



OLD NORTH BRIDGE

**TOWN OF CONCORD**

TOWN HOUSE - P.O. BOX 535  
 CONCORD, MASSACHUSETTS 01742

**Select Board Agenda**

July 10, 2023 at 6:00 PM

Town House, Select Board Room, 22 Monument Square

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83899755756?pwd=bEJoLzc3T09hVUdMMXFuYmZVTTRNdz09>

**Meeting ID:** 838 9975 5756

**Passcode:** 103748

**Dial In Toll-Free:** 833-928-4608

#	Time*	Agenda Item
I.	6:00 PM	Public Comment: Public Comment is limited to up to 15 minutes, with no more than 3 minutes allocated to any one speaker. Public Comment is limited to items that are not on the agenda.
II.	6:15 PM	Consent Agenda <ul style="list-style-type: none"> <li>a. Meeting Minutes: April 12, 2023; April 24, 2023; June 26, 2023</li> <li>b. One Day Liquor Licenses:               <ul style="list-style-type: none"> <li>i. All Alcoholic Beverages for the Bay State Senior Golf Association Golf Outing on Monday, July 10, 2023 from 4:00 PM to 9:00 PM at Concord Country Club, 246 ORNAC</li> <li>ii. Wines &amp; Malt Beverages Only for Sadhna Upadhyay for a Family Party on Sunday, July 16, 2023 from 12:00 PM to 4:00 PM at Verrill Farm, 11 Wheeler Road</li> <li>iii. Wines &amp; Malt Beverages Only for Betsy Parrot of Belmont High School for the HBS Golf Tournament for Financial Aid on Monday, September 18, 2023 from 6:00 PM to 8:00 PM at Concord Country Club, 246 ORNAC</li> <li>iv. Wines &amp; Malt Beverages Only for Breck Bailey of Winter Hill Brewing Company for the Oktoberfest Beer Garden on Saturday, September 30, 2023 from 12:00 PM to 6:00 PM at Verrill Farm, 11 Wheeler Road</li> </ul> </li> <li>c. Town Accountant Warrant: June 22, 2023; June 29, 2023; July 6, 2023</li> <li>d. Committee Nominations               <ul style="list-style-type: none"> <li>i. J. Ray Andrews of 11 Dalton Road for a term to expire May 31, 2026 to the Concord Housing Development Corporation</li> </ul> </li> </ul>
III.	6:20 PM	Committee Appointments – Select Board Appointments

		<ul style="list-style-type: none"> <li>a. Holly LeGault of 242 Monsen Road for a term to expire May 31, 2026 to the Public Ceremonies and Celebrations Committee</li> <li>b. Dean Banfield of 73 Walden Terrace, Stephen Newbold of 124 Hillcrest Road, Charles Parker of 105 Chestnut Street, Wendy Rovelli of 42 Bow Street, and Philippe Villers of 20 Whits End Road for a term to expire April 30, 2024 or at the completion of their work to the Solar Implementation Task Force</li> <li>c. Sue Beck of 190 Prairie Street to the West Concord Junction Cultural District Committee for a term to expire May 31, 2026</li> <li>d. James Vahey of 1544 Main Street to complete an unexpired term to expire on May 31, 2025, Pamela Ressler of 15 Partridge Lane to complete an unexpired term to expire May 31, 2026, Dee Clarke of 28 Concord Greene, Unit 3 as an Associate Member for a term to expire May 31, 2026 to the Library Committee</li> </ul> <p>Town Staff Appointments – Select Board Appointments</p> <ul style="list-style-type: none"> <li>a. Mary Barrett as the Town Accountant for a term to expire May 31, 2026</li> </ul> <p>Town Staff Appointments – Town Manager Appointment with Select Board Approval</p> <ul style="list-style-type: none"> <li>a. Colleen Rhinhart as the Interim Town Treasurer-Collector for a term to expire October 31, 2023</li> </ul>
IV.	6:25 PM	Town Manager’s Report
V.	6:35 PM	Select Board Liaison Reports
VI.	6:50 PM	<p>Report on grant funding and consultation with Acton counterparts on modifications to the Acton-Concord Regional Emergency Communications Center</p> <p>Presenter: Kerry Lafleur, Town Manager &amp; Terri Ackerman, Select Board Member</p> <p>See <a href="#">June 26, 2023 Select Board Meeting Packet</a> for more information</p>
VII.	7:00 PM	<p>Report on further revisions to letter to the Governor regarding Hanscom North Airfield Expansion</p> <p>Presenter: Terri Ackerman, Select Board Member</p> <p>See <a href="#">June 26, 2023 Select Board Meeting Packet</a> for more information</p>
VIII.	7:15 PM	<p>Discuss Fiscal Year 2024 Select Board Goals</p> <p>Presenter: Henry Dane, Chair of Select Board</p>
IX.	7:40 PM	Communications and Documents of Interest for Information but Not Discussion
X.	7:40 PM	Adjournment

*\*Times are approximate and subject to change*

## Upcoming Meetings:

Monday, July 24, 2023

Monday, August 7, 2023

August 21, 2023



The Town of Concord endeavors to make public meetings accessible to all members of the community. To request a meeting accommodation or modification, please contact our ADA Coordinator Megan Zammuto, [mzammuto@concordma.gov](mailto:mzammuto@concordma.gov) or 978-318-3006. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled.

