested that it would be nice to have some funds in the Stabilization Fund prior to the repayment of any debt. Mr. Swain noted that the debt wouldn't peak until later in the debt repayment schedule. Ms. Lafleur noted that the debt repayment could be modeled based on the timing of when Peabody could be liquidated. Both Mr. Patel and Ms. Ortner suggested that consideration be given to designing the middle school warrant article so that it is contingent on the School Committee voting the Peabody building surplus and that the land and building be sold.

### **Correspondence**

Mr. Banfield noted receipt of an email from Dorrie Kehoe concerning the LRCPC. He noted that the FC cannot be a voting member of any other committee (in accordance with the charter and the FC Bylaw), but the FC should play a liaison role with this group. He noted that Ms. Ortner is assigned as the observer to the LRCPC.

### **Chair's Report**

Mr. Banfield reported on the following items that came up at a recent Chair's Breakfast:

- Tax Fairness Committee—trying to reduce the complexity of the application process and reduce the number of conflicts
- Tree Bylaw—the process is not as self-regulating as had been expected; funds may be needed to hire a consultant to assist with the process
- The Planning Board is considering an amendment to the Zoning Bylaw that would allow accessory units by right, for rental purposes
- Board of Health is concerned about vaping; funds will be requested to monitor vaping in school bathrooms
- Board of Assessors—trends have been noted that the housing market at the high end is depressed, with a bubble in the middle-market

### **Observer Reports**

Mr. Swain was pleased that the LRCPC is moving forward, but he is still concerned that there is no permanent building committee. Mr. Banfield noted that 50% of the members of the Middle School Building Committee are either school committee members or staff members.

Mr. Guarriello requested a clarification of "agenda monitoring." Mr. Banfield explained that the FC monitor would be expected to review the upcoming agenda for the assigned committee to see if there are any items on the agenda that may have a financial impact. If so, then attendance at the meeting would be urged. These occurrences would generally be rare.

Mr. Hickling noted his attendance at the inaugural Middle School Building Committee meeting. Mr. Banfield attended the SB meeting, at which it was reported that the Concord Market hopes to host “events” in the space on the second floor of the building. He also noted that the Municipal Facilities Study is still a work in progress after 1½ years, but is anticipated to be completed by the end of the summer.

Ms. Reynolds reported that she attended the Minuteman School Committee meeting. Resident Steve Ledoux, former Town Manager of Acton, is Concord’s new representative to the Committee. Belmont is considering joining Minuteman. Enrollment is projected to increase by 30-40 students in September. The administration is seeking bids for potential private partners in the athletic fields.

**Finance Director’s Report**

Ms. Lafleur explained that the Town is not allowed to transfer items from one line to another at the end of the fiscal year without votes from both the FC and the SB. She requested approval of the following line-item transfers:

Item	Department	To	From	Description
2	Legal Services	(3,617.08)		To cover existing deficit after Reserve Fund Transfer
8	Finance		3,617.08	
2	Legal Services	(40,000.00)		To cover anticipated June 2019 expense—estimated
8	Finance		40,000.00	
18	Snow & Ice Removal	(23,378.51)		To cover winter expense deficit
17	Public Works		23,378.51	
38	Social Security & Medicare	(1,962.35)		To cover deficit in social security expense
31	Town Employee Benefits		1,962.35	

Ms. Lafleur also reviewed the request to transfer \$225K from the Reserve Fund to the Legal Services Account. Ms. Lafleur explained that in a normal year, legal services run about \$225K. The costs for Estabrook Woods have been on top of that amount. The case is currently in discovery phase; the search of historical documents has been the bulk of the work completed to date; depositions will begin soon. While Harvard University (one of the owners of Estabrook Woods) has settled, the other parties have not settled. Ms. Hartman questioned why additional funds were not requested at the fall 2018 special town meeting, when \$100K was approved. Ms. Lafleur noted that it was felt at that time that the Town could manage the additional legal services costs within the existing budget, including use of the Reserve Fund (which had already been appropriated). Ms. Ortner questioned why the litigation wasn’t stopped once available funds were used up. Ms. Lafleur noted that the process has been transparent, with advance notice that the Reserve Fund would be needed to fund anticipated costs. In response to a question, Ms. Lafleur noted that the \$100K supplement voted at the fall 2018 special town meeting was not for a specific legal case, but was added to the initial appropriation. She noted that there is no definition of “extraordinary expense,” and it is up to the judgment of the FC and SB. She explained that moving an expense from one line item to another does not involve any additional funds—the surplus from one account is moved to a deficit in another account. These funds are appropriations that have not yet been spent.

On a **MOTION** made by Mr. Swain and seconded by Mr. Patel, it was unanimously **VOTED** to authorize the line-item transfers being made under MGL Chapter 44, §33B, as noted in the above chart.

On a **MOTION** made by Mr. Patel and seconded by Mr. Jamison, it was **VOTED** (with 11 voting in favor and two opposed—Ms. Ortner and Ms. Hartman) to authorize the transfer of \$225,000 from the Reserve Fund to the Legal Services account.

### **Citizen Comments**

Ms. Ackerman noted that although she is a member of the SB, she is speaking for herself. She wished to thank the FC for supporting the long-range capital planning process. She noted that building maintenance and operational costs will be included in the charge for the new committee. She suggested that the FC consider amending its bylaw at town meeting to allow for the FC to have a voting member on the LRCPC. She noted that when the design of the middle school is considered, the cost of green measures may increase the cost of debt service, but will most likely decrease the operating costs. She suggested that this would have an impact on future budget guidelines.

### **Adjournment**

The meeting adjourned at 9:26 pm.

Respectfully submitted,  
Anita S. Tekle

### ***Documents Used or Referenced at Meeting:***

- Finance Committee Roster with contact information (dated 6.25.2019)
- Finance Committee meeting schedule Jan-June 2019
- Finance Committee meeting schedule (July-December 2018—for projections only)
- Observer Assignment Chart
- Outline of Preliminary Guideline Letters for FY21
- Items to consider for expanded Guidelines Process Scope
- Copies of FY20 Guideline Letters (Chair CCRSD; Chair CPS; Chair Minuteman SC; Town Manager)
- Sustainable Growth Rate—Timeline and FC Notes, including Appendix I
- Reserve Fund Request Form (Legal Services Account)
- Line-Item Transfers Chart
- Status of FY19 Town Budget as of 6.27.2019