**Town of Concord  
Select Board  
Minutes  
April 12, 2023**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at the Harvey Wheeler Community Center Auditorium at 1276 Main Street and via Zoom at 7:00 PM on April 12, 2023 as part of the Concord Housing Roundtable.

Present were: Matthew Johnson, Chair; Linda Escobedo, and Mary Hartman

**Call to Order**

Liz Rust, Director of the Regional Housing Services Office, opened the meeting. Ms. Rust asked that those committees with a quorum present to open their meetings.

Select Board Chair Matthew Johnson called the meeting to order at 7:00 PM.

Chair Johnson identified that the members present were Ms. Hartman, Ms. Escobedo via Zoom, and himself.

**Housing Production Plan – Update on Goals and Strategies from each Board;  
Other Updates from each Board**

Liz Rust, Director of the Regional Housing Services Office, opened the discussion first with a kind tribute to Marcia Rasmussen as she is retiring. Ms. Rust then welcomed all groups to comment on the Housing Production Plan goals & strategies relevant to their area, and any other affordable housing initiatives they are pursuing.

Keith Bergman, Chair of the Concord Municipal Affordable Housing Trust, reported on the status of the Transfer Fee and Building Surcharge legislation, and the upcoming articles at Annual Town Meeting which would transfer funds to the CMAHT. Mr. Bergman urged everyone to attend Annual Town Meeting on Sunday, April 30, 2023.

Lee Smith, Chair of the Concord Housing Development Corporation, reiterated that the mission of the CHDC is to preserve and create affordable housing, and that available funds was a major obstacle. Mr. Smith gave an update on Junction Village and stated that several community groups expressed support for family housing at that site. He stated that another public forum would occur on April 26<sup>th</sup>, followed by the issuance of an RFP sent out to developers in May with a one-month timeframe to respond. Mr. Smith also gave an update on the Assabet River Bluff housing development.

Chair Johnson acknowledged the termination of the Christopher Heights project and offered that it allowed a reset and re-energized commitment to affordable housing. Chair Johnson further acknowledged the recent efforts by the CHDC on Main Street, the Concord Housing Authority on Commonwealth Avenue, and noted the potential for the new parcel on Main Street, and potential in the Baker Avenue area with the Assabet River bridge and the backdrop of the 3A/MBTA zoning which provides promise for expedited permitting. Chair Johnson continued that other priorities for the Select Board include green development and increased capacity in Concord's wastewater treatment capacity.

**Town of Concord  
Select Board  
Minutes  
April 12, 2023**

Stephanie Chrobak, Chair of the Concord Housing Authority, shared that the CHA priorities include 1) taking care of its existing units and tenants; 2) developing new units (Commonwealth Avenue for example); 3) providing resident services; 4) community relations and advocacy. Diane Proctor, Chair of the Community Preservation Committee, noted the lost opportunity to help seniors with Christopher Heights, and stressed the importance of listening to neighborhood feedback. Ms. Proctor cited community engagement bringing success to the Assabet River Bluff property purchase recently completed. Ms. Proctor stressed that working together will solve the most pressing housing needs in our community.

Frank “Rich” Feeley of the Concord Housing Foundation introduced the CHF, the independent 501 C3 dedicated to education and advocacy, as well as fundraising. The CHF has a new website design and is getting ready to publish its spring newsletter.

Linda Miller of the Planning Board reviewed the status of Article 35 – Zoning Bylaw Amendment – Combined Business/Residence for Annual Town Meeting and noted that this article would likely not be moved at Annual Town Meeting. Ms. Miller continued that the Planning Board will instead regroup and focus on the MBTA Communities zoning for 2024 Annual Town Meeting. Ms. Miller noted that the Planning Board is not an advocacy group and is looking to call on the groups in attendance at the meeting to support their efforts.

Questions and comments from the public in attendance included: sewer capacity limitations, neighborhood opposition to the Concord Housing Authority efforts at 1031 Main Street, and desire for greater communication.

**Town Meeting Reminder**

**Adjournment**

Chair Johnson adjourned the meeting.

**Meeting Materials:**

[Select Board Meeting Recording for April 12th](#)

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at 22 Monument Square on the 2<sup>nd</sup> floor in the Select Board Room and via Zoom at 6:30 PM on April 24, 2023.

Present were: Matthew Johnson, Chair; Terri Ackerman, Clerk; Henry Dane, Linda Escobedo (via Zoom), and Mary Hartman

\* All votes reflect a Roll Call Vote due to the members attending in a hybrid meeting format

**Call to Order**

Select Board Chair Matthew Johnson called the meeting to order at 6:30 PM.

**Consent Agenda**

- One Day Liquor Licenses:
  - All Alcoholic Beverages for Concord Education Fund for Trivia Night at Nashoba School Discovery Barn at 200 Strawberry Hill Road on May 5, 2023 from 7:00 PM to 10:00 PM
  - Wine and Malt Beverages Only for Think Give, Incorporated for the 10<sup>th</sup> Anniversary Celebration at Nashoba School Discovery Barn at 200 Strawberry Hill Road on May 12, 2023 from 7:00 PM to 10:00 PM
  - Wines and Malt Beverages Only for 50<sup>th</sup> Anniversary Committee for the 50<sup>th</sup> Anniversary Celebration at Nashoba School Discovery Barn at 200 Strawberry Hill Road on May 19, 2023 from 6:00 PM to 10:00 PM
- Town Accountant Warrant: April 13, 2023, April 20, 2023
- Gift Acceptances:
  - Original design painting donated by Margot Kimball valued at \$2,500.00 for the Council on Aging
  - \$1,500.00 donated by the Friends of the Concord Free Public Library for the Library Staff Gift Account
- Tour Guide Licenses:
  - Jonathan Stevens
  - Noah Katz
  - Jamiee Leigh Joroff
  - Matthew Beres
- Proclamations:
  - Public Safety Telecommunicators Week – April 10 – April 16, 2023
  - Administrative Professionals Day – April 26, 2023
  - Professional Municipal Clerks Week – May 1 – May 6, 2023
  - Concord Public Works Week – May 15 – May 21, 2023

Chair Johnson elected to abstain from the vote in connection with the gift acceptance for the Council on Aging.

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Upon a motion duly made and seconded, it was **voted:** to approve the Consent Agenda. The motion passed 4-0-1.

**Roll Call Vote:**

Chair Johnson – Abstain  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Town Manager’s Report**

Town Manager Kerry Lafleur presented the Weekly Operations Report for the week ending April 21, 2023. The full report can be viewed [here](#).

**Chair’s Report**

Chair Johnson shared a presentation to summarize the Select Board’s progress with its goals for 2022-2023, with 47 out of 52 goals being completed or in progress. Chair Johnson referenced a few priority goals that have yet to be completed, including evaluating the recommendations of the Personnel Bylaw Study Task Force and proposed future charge of the Personnel Board, diversity, equity, and inclusion work, and the development of a Town-wide Transportation Study. The Select Board identified other initiatives that were pending and briefly discussed how to focus attention on future projects in Town.

**Application for a Change of Directors and Officers for Concord Rod and Gun**

Mr. Dejan Bojanic, President of Concord Rod & Gun Club, Incorporated appeared in before the Select Board seeking approval for a change of directors and officers, stating that the new officers had no beneficial interest and that there would be no change of management.

Ms. Hartman asked what kind of weapons were allowed on the gun range and what the hours of operation of the range were.

Mr. Bojanic replied that shotguns, rifles and pistols were allowed on range between 9:00 AM and dusk, with the exception of Sundays.

Mr. Dane elected to abstain from the vote, stating that he was a member of the club.

Upon a motion duly made and seconded, it was **voted:** to approve the application for a Change of Directors and Officers for Concord Rod & Gun at 74 Strawberry Hill Road. The motion passed 4-0-1.

**Roll Call Vote:**

Chair Johnson – Aye

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Ms. Ackerman – Aye  
Mr. Dane – Abstain  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Designate an Approver of Town Accountant Warrants**

Chair Johnson stated that the Select Board must designate an approver of Town Accountant Warrants because his term was ending and another Select Board meeting would not be scheduled until May 15, 2023.

Ms. Hartman volunteered to take on this position in the interim until a new Select Board Chair was elected.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve Ms. Mary Hartman as the designee to be the Approver of Town Accountant Warrants until May 15, 2023

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Diversity, Equity, and Inclusion Commission Update**

Mr. Josh Lee and Ms. Andrea Foncerrada, members of the Diversity, Equity, and Inclusion (DEI) Commission appeared before the Select Board to provide a general briefing, insight on DEI survey results, and discuss Annual Town Meeting Warrant Article 10 – Citizen Petition: DEI Director. Mr. Lee and Ms. Foncerrada presented major findings in an executive summary that is included in the Select Board meeting packet.

Ms. Hartman commended the effort put into the DEI survey, stating that it was an important building block, and opined that the Town should not make the mistake of using survey information solely to guide policy or hiring decisions.

Ms. Ackerman asked if other Towns DEI Director’s report to the Town Manager or if they are integrated into a Human Resources Department.

Ms. Hartman asked how much work could be accomplished by a consultant.

Ms. Foncerrada replied that a consultant could assist with some facets, but ultimately it would be the leadership of the DEI Director to initiate the development and implementation of the DEI-related activities in the Town.

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Mr. Lee added that a quantifiable roadmap of goals would need to be developed to determine a way to measure success.