FinCom only

**Town of Concord FY2021 Budget Development Calendar in Preparation for the 2020 Annual Town Meeting**

Date	Action/Event	Responsible Party	Location
July 25, 2019 (7:00 PM)	Regular Meeting - Approve Guideline Information Letters	Finance Committee	Select Board Meeting Room
July 31, 2019	Issue Guideline Information Letters	Finance Committee	
September 26, 2019 (7:00 PM)	Regular Meeting - Detailed Review of FY21 Projections	Finance Committee	Select Board Meeting Room
October 3, 2019	Guidelines subcommittee - Minuteman Tech Response to Information Letter	Finance Committee	
October 10, 2019	Guidelines Subcommittee - Town Manager's Response to Information Letter	Finance Committee	
October 17, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
October 24, 2019	Guidelines subcommittee - Superintendent's Response to Information Letter	Finance Committee	
October 24, 2019 (7:00 PM)	Regular Meeting - Vote Tentative Guidelines, FY21	Finance Committee	Select Board Meeting Room
November 7, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
November 14, 2019	Guidelines subcommittee - Town Manager's Response to Tentative Guidelines	Finance Committee	
November 21, 2019	Guidelines subcommittee - Superintendents Response to Tentative Guidelines	Finance Committee	
November 30, 2019	Bylaw required deadline to issue Guidelines	Finance Committee	
December 5, 2019 (7:00 PM)	Regular Meeting - Vote Final Budget Guidelines to be issued to Selectmen and School Committees	Finance Committee	Select Board Meeting Room
December 19, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
January 10, 2020	Warrant for Town Meeting closes at 4:00 PM	All	Town Manager's Office
January 16, 2020	Regular Meeting- warrant article review & assignments	Finance Committee	Select Board Meeting Room
January 27, 2020 (7:30 PM)	Town Caucus		Town House
February 6, 2020	Regular Meeting- CPS & CCRSD budgets review	Finance Committee	Select Board Meeting Room
February 11, 2020	Town Manager's Proposed FY21 General Fund Budget is published	Town Manager/ Finance	
February 13, 2020	Regular Meeting- Town Manager's Budget Review	Finance Committee	Select Board Meeting Room
February 20, 2020	Guidelines Subcommittee- review final guideline <i>Regular Meeting</i>	Finance Committee	Select Board Meeting Room
February 28, 2020	Public Hearing advertised (for FY21 General Fund operations)	Town Manager/ Finance	
February 28, 2020	Town Manager's Proposed FY21 General Fund Budget is published	Town Manager/ Finance	
<b>March 3, 2020</b>	<b>Presidential Primary</b>		<b>Various</b>
March 9, 2020 (7:00 PM)	Public Hearing - Finance Committee - Public Hearing on Town Manager's General Fund operating and capital budget proposals for FY21 and other non-school and non-CPA financial articles on the Town Meeting Warrant	Finance Committee	Town House - Hearing Room
March 16, 2020	Town Manager's Proposed FY21 Enterprise Budget is published	Town Manager/ Finance	
March 16, 2020 (7:00 PM)	Public Hearing - Finance Committee - Education budget proposals for FY21 (Concord Public Schools, Concord-Carlisle Regional High School, and Minuteman Career and Technical High School) and Community Preservation Act Article	Finance Committee	Town House - Hearing Room
March 19, 2020	Regular Meeting	Finance Committee	Select Board Meeting Room
March 23, 2020 (7:00PM)	Public Hearing - Finance Committee - Enterprise Fund Budgets and Articles	Finance Committee	Town House - Hearing Room
March 26, 2020	Finance Committee Completes its recommendations for Town Meeting	Finance Committee	
<b>March 31, 2020</b>	<b>Town Election</b>		<b>Various</b>
April 6, 2020	Finance Committee Report to Printer	Administrative Manager/ Finance	
April 9, 2020	Regular Meeting	Finance Committee	Select Board Meeting Room
April 10, 2020	Finance Committee Report mailed to residents (at least 10 days prior to Town Meeting)	Administrative Manager/ Finance	
April 27, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 28, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 29, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 30, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS

All events

**Town of Concord FY2021 Budget Development Calendar in Preparation for the 2020 Annual Town Meeting**

Date	Action/Event	Responsible Party	Location
July 25, 2019 (7:00 PM)	Regular Meeting - Approve Guideline Information Letters	Finance Committee	Select Board Meeting Room
July 31, 2019	Issue Guideline Information Letters	Finance Committee	
September 17, 2019	Capital Improvement Program (FY21-25) Instructions Issued	Town Manager/ Finance	
September 17, 2019	Budget Instructions issued to all departments, boards & committees	Town Manager/ Finance	
September 26, 2019 (7:00 PM)	Regular Meeting - Detailed Review of FY21 Projections	Finance Committee	Select Board Meeting Room
October 3, 2019	Guidelines subcommittee - Minuteman Tech Response to Information Letter	Finance Committee	
October 8, 2019	Capital Improvement Program (FY21-25) Requests due	Town Manager/ Finance/ Departments	
October 10, 2019	Guidelines Subcommittee - Town Manager's Response to Information Letter	Finance Committee	
October 15, 2019	FY21 General Fund Operating Budget Requests due	Town Manager/ Finance/ Departments	
October 17, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
October 21, 2019 - October 30, 2019	FY21 General Fund Operating and FY21-25 Capital Budget Requests review: meetings with Town Department Heads and Budget Review Team	Town Manager/ Finance/ Departments	
October 24, 2019	Guidelines subcommittee - Superintendent's Response to Information Letter	Finance Committee	
October 24, 2019 (7:00 PM)	Regular Meeting - Vote Tentative Guidelines, FY21	Finance Committee	Select Board Meeting Room
October 31, 2019	Preliminary FY21 General Fund Operating Budget and FY21-25 Capital Budget recommendations compiled by Budget Review Team for Town Manager's review and adjustment	Town Manager/ Finance	
November 4, 2019	Presentation of Preliminary FY21 General Fund Operating and FY21-25 Capital Budget recommendations by Town Manager to the Select Board	Town Manager	
November 7, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
November 14, 2019	Guidelines subcommittee - Town Manager's Response to Tentative Guidelines	Finance Committee	
November 21, 2019	Guidelines subcommittee - Superintendents Response to Tentative Guidelines	Finance Committee	
November 30, 2019	Bylaw required deadline to issue Guidelines	Finance Committee	
December 5, 2019 (7:00 PM)	Regular Meeting - Vote Final Budget Guidelines to be issued to Selectmen and School Committees	Finance Committee	Select Board Meeting Room
December 7, 2019	WARRANT OPENED - Select Board/Committees Coordination Meeting; planning session for 2020 Annual Town Meeting & Review of known articles	Select Board	
December 16, 2019	Draft Warrant Articles Due (Townwide, not just FinCom)	All	
December 19, 2019 (7:00 PM)	Regular Meeting	Finance Committee	Select Board Meeting Room
January 10, 2020	Warrant for Town Meeting closes at 4:00 PM	All	Town Manager's Office
January 24, 2020	Completed Narratives for General Fund Departments Due	Town Departments	
January 27, 2020 (7:30 PM)	Town Caucus		Town House
January 28, 2020	90 days prior to the Annual Town Meeting, the Town Manager's Proposed Budget for FY21 (General Fund operations and proposed appropriations) is set and submitted to Select Board. (Also, no later than this date, the Superintendent of Schools submits budgets for Concord Public Schools and Concord-Carlisle Regional High School to the respective School Committees.) Through February, these committees and Finance Committee will conduct a review.	Town Manager/ Finance	
February 7, 2020	Target Date for Mailing of Town Meeting Warrant to Residents (At least 10 Days Prior to Public Hearing)	Administrative Manager/ Town Manager	
February 11, 2020	Town Manager's Proposed FY21 General Fund Budget is published	Town Manager/ Finance	
February 13, 2020	Presentation of FY21 General Fund Budget to Finance Committee	Town Manager	
February 17, 2020	Proposed FY21 Enterprise Budget Request due	Town Departments	
February 24, 2020 - February 28, 2020	Enterprise Budget Request review: Meetings with Enterprise Directors and Budget Review Team	Town Manager/ Finance/ Departments	
February 24, 2020 (7:00 PM)	Public Hearing - Select Board	Select Board	Town House - Hearing Room
February 25, 2020 (7:00 PM)	Public Hearing - Planning Board	Planning Board	Town House - Hearing Room
February 28, 2020	Public Hearing advertised (for FY21 General Fund operations)	Town Manager/ Finance	
February 28, 2020	Town Manager's Proposed FY21 General Fund Budget is published	Town Manager/ Finance	
March 3, 2020	Presidential Primary		Various
March 9, 2020 (7:00 PM)	Public Hearing - Finance Committee - Public Hearing on Town Manager's General Fund operating and capital budget proposals for FY21 and other non-school and non-CPA financial articles on the Town Meeting Warrant	Finance Committee	Town House - Hearing Room
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March 16, 2020 (7:00 PM)	Public Hearing - Finance Committee - Education budget proposals for FY21 (Concord Public Schools, Concord-Carlisle Regional High School, and Minuteman Career and Technical High School) and Community Preservation Act Article	Finance Committee	Town House - Hearing Room
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March 26, 2020	Finance Committee Completes its recommendations for Town Meeting	Finance Committee	
<b>March 31, 2020</b>	<b>Town Election</b>		<b>Various</b>
April 6, 2020	Finance Committee Report to Printer	Administrative Manager/ Finance	
April 10, 2020	Finance Committee Report mailed to residents (at least 10 days prior to Town Meeting)	Administrative Manager/ Finance	
April 27, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 28, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 29, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS
April 30, 2020 (7:00 PM)	Annual Town Meeting		Concord-Carlisle Regional HS