Ms. Ackerman acknowledged the importance that initiatives need to be undertaken to increase diversity and engagement of residents in local government and strengthen the Town government's community connections, however, the Select Board must make fiscal deliberations mindfully because in the last few years the Town has hired approximately 10 or 12 more new full-time positions.

Chair Johnson discussed other models that might work, such as a regional approach to a DEI Director, similar to the Regional Housing Services Office.

**Public-Private Partnership Update**

Tabled to a later Select Board meeting.

**Review Select Board Statements and Take Positions on  
Annual Town Meeting Warrant Articles**

The Select Board reviewed Annual Town Meeting Warrant Articles which they are sponsoring and prepared statements on. The Board concurred that the following members prepared statements for the below Warrant Articles:

- Article 5: New Classification and Compensation Plan for Regular Status Positions – Ms. Ackerman
- Article 10: Citizen Petition – DEI Director – Chair Johnson
- Article 17: Concord Public Schools Budget – Mr. Dane
- Article 19: Concord Public Schools Capital Projects – Fields & Landscaping – Chair Johnson
- Article 22: Citizen Petition – Municipal In-Town Solar Generation Task Force – Ms. Hartman
- Article 23: Adopt Specialized Stretch Energy Code – Chair Johnson
- Article 26: Community Preservation Committee Appropriation Recommendations – Ms. Escobedo
- Article 34: Zoning Bylaw Amendment – Mobile Food Establishment – To Be Determined
- Article 37: Citizen Petition – Prohibition of Gas-Powered Leaf Blowers – Ms. Hartman
- Article 25: Appropriation for 250<sup>th</sup> Anniversary Celebration – Mr. Dane, if permitted by the Moderator

Chair Johnson noted that the Select Board must deliberate on as many statements as possible in this evening's meeting, and depending upon the outcome of those deliberations, the Board can continue to review statements during the Select Board meeting scheduled before Annual Town Meeting. Chair Johnson continued that in spite of Article 10 – Citizen Petition: DEI Director being presented as a difficult fiscal situation, it's worth continuing to work towards supporting

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

the goals of the DEI Commission in collaborating on creative solutions to develop and implement measures to improve equity and inclusion.

Ms. Ackerman suggested that the Select Board can reorganize through some other local effort in Town or work with other communities to create systems to collect, analyze, and address reports of bias/discrimination and champion equitable policies, procedures, and processes.

Ms. Lafleur voiced that she would recommend favorable action on the motion to approve Article 10 as it is an advisory action that likely would not have fiscal impact until Fiscal Year 2025 and it aligns with the Select Board's goals.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to recommend affirmative action on Article 10 – Citizen Petition: DEI Director.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

The Select Board discussed Article 17 – Concord Public Schools Budget.

Ms. Lafleur presented a table of proposed adjustments to the Town's budget to provide the Select Board with a high-level overview of total spending versus what is allocated in the budget.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to reconsider the Select Board's initial recommendation on Article 17 – Concord Public Schools Budget.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

Upon a motion duly made and seconded, it was  
**voted:** to recommend affirmative action in support of the Finance Committee Guidelines.  
The motion passed 4-1-0.

**Roll Call Vote:**

Chair Johnson – Nay  
Ms. Ackerman – Aye  
Mr. Dane – Aye

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Ms. Escobedo – Aye  
Ms. Hartman – Aye

The Select Board tabled the discussion on Article 19 – Concord Public Schools Capital Projects – Fields & Landscaping.

The Select Board discussed Article 22 – Citizen Petition: Municipal In-Town Solar Generation Task Force.

Ms. Hartman stated that Article 22 is another advisory article that gives the Select Board an opportunity to assemble a task force that would work collaboratively and make progress on an issue that is important to the Town.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to recommend affirmative action on Article 22 – Citizen Petition: Municipal In-Town Solar Generation Task Force.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

The Select Board tabled the discussion on Article 25 – Appropriation for 250<sup>th</sup> Anniversary Celebration.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to recommend affirmative action on Article 34 – Zoning Bylaw Amendment – Mobile Food Establishment.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

The Select Board discussed Article 37 – Citizen Petition: Prohibition of Gas-Powered Leaf Blowers.

Town Moderator Carmin Reiss clarified that it is the petitioner’s intent to have an amendment added that the ban only applies to residential and commercial property, not Town property.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

**voted:** to reconsider the Select Board’s initial recommendation on Article 37 – Citizen Petition: Prohibition of Gas-Powered Leaf Blowers.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to recommend affirmative action on Article 37 – Citizen Petition: Prohibition of Gas-Powered Leaf Blowers.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Determine Time of “No New Business” for Annual Town Meeting**

Town Moderator Carmin Reiss appeared before the Select Board to discuss the time of “no new business” for the first night of Annual Town Meeting.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to approve 5:30 PM as the time of “no new business” for Annual Town Meeting on Sunday, April 30, 2023.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Discuss Parking Meters**

Town Manager Kerry Lafleur opened the discussion on Annual Town Meeting Warrant Article 43 – Appropriation of Parking Meter Receipts. Ms. Lafleur noted that the meters that are currently in place were installed in Fiscal Year 2017 and are in need of upgrading, which will be costly and only makes sense if the program will continue in the long term.

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

Mr. Dane noted that he would like the Select Board to consider the impact of continuing a program that hasn't been evaluated post-pandemic while there is enhanced visitor and tourist traffic anticipated, and how the current system has imposed a burden on shoppers and plows in Town Center during previous winters.

Ms. Ackerman asked about the costs associated with the upgrades.

Ms. Lafleur replied that the maintenance contract consists of the meters, any hardware replacement, any software upgrades, and any fees associated with collection.

Ms. Ackerman acknowledged that maintenance costs were high and recommended reevaluating all existing transportation-related programs and plans and seeking new solutions while discontinuing the long-standing program.

Director of Planning and Land Management Marcia Rasmussen commented that meters were critical to West Concord because the MBTA imposed a fee in their parking lot and had apprehension that commuters would rather not pay the fee and would park on the street taking up those spaces, explaining how the meters were installed as a deterrent.

Upon a motion duly made and seconded, it was **voted:** to recommend no action on Article 43 – Annual Appropriation for Parking Meter Receipts. The motion passed 4-1-0.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Nay  
Ms. Hartman – Aye

**Determine Town Manager Evaluation Form**

Chair Johnson presented a draft Town Manager Evaluation Form that is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Town Manager Evaluation Form as included in the Select Board meeting packet.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Town of Concord  
Select Board  
Minutes  
April 24, 2023  
Determine May 15, 2023 Select Board Meeting Agenda**

Chair Johnson noted that as his term was ending on the Select Board following Annual Town Meeting, the Select Board must discuss and publish an agenda for the next meeting on May 15, 2023.

The Select Board concurred that the agenda include the election of a new Chair and Clerk, a Consent Agenda that may contain any routine items, Town Manager's Report, an Annual Town Meeting Debrief, the adoption of the Town Manager Evaluation timeline, assignment of Board and Committee Liaisons, and Correspondence.

**Committee Nominations**

Ms. Ackerman confirmed the following nominations:

- Paul Boehm of 11 Ridgewood Road, Gary Kleiman of 57 Central Street, Pamela Hill of 15 Whittemore Street, David Ropeik of 21 Baker Avenue, Carrie Flood of 1289 Main Street, Karl Seidman of 93 Wright Avenue, Kurt Herman of 86 Whittemore Street, Frank "Rich" Feeley of 347 Lexington Road, and Court Booth of 144 Wright Road for terms to expire May 31, 2026 or at the completion of their work on the 2229 Main Street Advisory Task Force
- Robert Gross of 401 Main Street for a term to expire May 31, 2026 to the Concord Cultural Council
- Nancy Brown of 96 Forest Ridge for a term to expire May 31, 2026 to the Diversity, Equity, and Inclusion Commission
- Hester Schnipper of 631 Main Street for a term to expire May 31, 2026 to the Hugh Cargill Trust Committee
- Megan Carroll of 277 Old Bedford Road to complete an unexpired term to expire on May 31, 2024 to the PEG Access Advisory Committee

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Liza Bemis of 5 Grant Street for a second term to expire May 31, 2026, Dan Schmid of 44 Baker Farm Road for a second term to expire May 31, 2026, Stephen Verrill of 415 Wheeler Road for a third term to expire May 31, 2026 and to be exempted from APP 10, Section VII(b) to the Agricultural Commission; to appoint James Whalen of 65 Dover Street for a second term to expire May 31, 2026 to the Board of Health; to appoint Jean Goldsberry of 1832 Main Street for a second term to expire May 31, 2026 to the Commission on Disability; to appoint Keith Bergman of 56 White Avenue for a term to expire April 30, 2025, Michael Lawson of 1695 Lowell Road for a term to expire April 30, 2025, Town Manager Kerry Lafleur for a term to expire April 30, 2025, Linda Escobedo, Select Board Member, for a term to expire April 30, 2024, and Frank "Rich" Feeley of 347 Lexington Road for a term to expire April 30, 2024 in accordance with the Concord Municipal Affordable Housing Trust Bylaw, Section 4 to correct that "one less than a majority of the initial Trustee appointments shall before a term of one (1) year" to

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

the Concord Municipal Affordable Housing Trust; Ji Orloff of 34 East Circle for a second term to expire May 31, 2026 to the Diversity, Equity, and Inclusion Commission; to appoint Dennis Fiori of 309 Strawberry Hill Road as an Associate Member to represent the Select Board for a term to expire January 1, 2026 and to be exempted from APP 10, Section VII(b) to the Historic Districts Commission; to appoint Elisabeth Elden of 347 Old Bedford Road for a second term to expire May 31, 2026 to the Hugh Cargill Trust Committee; to appoint Sara Grimwood of 520 Lexington Road for a second term to expire May 31, 2026 to the Natural Resources Commission; to appoint Pete Funkhouser of 266 Main Street for a second term to expire May 31, 2026 to the Recreation Commission; to appoint John Cooley of 80 Highland Street for a second term to expire May 31, 2026 to the West Concord Advisory Committee; to appoint Ravi Faiia of 169 Plainfield Road as a Full Member for a first term to expire May 31, 2026 to the Zoning Board of Appeals.