**Town of Concord**  
Finance Committee  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535

September 23, 19

Mr. Michael Lawson  
Chair, Select Board

Dear Chair Lawson,

At the Finance Committee meeting of July 25<sup>th</sup>, the committee deliberated extensively about how to mitigate the effects on taxpayers of the upcoming construction of a new middle school. The Middle School Building Committee, at its meeting of September 19<sup>th</sup> decided to publish a Request for Services in the General Register for feasibility and schematic design with a goal of occupancy either at the beginning or mid-point of the '22-'23 school year. Using the financial plan for the new high school as a reference, the Finance Committee recommends that this year's Warrant include an article to establish a stabilization fund for the purpose of mitigating the tax impacts of debt service during the early years of the debt schedule for the project. The middle school stabilization funding should start earlier than the high school, because of the likelihood that Concord will not benefit from early construction bills being underwritten directly by the MSBA.

At this time, the Finance Committee is making no recommendation regarding the source or magnitude of the initial funding for this account, and will defer to the Select Board in consultation with the Finance Director and the Town Manager in considering sources of funds and the size of an initial deposit.

For reference, I include below a schedule of deposits and drawdowns from the high school stabilization fund, which is now closed.

Please have the Select Board consider this suggestion at its earliest opportunity. Thank you for your attention to this matter.

Regards,

Dean Banfield  
Chair, Finance Committee

cc: Dawn Guariello, Tim Holt, co-chairs Middle School Building Committee

Attachment: CCHS Debt Stabilization Fund History

2011 STM Article 2 Nov 7, Confirmed as Article 6 in STM 4/24/2012 Establish and initial funding

ARTICLE 6. To determine whether the Town will vote to establish a Stabilization Fund, pursuant to Massachusetts General Laws, Chapter 40, section 5B, for the purpose of reserving funds to be used to lower the tax levy impact of the Town's assessed share of principal and interest payment on bonds to be issued by the Concord-Carlisle Regional School District for the new District High School construction project pursuant to a vote of the Regional School Committee on September 27, 2011, said Stabilization Fund to be invested by the Town Treasurer and to retain its own interest earnings as provided by law; and further, the sum of \$2,000,000 be appropriated from the certified free cash balance of June 30, 2011 and be transferred by the Town Treasurer into said Stabilization Fund at the earliest opportunity following the conclusion of the Town Meeting, or take any other action relative thereto.

	Actual FY2012	Actual FY2013	Actual FY2014	Actual FY2015	Actual FY2016	Actual FY2017	Budget FY2018	Budget Guideline FY2019
HS Excluded Debt Service (concord share)	322,941	254,128	1,551,843	1,858,841	3,514,429	3,668,219	3,561,484	3,404,345
less debt stabilization (CCHS)			(230,000)	(500,000)	(1,500,000)	(1,000,000)	(785,000)	(275,000)
Net HS debt service	322,941	254,128	1,321,843	1,358,841	2,014,429	2,668,219	2,776,484	3,129,345
Debt Stabilization Deposits		2,000,000	750,000	750,000	750,000			
Stabilization fund balance (approx)*		2,000,000	2,520,000	2,770,000	2,020,000	1,020,000	235,000	(40,000)
*investment returns not included								

2013 TM Article 19 Add \$750K, Expend \$230K

2014 TM Article 14 Add \$750K, Expend \$500K

2015 TM Article 29 Add \$750, Expend \$1.5M

2016 TM Included in Town Budget Authorization, Article 7 Expend \$1M

2017 TM Included in Town Budget Authorization, Article 7 Expend \$785K

2018 TM Included in Town Budget Authorization, Article 7 Expend \$275K

## **Correspondence: September 26, 2019 Meeting**

1. Resident- Brooks Read, 8/11/19
2. Planning Board, 9/4/19
3. Resident- Ellen Emerson, 9/9/19
4. Superintendent Laurie Hunter, CCRHS budget split

## Kerry Lafleur

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**From:** Dean Banfield <[dbanfield.fincom@gmail.com](mailto:dbanfield.fincom@gmail.com)>  
**Sent:** Tuesday, September 17, 2019 12:40 PM  
**To:** Kerry Lafleur  
**Subject:** Re: Warrant Article Sponsorship Inquiry

Hi Kerry,

Please distribute this correspondence from Brooks Read, along with the responses from both Mary and me, to the full FinCom. It should be included in our regular correspondence discussion on the agenda for September 26th. Thank you.