**Roll Call Vote:**

Chair Johnson – Aye  
Ms. Ackerman – Aye  
Mr. Dane – Aye  
Ms. Escobedo – Aye  
Ms. Hartman – Aye

**Correspondence**

Chair Johnson acknowledged the correspondence included in the Select Board meeting packet.

**Select Board Liaison Reports**

Chair Johnson reported on:

- Attended the Ellen Garrison Day event that was the kickoff event for the 2025 Executive Committee's 250<sup>th</sup> Anniversary events
- Attended the Holocaust Memorial Event on April 23, 2023 which he gave opening reflective remarks for
- Financial Audit Advisory Committee – Discussed the 2022 Audit Report
- Attended the Dawn Salute, which was sparsely attended and hoped that more could be done to publicize the event next year

Ms. Ackerman reported on:

- Bruce Freeman Rail Trail Advisory Committee announced that the Route 2 Bridge may be open as soon as May 31, 2023 and that there will be a commemorative event for the opening
- Attended the Holocaust Memorial Event on April 23, 2023 which was a well-organized event
- Attended the Diversity, Equity, and Inclusion Commission's survey results informational meeting

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

- 2229 Main Street Community Meeting – Meeting that occurs quarterly and invited all of the candidates for the 2229 Main Street Advisory Task Force and about half were able to attend and tour the property
- Hanscom Field Advisory Committee – Chair had done some research and reported no evidence of Massport’s claims that the increased hangar capacity will reduce ferry flights

Mr. Dane reported on:

- The Public Ceremonies and Celebration Committee’s Patriot’s Day Parade was held on April 17, 2023 which was a success despite some light rain

Ms. Escobedo reported on:

- Community Preservation Committee – Deliberated regarding their positions and presentations for Annual Town Meeting
- Attended the Concord Housing Roundtable on April 12, 2023 that was hosted by the Regional Housing Services Office and concurs with Ms. Hartman that it was a great event
- Attended the Diversity, Equity, and Inclusion Commission’s survey results informational meeting

Ms. Hartman reported on:

- Attended the Concord Housing Roundtable on April 12, 2023 that was hosted by the Regional Housing Services Office and there was valuable group discussion

**Public Comment**

Tanya Gailus of 62 Prescott Road thanked the Select Board for voting unanimously to recommend affirmative action on Article 10: Citizen Petition – DEI Director and asked the Board to send a letter to the Governor opposing the Hanscom North Airfield Hangar Expansion project.

Diane Proctor of 57 Sudbury Road commented that she hopes that the Select Board will work with Save Our Heritage to align on details regarding the Hanscom North Airfield Hangar Expansion project.

Mark Howell of 668 Annursnac Hill Road commented that he is concerned regarding the Select Board’s decision to recommend no action on Article 43 – Annual Appropriation of Parking Meter Receipts.

**Adjournment**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to adjourn the meeting.

**Meeting Materials:**

**Town of Concord  
Select Board  
Minutes  
April 24, 2023**

[Select Board Meeting Packet for April 24th](#)

[Select Board Meeting Recording for April 24th](#)

DRAFT

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both in-person at 22 Monument Square on the 2<sup>nd</sup> floor in the Select Board Room and via Zoom at 6:00 PM on June 26, 2023.

Present were: Henry Dane, Chair; Mary Hartman, Clerk; Terri Ackerman via Zoom, Linda Escobedo via Zoom, and Mark Howell

\* All votes reflect a Roll Call Vote due to the members attending in a hybrid meeting format

**Call to Order**

Select Board Chair Henry Dane called the meeting to order at 6:00 PM.

Ms. Hartman identified that the members present were Mr. Dane, Ms. Escobedo via Zoom, and Mr. Howell. Ms. Ackerman is not present at this time.

**Public Comment**

Dean Banfield of 73 Walden Terrace appeared before the Select Board and commented that nominations are put forth for a task force that has not yet been formed.

Karlen Reed of 83 Whits End appeared before the Select Board and asked when the 2022 Annual Town Report will be available online.

Paul Macone of 33 Grove Street appeared before the Select Board and asked questions pertinent to Finance Department staffing and the calculation of the town's FY24 guideline budget.

Ms. Ackerman is now present at the Select Board meeting.

**Consent Agenda**

- a. Meeting Minutes: January 9, 2023; March 20, 2023; June 7, 2023
- b. One Day Liquor Licenses:
  - i. Retroactive approval for Wines and Malt Beverages Only for Jennifer Verrill of Verrill Farm & Jon Gilman of True West Brewery for Grill Out on the Farm" on Sunday, June 25, 2023 from 5:30 PM to 8:30 PM at Verrill Farm, 11 Wheeler Road
- c. Town Accountant Warrant: June 1, 2023; June 8, 2023; June 15, 2023
- d. Committee Nominations
  - i. Holly LeGault of 242 Monsen Road for a term to expire May 31, 2026 to the Public Ceremonies and Celebrations Committee
  - ii. Dean Banfield of 73 Walden Terrace, Stephen Newbold of 124 Hillcrest Road, Charles Parker of 105 Chestnut Street, Wendy Rovelli of 42 Bow Street, and Philippe Villers of 20 Whits End Road for a term to expire April 30, 2024 or at the completion of their work to the Solar Implementation Task Force
  - iii. Sue Beck of 190 Prairie Street to the West Concord Junction Cultural District

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

- Committee for a term to expire May 31, 2026
- iv. James Vahey of 1544 Main Street to complete an unexpired term to expire on May 31, 2025, Pamela Ressler of 15 Partridge Lane to complete an unexpired term to expire May 31, 2026, Dee Clarke of 28 Concord Greene, Unit 3 as an Associate Member for a term to expire May 31, 2026 to the Library Committee

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Consent Agenda.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

**Committee Appointments**

Committee Appointments – Select Board Appointments

- a. Sue Lachance of 18 Studley Court for a term to expire May 31, 2026 to the West Concord Junction Cultural District Committee
- b. Reappoint Remon Karian of 24 Walden Street, Mark Martines of 66 Alford Circle, Jen McGonigle of 31 Highland Street, Stephen Verrill of 415 Wheeler Road, and Beth Williams, Economic Vitality and Tourism Manager for terms to expire May 31, 2026 to the Economic Vitality Committee

Committee Appointments – Town Manger Appointment with Select Board Approval

Nancy Fresella-Lee of 140 Walden Street for a term to expire May 31, 2026 as a Full Member to the Historical Commission

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Sue Lachance of 18 Studley Court for a term to expire May 31, 2026 to the West Concord Junction Cultural District Committee; to reappoint Remon Karian of 24 Walden Street, Mark Martines of 66 Alford Circle, Jen McGonigle of 31 Highland Street, Stephen Verrill of 415 Wheeler Road, and Beth Williams, Economic Vitality and Tourism Manager for terms to expire May 31, 2026 to the Economic Vitality Committee; to approve the appointment of Nancy Fresella-Lee of 140 Walden Street for a term to expire May 31, 2026 as a Full Member to the Historical Commission.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

Mr. Howell – Aye

The appointment of Mary Barrett as Town Accountant was continued to a future Select Board meeting.

**Town Manager's Report**

Town Manager Kerry Lafleur presented the Weekly Operations Report for the weeks ending June 16, 2023 and June 23, 2023. The full report for June 16<sup>th</sup> can be viewed [here](#) and for June 26<sup>th</sup> can be viewed [here](#).

Ms. Hartman asked if the Town Manager could provide a status on the Beede Fitness Center pools.

Ms. Lafleur responded that as of last week, the Town believes to have solved the problem that the pools were facing and that the remaining pools should be filled soon.

**Select Board Liaison Reports**

Chair Dane reported on:

- Chairs Breakfast Meeting – In-person meeting only that was well attended
- Library Committee – There were several vacancies on the Library Committee
- Met with the School Committee Chair, Regional School District Committee Chair, and the Chief Technology Officer regarding a cell phone tower at the high school
- Met with an environmental counsel candidate to advise the Town regarding the Hanscom North Airfield Expansion proposal
- Concord 2025 Executive Committee – Working to align appointments on the committee more effectively with the event to be taking place in 2024 and 2025
- Civil War Monument Task Force – Bids for the Civil War Monument were received and the figure was as expected, with the task force being able to move forward with the project

Ms. Hartman reported on:

- Agricultural Committee – Working on Agricultural Day in September and the Select Board may want to get ahead of planning their booth
- Planning Board – Board is short a member and it is important to get the seat filled with a lot of important work ahead this year
- Finance Committee – Working on two initiatives so far, a Communications Subcommittee and taking a closer look at all forms of debt

Ms. Ackerman reported on:

- Transportation Advisory Committee – Working with the Department of Public Works on sidewalks, bike lanes, and winter maintenance. Will also be working with the Planning Board on parking and the MBTA communities zoning

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

- Parking Meter Listening Session held by Mimi Graney, Economic Vitality Manager – Not attended by many, which believes is an indication that there is not much alarm in the community regarding the one-year trial to not enforce the parking meters
- 2229 Main Street Advisory Task Force – Town Counsel will attend an upcoming Select Board meeting to discuss the work plan for the task force
- Public Works Commission – No increase in the solid waste and recycling fee last year, so it is going to increase 10% this year and that the level 1 water restriction remains in effect
- Warners Pond Public Forums – Roughly 200 people responded to the community survey with the options of dredging, dam removal, or take no action, with the likely path forward for the decision being a Town Meeting article so that there can be a proper consensus