Dean

[dbanfield.fincom@gmail.com](mailto:dbanfield.fincom@gmail.com)

*Note: All email correspondence to and from this address is subject to public review under the MA Public Records Law. As a result all messages may be monitored by and disclosed to third parties.*

On Sep 4, 2019, at 8:35 PM, Dean Banfield <[dbanfield.fincom@gmail.com](mailto:dbanfield.fincom@gmail.com)> wrote:

Hi Brooks,

I'm catching up on email that piled up while away on vacation. Thank you for your detailed note. I think your intentions regarding having executive sign-offs to mitigate the risk of frivolous litigation and to reduce the potential for a court dismissal with prejudice, resulting in costs to the Town for defendant's legal expenses, is quite clear, so I'm not sure I need much more detail beyond what you've already written.

You have addressed this to just myself and the Vice Chair, Mary Hartman, but I believe that it should be distributed to the full committee, added to our committee correspondence, and as such will be discussed in full at our next meeting. At that time, you are welcome to address the committee to advocate for your desired Warrant Article and follow up on any questions the FinCom may have. In the event that the FinCom moves to sponsor such an article, it will probably take a few meetings (the FinCom meets monthly for regular business) with Town Counsel review, to get the language of the article acceptable for submission to the Warrant.

In the event that the FinCom declines to sponsor your proposed Article, you are still permitted to submit the Article to the Town Meeting by presenting the article language along with 10 signatures supporting it. The Select Board may decline, by a vote of the Board, to place the Article on the Warrant, but you may bypass their objection with 100 signatures, still a very achievable number. Submitting the Article with 100 signatures initially will avoid any possible negative action from the Board, as they would be required to list it.

Being on the Warrant provides you with a forum prior to Town Meeting to advocate for your position - the Article will be discussed by interested citizens at the Select Board Hearing ( or

possibly the FinCom hearing) in March when other Articles are being presented and 'fine tuned' before an attentive audience. And finally, the Town will deliberate and vote at Town Meeting on whether to adopt your policy proposal.

So I welcome you to attend our FinCom meeting on September 26 at 7pm when your proposal will be discussed by the Committee. Correspondence is typically late in the agenda.

Best,

Dean Banfield

[dbanfield.fincom@gmail.com](mailto:dbanfield.fincom@gmail.com)

*Note: All email correspondence to and from this address is subject to public review under the MA Public Records Law.*

*As a result all messages may be monitored by and disclosed to third parties.*

On Aug 12, 2019, at 11:56 AM, Brooks Read <[brooksola@yahoo.com](mailto:brooksola@yahoo.com)> wrote:

Mary,

Thank you so much for getting back to me on this.

If you and Dean find that I have been at all unclear in my email, I would welcome an opportunity to meet with both of you to clarify my idea and the objectives it aims to achieve.

Thanks again,

-Brooks

On Monday, August 12, 2019, 11:43:29 AM EDT, Mary Hartman <[maryhartman7@gmail.com](mailto:maryhartman7@gmail.com)> wrote:

Hello Brooks

I apologize for my delayed response to your email. Dean is away and I was hoping to talk with him before we respond. In the meantime, I can tell you there are already two ways citizens can question/comment on the amount budgeted for Legal Services:

1. At our Annual Town Meeting, the town manager ask citizens to vote on an article that clearly delineates spending by line item for town services. For example, at our April 2019 meeting, Article 6 - Item #2 specified \$250,000 in spending for Legal Services for

fiscal 2020. This is one forum citizens can use to comment/question spending in this category.

2. Prior to the Annual Town Meeting, the Finance Committee holds a hearing to gain input from townspeople on specific articles. This is another opportunity to be heard. This year's budget cycle has the hearing on the 2021 Town Budget to be held on Monday, Mar 9, 2020.

Once Dean returns, I expect he will have more insight into your questions and you will hear more from us. Thank you for your patience.

Mary Hartman

On Aug 11, 2019, at 3:06 PM, Brooks Read <[brooksola@yahoo.com](mailto:brooksola@yahoo.com)> wrote:

Hi Kerry,

I sent the email below to Dean Banfield and Mary Hartman a week ago, and have not yet received a response back from either one.

I spoke with another member of the Finance Committee this morning who suggested it might be better if I routed the request below through you to the Finance Committee - to that end, could you please see to it that at least Dean Banfield and Mary Hartman engage my request, even if only to state that they will not or cannot pursue it with me.

I remain interested in seeing the proposal in the attached email through to implementation with the sponsorship of a Town committee or individual, such as yourself. Any input you or anyone in the Town can offer to guide me in the process of getting this in front of Town Meeting would be appreciated.

BTW, I am relying on the information I found on this Town webpage: <https://concordma.gov/1936/Mapping-the-Road-to-Town-Meeting>, which tells me that I should engage Town boards and committees, or individuals who might be responsible for my idea - to move my idea forward. Please

let me know if you think my idea falls outside of FinComm's or your domain.

Thank you,  
-Brooks Read  
366 Estabrook Road

On Sunday, August 4, 2019, 9:56:08 PM EDT, Brooks Read  
<[brooksola@yahoo.com](mailto:brooksola@yahoo.com)> wrote:

Hi Dean and Mary,  
First, in the interest of full disclosure, I would like to point out that I am a defendant in the *Town of Concord v. Neil Rasmussen, et al lawsuit*, but am writing to you in my capacity as a Concord taxpayer, not as a defendant.

A handout at 2019 Annual Town Meeting for the affordable housing articles (#23, 24, 25, and 26) brought to my attention the fact that taxpayers can be required to pay defendant legal fees in frivolous lawsuits brought by their Select Board. The particular statement in the handout (see attached document) was:

"Sudbury also incurred legal costs estimated at \$500,000 **(not including defendant's legal fees they were ordered to pay)** in their unsuccessful attempt to prevent the Quarry North development."

A [WickedLocal.com](https://www.wickedlocal.com/news/20171222/sudbury-ordered-to-pay-attorneys-fees-of-75k-in-40b-case) article (<https://www.wickedlocal.com/news/20171222/sudbury-ordered-to-pay-attorneys-fees-of-75k-in-40b-case>) provides an explanation for why Sudbury (or more specifically, Sudbury taxpayers) were ordered to pay defendant legal expenses - the judge in the case "ruled the town's claims were 'wholly insubstantial and frivolous'" according to the article.

The news article goes on to report, "[Judge] Speicher cited the records of a closed-door executive session of the Board of Selectman that took place shortly before the Town Meeting in 2011 to show town officials know the deed restriction did not exist."

So a closed-door meeting of the Select Board, used to formulate a frivolous lawsuit, ended up resulting in taxpayers being required to pay defendant legal bills.

In order to help mitigate the risk of Concord taxpayers ending up on the hook for defendant legal fees, it would be prudent for the Town to adopt a rule or bylaw, or whatever process may be appropriate, to require the Select Board,

Town Manager, and Town Counsel to provide (perhaps annually) a certification that all Town-initiated litigation is based on bona fide legal and factual grounds.

This would be akin to the common requirement that tax forms be signed, certifying that the entered information is accurate. Obviously this would not be as rigorous as, for example, the financial auditing process in financial statements, but it would be an important step in insuring that all those present in closed-door sessions would be certifying their understanding that Town-initiated lawsuits were not frivolous, thereby mitigating financial risk to taxpayers.

So that is my objective, but it is unclear which town committee, if any, should be sponsoring it. I chose to send this to both of you because your names are listed under "Select Board" on the FinComm Members webpage, and perhaps more importantly, I have taken note of FinComm's recent discussions on bringing financial transparency to legal spending. I view my proposal as another step towards assuring transparency in legal expenditures.

Any advice you could offer about how I might move forward with this proposal, either with FinComm or some other committee, would be welcomed.

Brooks Read  
366 Estabrook Road  
508-423-3068 (cell)  
369-3884 (land line)

<QandA\_on\_Warrant\_Articles\_23\_24\_25\_26.jpg>



## Kerry Lafleur

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**From:** Elizabeth Hughes  
**Sent:** Thursday, August 29, 2019 1:05 PM  
**To:** Kerry Lafleur; Richard Reine; Laurie Hunter  
**Cc:** Stephen Crane; Marcia Rasmussen  
**Subject:** Planning Board housing initiatives  
**Attachments:** Final PB Goals 7-17-19.pdf; Housing Choice Select Board Handout 7-29-19.docx; DRAFT (2) Accessory Dwelling 4.2.2.2 Warrant Article 8-7-19.docx; Existing Accessory Dwelling Bylaw Section 4.2.2.2.docx

Good afternoon Kerry, Laurie and Rich,

Over the past few months, the Planning Board has been discussing various housing initiatives that were identified in the Envision Concord Plan and is planning on advancing some of those as potential Zoning Bylaw amendments at the 2020 Annual Town Meeting. Attached are the Planning Board's goals for the next year, a handout the Board presented to the Select Board on July 29<sup>th</sup>, the current accessory dwelling bylaw and the working draft for revisions to the accessory dwelling bylaw.

As established in the Envision Concord Plan and discussed with the Select Board, the Planning Board would like to meet with you and members of the FinCom, Public Works Commission and School Committee to discuss the ZBL amendments, answer questions and better understand the potential impacts to the Town.

It would be great if all of us could get together at the same time to allow for a more complete and comprehensive discussion at the end of September.

Please let me know how you think this would work best for you and your board members.

Sincerely,  
Elizabeth

Elizabeth Hughes, Town Planner  
Concord Planning Division  
141 Keyes Road  
Concord, MA 01742  
978-318-3290



## TOWN OF CONCORD

### Planning Board

141 Keyes Road, Concord, MA 01742

(978) 318-3290

To: Select Board  
From: Planning Board

Elizabeth Hughes, Town Planner

**Re: Planning Board Goals/Projects: 2019-2020**

Date: July 17, 2019

#### I. Executive Summary

The following memo and table below outlines the projects that were accomplished in 2018-2019 and the Goals and Project that the Planning Board will consider for the next year. The Board has provided an opinion on the level of study/work required for each item by the Town Planner and the Board.

#### 2018-2019 Goals & Project Accomplished

- Adoption of the Envision Concord-Bridge to 2030 Comprehensive Long Range Plan, with a special thanks to past Planning Board Chair and Co-Chair of the CLRP Committee Gary Kleiman.
- Formula Business Bylaw amendment to include Concord Center passed Town Meeting limiting the number of formula businesses to 12. On July 9<sup>th</sup>, the Board granted a Special Permit to the first formula business application, which represents the 12<sup>th</sup> such business.
- Wireless Overlay District Expansion in the location of Middlesex School passed by Town Meeting.
- Handicapped Parking was a minor Bylaw amendment that passed Town Meeting to correct the name of the State agency that issues the rules and regulations regarding handicapped parking requirements.
- Groundwater Conservancy District was a minor Bylaw amendment that passed Town Meeting to make the lot size in the Bylaw consistent with the Title V requirement of 40,000 s.f.
- Marijuana Establishment Temporary Moratorium was deleted by Town Meeting from the Zoning Bylaw since a ban on such establishments was passed by the Town.
- Nonconforming Single & Two-Family Residential Structures amendment passed Town Meeting to fix a formatting issues with the existing language.
- Fairs, Bazaars, & Antique Shows amendment passed Town Meeting to allow Town events to be exempt.
- Flood Plain Conservancy District Map amendment passed Town Meeting to incorporated recent FEMA Letters of Map Revisions.
- Large Ground-Mounted Solar amendment passed Town Meeting to include this use in the Table of Uses.

## **II. Potential Goals and Projects**

### **1. Housing Diversity Initiatives**

The 2018 Envision Concord Long Range Plan identifies a number of Goals and Action Items in Section 4.2 Economic Diversity, Section 4.3 Housing and Section 4.4 Land Use that the Planning Board began evaluating to further the goal of housing diversity, while maintaining neighborhood character. The Board decided to move forward with a discussion about expanding the provisions for allowing additional dwelling units, allowing two-family dwellings, and modifications to the PRD Bylaw to take into consideration the differences in projects located within walking distance to village centers and those further out. The Board has begun developing a list of Key Questions & Answers for each initiative with the intention of putting forth potential Zoning Bylaw Amendments.

Estimated Board time: High

Estimated Staff time: High

**Implementation Priority: High – Four Potential 2020 Annual Town Meeting Warrant Articles**

### **2. Thoreau Depot Smart Growth Analysis**

The Town's 2018 Envision Concord Comprehensive Plan specifically identified the Thoreau Depot area as an area to encourage redevelopment for mixed-use, multi-family use through the adoption of zoning provisions, such as a 40R Smart Growth or Transportation Orientated Development Overlay District. The Town has been awarded a technical assistance grant from the Metropolitan Area Planning Council to conduct a study on creating a Transportation Oriented Development or Chapter 40R overlay district in the Thoreau Depot village. MAPC will begin this project in late summer/early fall.

Estimated Board time: Medium

Estimated Staff time: Medium

**Implementation Priority: High**

### **3. Parking Requirements & Relief From Parking**

For the past three years, the Board has used the following six criteria to help evaluate applications requesting relief from parking:

- 1) *Has the Applicant provided documentation from parking studies and/or transportation industry publications that show the parking ratios required in the Zoning Bylaw for the proposed use is not in-line with current industry standards?*
- 2) *Has the Applicant provided information on how the proposed use is beneficial and/or contributes to the other businesses, village center and neighborhood?*
- 3) *What is the distance and availability of on-street parking, public parking facilities and alternative transportation?*
- 4) *What is the intensity of the use and the number of employees required?*
- 5) *Are alternative provisions being made for off-site parking for employees?*
- 6) *Is there currently, or is the Applicant proposing bicycle parking?*

The Board will meet with the Zoning Board of Appeals to discuss potential Zoning Bylaw Amendments and discuss whether these criteria should become a required finding for the granting of any requested relief from parking. Additionally, the Board will be reviewing the final MAPC parking report to determine if the minimum number of parking and loading spaces required for various uses still meet today's industry standards and whether there are minimum standards for shared parking situations.

Estimated Board time: Medium

Estimated Staff time: Medium

**Implementation Priority: Medium– Potential 2020 Annual Town Meeting Warrant Article**

#### **4. 2018 Envision Concord-Bridge to 2030 Comprehensive Plan**

The 2018 Comprehensive Plan Section 5 Implementation Action Chart that has a total of 188 Action Items with the Planning Division referenced in 140 and the Planning Board referenced in 54 Items. The Board will review these Action Items on an annual basis, identified timing, whether the Board should take the lead in moving forward and develop a list of Goals & Projects for the next 2 to 4 years.

Estimated Board time: High/Medium

Estimated Staff time: High/Medium

**Implementation Priority: Medium**

#### **5. Research Site Plan Rules & Regulations**

Zoning Bylaw Section 11.8.4 states that a Site Plan application shall be submitted in accordance with the rules and regulations. However, the Board has not adopted any. This is not a simple task given all of the elements and variables that go into a well thought out and successful site plan. The Town Planner will begin researching other communities that have adopted regulations and the Board will begin listing components that they feel fit with the goals and characteristics of the community.

Estimated Board time: Medium

Estimated Staff time: High

**Implementation Priority: Medium - Rolling development as staff time allows**

#### **6. Active Role in Exploring Alternative Transportation Options for the Town**

The Town has been a member of CrossTown Connect (CTC) Transportation Management Association since October 2017. In coordination with CTC, the Town submitted a Community Transit Grant application to the State to implement a shuttle from the two commuter rail stations to MCI-Concord Prison, Baker Ave. and Baker Ave. Ext., Emerson Hospital, Concord Center and employment sites on Virginia Rd. The Town is still waiting to hear on whether the grant has been awarded. If awarded, the Board will begin discussing ways the Board can take a more active role in participating and promoting CrossTown Connect and seek mechanisms to foster and promote alternative transportation options when evaluating and permitting development applications.

Estimated Board time: Low

Estimated Staff time: Medium

**Implementation Priority: Medium**

## **7. Wireless Communications Overlay District Deficiencies & Impediments Analysis**

With the on-going changes in the wireless industry, there needs to be a more comprehensive Town-wide analysis of the adequacy of the wireless communication needs of the community and wireless providers, the deficiencies and impediments. This is a process that the Town went through in 2003 through the hiring of a consultant to evaluate wireless deployment issues and to look at issues with the Zoning Bylaw. From these two reports, subsequent amendments were made to the Wireless Overlay District Map and Zoning Bylaw. The Board would need assistance from an outside consultant to pursue the project and will need to work with the Select Board and Town Manager on seeking funding. The Board notes that the changes in the industry to 5G technology appears to primarily be impacting areas within community's road right-of-ways, which is under the purview of the Select Board.

Estimated Board time: Low

Estimated Staff time: Medium – Consultant Assistance Needed

**Implementation Priority: Low/Medium - Further Study & Planning**

## **8. West Concord Design Guidelines & West Concord Business/Industrial/Village Zoning Districts**

A Board Goal from last year was to discuss further with the West Concord Advisory Committee the possibility of strengthening the West Concord Design Guidelines and amending the West Concord Business, West Concord Industrial and West Concord Village Zoning Districts to streamline the uses in the three districts and determine if the current uses are appropriate. The Board believes this is still a worthwhile process, but has not had any further discussions with the WCAC to advance the idea. The Board would like to keep this important topic on the table, but has lowered the priority due to other commitments.

Estimated Board time: Medium – Significant input from WCAC

Estimated Staff time: High

**Implementation Priority: Low**

## **9. Subdivision Rules & Regulations**

The new MS4 Permit requirements under the EPA's National Pollution Discharge & Elimination System (NPDES) Program have been issued, litigated and are now in effect. The Public Works Department will be submitted the Town's MS4 Plan for review and approval. One milestone action item in the Plan will be updating the Subdivision Rules & Regulations. The Town Planner has done some preliminary review of the current Regulations with the Town Engineer and investigated some communities who have done recent updates. However, with the departure of the Town Engineer again, as well as other Engineering staff, there will not be sufficient Engineering staff to assist with a substantial overhaul of the construction standards until January 2020 at the earliest. Revisions to the Rules & Regulations will require a legal notice, public hearing and adoption by the Board.

Estimated Board time: Low

Estimated Staff time: High

**Implementation Priority: Low – Rolling development as staff time allows**

## **10. Senate & House Zoning Reform Bills**

Once again there are a number of bills going through the Senate and the House regarding zoning reform. There will be opportunities for communities to comment on these bills as they move through. It is not likely that any zoning reform will impact the Board in the next year. However, should something pass, it will require a significant amount of time in 2020 to review the Zoning Bylaw and develop appropriate Bylaw amendments. The Town Planner will continue to monitor the various bills.

Estimated Board time: Low

Estimated Staff time: Low

**Implementation Priority: Further Study & Planning**

## Comprehensive Long Range Plan Housing Goals

The Planning Board can contribute to the CLRP's housing goals (Section 4.3 of the plan) by amending Concord's zoning bylaw. Two goals are especially relevant:

"Goal 5: Encourage renovation of existing single family homes (in all zoning districts), and identify the opportunities to create accessory dwelling units within existing structures in all zoning districts, and allow cluster development and cohousing in designated areas."

Related Goal 5 actions:

1. "Amend the two-family or additional dwelling unit bylaw"
2. "Adopt Natural Resource Protection Zoning (NRPZ), allowing co-housing and other clustered development"

"Goal 6: Identify regulatory tools and tax incentives to encourage developers to build housing the Town wants/needs, especially denser housing near town centers or small (5-10 unit) developments such as Riverwalk, in ways that reinforce existing historical character and support sustainable development practices."

Related Goal 6 actions:

1. "Adopt zoning provisions, such as a [Transit Orientated Development or] 40R Smart Growth Overlay District to encourage the redevelopment of the Thoreau Street Depot Area and adjacent Crosby's Market Area to allow mixed-use, multi-family redevelopment or live-work spaces."
2. "Consider zoning amendments or use of the town's Planned Residential Development zoning provisions"

## Planning Board Housing Choice Objectives

- Produce incremental units of housing that match future needs:
  - Smaller average household sizes
  - "Age in place" options
  - Flexibility for extended families
  - "Smart growth": greater density near shopping, transit and cultural resources
- Provide less expensive ("moderately affordable") housing options without subsidies
- Protect neighborhood character:
  - Maintain existing dimensional requirements (height, setbacks, FAR)
  - Leverage existing building types wherever possible (barns, carriage houses, detached garages, duplexes)
  - Require special permits when there's a risk of disruption to the neighborhood

## Prioritized Planning Board Housing Initiatives

1. Simplify the process of creating an accessory dwelling unit in all residential districts
2. Allow 2-family houses in residential districts near village centers
3. Revise the planned residential development (PRD) bylaw to
  - a. Encourage more dense, energy efficient and walkable development near village centers
  - b. Better protect open space in proposed projects outside of village centers
4. Research the potential for transit-oriented mixed-use development in the Thoreau Depot Business district

## Proposed Bylaw Regulations for Accessory Dwelling Units and 2-Family Houses

	<b>Accessory Dwelling Units</b>	<b>2-Family Houses</b>
<i>Permitted locations</i>	All residential districts	Residential districts within ½ mile of village centers (or alternatively, Residence C)
<i>Occupancy requirements</i>	One unit must be owner-occupied	No restrictions – absentee ownership allowed
<i>Sale restrictions</i>	A unit may be rented, but it may not be sold	No restrictions – conversion to a 2-unit condominium allowed
<i>Detached structures</i>	An accessory unit may be in a detached structure <sup>1</sup>	Both units must be part of the same structure
<i>Dimensional requirements</i>	Same setbacks, height and FAR as single-family residences in the zoning district	
<i>Minimum unit size</i>	350 square feet	
<i>Maximum unit size</i>	750 square feet gross floor area by right; up to 1000 square feet GFA by special permit	No restrictions, other than imposed by FAR and setbacks for the district
<i>Maximum number of rooms/bedrooms</i>	No restrictions, other than those imposed by Title V. (Assumption is that maximum unit size will limit accessory unit rooms/bedrooms as a matter of practice.)	
<i>Maximum unit occupancy</i>	No restrictions, other than those imposed by existing Town Bylaw (Assumption is that maximum unit size will limit accessory unit occupancy as a matter of practice.)	
<i>Special permit requirements</i>	Allowed by right on conforming lots. Special permit required for accessory units: 1) in detached structures that do not meet primary structure setback requirements 2) on non-conforming lots where any addition or reconstruction increases non-conformance or increases GFA by over 50%	TBD, subject to feedback from key stakeholders: Either a special permit required in all cases, or by-right on conforming lots.
<i>Parking requirements</i>	None	None
<i>Special permit term/expiration</i>	Permit is permanent and transferable to future owners	
<i>Sewer hookup requirements (where applicable)</i>	None	TBD pending discussion with public works department

<sup>1</sup> See special permit requirements

## Planned Residential Development (PRD) Initiatives

“Village PRD” Concept – Dense, walkable development near village centers

- The Planning Division mapped the eligible properties within ½ mile and ¾ mile of the village centers
- Only two properties met the minimum PRD lot size requirement of 40,000 square feet (Residence C) that weren’t primarily in the flood plain.
- The Board concluded that it was not worth developing a separate PRD bylaw that would apply to just two building lots.

“Open Space PRD” Concept – Enhanced natural resource protection for future development projects

- Tighten open space requirements to assure that remaining open space is useable and provides a public amenity wherever possible.
- Set parking maximums and/or limit the average number of garage bays per unit.
- Evaluate the potential for increasing the required upland area (areas outside of floodplain and wetlands)

## Thoreau Depot Business District Transit-Oriented Development

- The Town received a technical assistance grant from the Metropolitan Area Planning Council to conduct a study on creating a Transportation Oriented Development or Chapter 40R overlay district in the Thoreau Depot village.
- MAPC will begin this project in late summer/early fall.
- Any zoning changes would likely come before Town Meeting in 2021.

## WARRANT ARTICLE

### ZONING BYLAW AMENDMENT

#### **Two-family or additional dwelling**

**ARTICLE XX.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.2.2** to delete Section 4.2.2.2 entirely and adopt a new Section 4.2.2.2 that reads as follows:

4.2.2.2 For the purpose of providing small additional dwelling units to rent in the Town that will not substantially alter the appearance of the Town or for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, a building permit may be granted for one additional dwelling unit in a single-family dwelling or detached accessory structure provided that:

- (a) The area of the lot on which the single-family dwelling and additional dwelling unit is located shall not be less than the required minimum lot size for the applicable Zoning District;
- (b) The additional dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than 750 gross square feet of the single-family dwelling or detached accessory structure;
- (c) The additional dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;
- (d) No more than one such additional dwelling unit shall exist on the lot;
- (e) Either the additional dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;
- (f) Dimensioned floor plans of the additional dwelling unit shall be filed with the building permit or special permit application;
- (g) No use or occupancy of the additional dwelling unit shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;
- (h) The additional dwelling shall meet the required setbacks for the primary structure of the applicable Zoning District and a site plan, at a measurable scale, shall be submitted with the application to the Building Inspector showing the location of the additional dwelling unit, and the location and arrangement of parking spaces on the property;
- (j) Parking for the additional dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;
- (j) The property is served by Town sewer or, alternatively, the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit;
- (k) Additional landscaping and fencing is provided as required by the Building Inspector to reduce the visual and auditory impact on adjacent properties;
- (l) The additional dwelling unit shall not be legally separated and/or sold apart from the single family dwelling;

(m) The additional dwelling unit shall meet the height restrictions for primary and accessory structures in the applicable Zoning District as required in Section 6.2.11;

(n) The total gross floor area of all buildings on the lot shall conform to the maximum floor area ratio as required in Section 6.2.13, and;

(o) The single family dwelling or the additional dwelling unit shall not be used for a bed and breakfast under Section 5.3.15.

The Board may grant a Special Permit for relief for an additional dwelling unit located on a lot with less than the required minimum lot size for the applicable Zoning District, and/or an additional dwelling unit up to 1,000 gross square feet, and/or a reduction in the required setbacks for a detached additional dwelling unit provided the Board finds that a literal application of this requirement would be unreasonable and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

or take any other action relative thereto.

This proposed amendment

Due to the number of amendments required throughout the entire Bylaw, the Bylaw is being replaced in its entirety for ease of reading.

**Existing Additional Dwelling Unit Zoning Bylaw**  
**Section 4.2.2.2**

4.2.2.2 For the purpose of providing small additional dwelling units to rent without adding to the number of buildings in the Town or substantially altering the appearance of the Town and for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, the Board may grant a special permit for one additional dwelling unit in a single-family dwelling for which a final certificate of occupancy was issued at least two years prior to an application for said permit, or if no such certificate was issued, which was legally occupied prior to such date, provide that:

- (a) The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet;
- (b) The dwelling unit shall be located within the single-family dwelling as it existed two years prior to the date of application for the special permit;
- (c) The dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than one-third of the gross floor area (as of two years prior to the date of application for the special permit) of the single-family dwelling exclusive of any garage, shed or similar structure of accessory use attached to the single-family dwelling;
- (d) The dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;
- (e) No more than one such dwelling unit shall exist within the single-family dwelling;
- (f) No more than minimum exterior alterations shall be made to the single-family dwelling;
- (g) Either the dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;
- (h) Floor plans of the dwelling unit and the single-family dwelling, with a site plan showing the location of the single-family dwelling on the lot, have been filed with the Building Inspector prior to or at the time of application to the Board;
- (i) Application for a building permit or certificate of occupancy shall be made to the Building Inspector and no use or occupancy shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;
- (j) A site plan, at a measurable scale, shall be submitted with the application to the Board showing the location and arrangement of parking spaces on the property;
- (k) Parking for the dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;
- (l) Confirmation that the property is served by Town sewer or, alternatively, confirmation that the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit;
- (m) Additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties;
- (n) The special permit expires upon the sale or transfer of the equity interest in the property to another owner. A new owner may seek a special permit from the Board, and the Board may grant a special permit, for continued use of the dwelling unit provided that the property is in compliance with all other provisions of the Zoning Bylaw.

## Kerry Lafleur

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**From:** Kerry Lafleur  
**Sent:** Monday, September 9, 2019 2:40 PM  
**To:** ellen.emerson@yahoo.com  
**Cc:** Kerry Lafleur  
**Subject:** RE: a query

Good Afternoon Ms. Emerson,

On behalf of the Finance Committee, I am providing you with the responses below. If you have any further questions regarding this information, please let me know.

Kerry A. Lafleur  
Finance Director  
Town of Concord

-----Original Message-----

**From:** Ellen Emerson <ellen.emerson@yahoo.com>  
**Sent:** Thursday, September 5, 2019 10:57 AM  
**To:** finance mail <finance@concordma.gov>  
**Subject:** a query

Dear Finance Committee,

I would greatly appreciate information concerning fees charged by Andersen and Krieger relative to the lawsuit filed by the Select Board in October, 2017, against private landowners in Concord. This would include fees charged in the period preceding the initiation of the lawsuit, ie. consultation with the Select Board and subsequent drafting and filing of the complaint, as well as all fees relative to work performed after the lawsuit was filed.

More specifically, I would like the following information:

1. Fees charged by Andersen and Krieger in fiscal year 2018 and paid for from FY 2018 Legal Funds and Reserve Funds (if applicable). In FY18, Anderson Kreiger billed the Town of Concord a total of \$260,103.26 for the Estabrook litigation. In FY18, the Town budgeted a total of \$225,000 for all General Fund legal expenses. In FY18, the Town incurred a total of \$458,002.37 in General Fund legal expenses, inclusive of the \$260,103.26 for the Estabrook litigation, leaving an excess expenditure of \$233,002.37. \$225,000 of the excess was funded by the Reserve Fund and the remaining \$8,002.37 of the excess was funded through various line item transfers.
2. Fees charged by Andersen and Krieger in fiscal year 2019 and paid for from FY 219 Legal Funds and Reserve Funds. In FY19, Anderson Kreiger billed the Town of Concord a total of \$350,367.85 for the Estabrook litigation. In FY19, the Town budgeted a total of \$350,000 for all General Fund legal expenses (\$250,000 appropriated at annual town meeting + \$100,000 appropriated at 10/1/18 special town meeting). In FY18, the Town incurred a total of \$629,462.47, inclusive of the \$350,367.85 for the Estabrook litigation, leaving an excess expenditure of \$279,462.47. \$225,000 of the excess was funded by the Reserve Fund and the remaining \$54,462.47 was funded through various line item transfers.
3. Fees charged by Andersen and Krieger in fiscal year 2020 and paid for from FY 2020 Legal Funds and Reserve Funds. In FY20, Anderson Kreiger has billed the Town of Concord a total of \$26,279.20 for the Estabrook

litigation. This amount represents billing through July 31, 2019, which is the most recent billing from Town Counsel. This amount has been paid from the FY20 General Fund Legal appropriation.

4. If there are fees charged by Andersen and Krieger but not yet paid by the Town, what is the current amount of those charges? At this time, all invoices from Anderson Kreiger related to this matter have been paid, though I expect to receive an invoice for the month of August within the next few days.

In addition to the responses above, I note that the Town incurred additional expenses related to the Estabrook matter as follows: in FY16, \$22,626.50; and in FY17, \$27,289.29. In total, the Town has expended \$686,666.10 related to the Estabrook matter/ litigation.

Thank you very much in advance for your assistance with this query.  
As a concerned taxpayer, I greatly appreciate your help.

All best wishes,

Ellen Emerson  
1061 Monument Street  
email: ellen.emerson@yahoo.com

**Kerry Lafleur**

**From:** Laurie Hunter <lhunter@concordps.org>  
**Sent:** Sunday, September 15, 2019 7:52 PM  
**To:** Wally Johnson; Heather Bout; Court Booth; Cynthia Rainey; Yuval Erlich; David Model; Erin Higgins; Jared Stanton; Ian Rhames; Stephen Crane; Kerry Lafleur; Dean Banfield; Mary Hartman; Tim Goddard; Melissa McMorrow; Victor Liang; Eva Mostoufi  
**Subject:** Projected CCHS Assessment Shift FY21  
**Attachments:** Assessment shift estimate.xlsx

Hello,

We felt it important to start forecasting any shift in the assessment to each town as early as possible as we build FY21. Based on September 1, 2019 CCHS enrollment data, you'll see below (and attached) that we anticipate an increase of just under 1% of the overall CCRSD budget to Concord's assessment. Using the FY20 budget numbers, that would be approximately \$279,000. The regional agreement requires the use of the October 1, 2019 data but that is not likely to bring significant change. As you know, this increase is found in the total bottom line allocation assessed to each town, not in any portion of the budget itself. Carlisle sees the same amounts only as reductions.

We look forward to providing additional FY21 budget information in October. Please let me or Jared know if you have any questions.  
Best,  
Laurie

	October 1 2018		September 1 2019		Estimated Enrollment Shift	
	Concord	Carlisle	Concord	Carlisle	Concord	Carlisle
9th grade	235	72	251	74	16	2
10th grade	224	63	233	71	9	8
11th grade	206	78	229	68	23	-10
12th grade	238	84	208	76	-30	-8
Enrollment	903	297	921	289	18	-8
Enrollment/Assessment	75.25%	24.75%	76.12%	23.88%	0.87%	-0.87%
Enrollment Shift Impact					\$ 279,312	\$ (279,312)