Ms. Escobedo reported on:

- Concord Housing Roundtable – Important communication amongst committees to move forward with Housing Production Plan goals
- Parking Meter Listening Session held by Mimi Graney, Economic Vitality Manager – Businesses were generally in favor of the new pilot program to suspend the use of parking meters for the year, though businesses in West Concord were a bit more hesitant with crowded parking in front of their businesses already and commuter rail parking
- 2229 Main Street Advisory Task Force – Meeting was attended by Town Counsel to aid the task force in critical thinking with some of their responsibilities
- Concord Housing Development Corporation, Concord Municipal Affordable Housing Trust, and Concord Housing Authority (separately) – Very focused on achieving the goals outlined by the Housing Production Plan
- Assabet River Housing Consortium – Discussed what communities can do to meet the affordable housing requirements
- Community Preservation Committee – Finalizing qualifications for the grant awards which will go out to the recipients soon
- Hanscom Area Town Selectmen – Discussed a joint letter from all HATS communities to be signed and sent to the Governor

Mr. Howell reported on:

- Board of Health – Coordinating on the work with the family shelter at the Best Western. Working on the septic and building permit for the Middle School.
- DEI Commission – Working with a DEI Consultant on its goals
- Personnel Board – Working with the Interim HR Director and Town Manager on revising the charge and Personnel Bylaws. Classification and Compensation Study implementation is moving forward next week
- Financial Audit Advisory Committee – Committee is short a few members, so looking to recruit

**Vote Approval of 2024 Annual Town Meeting Calendar**

Chair Henry Dane opened the discussion regarding the proposed 2024 Annual Town Meeting calendar. The full proposed calendar is included in the Select Board meeting packet. The Select Board concurred that in addition to the approval of the calendar that there are two questions to be

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

discussed by the Board tonight, including the form of the Preview Meeting and the start date of Town Meeting, whether to begin on a Sunday afternoon or Monday evening.

Town Manager Kerry Lafleur noted that staff provided feedback regarding the Preview Meeting in December potentially being more effective as an educational/primer meeting for Town Meeting, and then having a second Preview Meeting in January after the warrant closes.

Ms. Hartman noted that the Capital Forum meetings listed on the calendar were created at the recommendation of the Capital Planning Task Force last year, but suggests that the three proposed meetings be shortened to one meeting to discuss all tiers of capital planning. Ms. Hartman asked if the Town Manager found the three-meeting series valuable last year.

Ms. Lafleur responded that while last year was the first year, it's not a seamless comparison as there were no tier 3 capital projects to discuss, but she sees the value in the purpose of the meetings.

Ms. Ackerman noted that she does not want to see the third meeting fully eliminated from the process, but rather that the meeting could be cancelled on a year-to-year basis if there are no tier 3 capital projects proposed that year.

Chair Dane asked the Select Board of their preference for the meeting start date.

The Select Board concurred that their preference is for the meeting to start on a Monday evening and to continue to Wednesday evening.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to schedule Annual Town Meeting for Monday, April 29, 2024 at 7:00 PM through Wednesday, May 2, 2024 at 7:00 PM at Concord-Carlisle High School at 500 Walden Street.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

Mr. Howell noted that Zoning Bylaw amendment articles can be challenging and asked if there is potential to move the Planning Board public hearing up.

Town Clerk Kaari Tari appeared before the Select Board and noted of statutory requirements in relation to public hearing dates that are based on when the warrant closes.

Parashar Patel, Chair of the Finance Committee, appeared before the Select Board and commented on the Finance Committee's goals for the capital planning process this year.

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the 2024 Annual Town Meeting calendar as included in the Select Board meeting packet, with the exception of removing the Tuesday, September 26, 2023 Joint SB/SC Capital Planning Forum.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

**Vote Approval of the acceptance of Chapter 269 of the Acts of 2022 – An Act Relative to Cost-of-Living Adjustments for Retirees**

Chief Financial Officer Gail Dowd appeared before the Select Board to present a memorandum regarding the approval of the acceptance of Chapter 269 of the Acts of 2022 – An Act Relative to Cost-of-Living Adjustments for Retirees. Also present were Peter Fulton, Chair of the Concord Retirement Board and Linda Boucher, Executive Director of the Concord Retirement Board. The full memorandum is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the acceptance of Chapter 269 of the Acts of 2022 – An Act Relative to Cost-of-Living Adjustments for Retirees.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

**Vote Approval of a Bond Anticipation Note for the Purchase of the Assabet Bluff Property**

Chief Financial Officer Gail Dowd appeared before the Select Board to present a memorandum regarding the approval of a Bond Anticipation Note for the purchase of the Assabet Bluff property. The full memorandum is included in the Select Board meeting packet.

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

I, the Clerk of the Select Board of the Town of Concord, Massachusetts (the “Town”), certify that at a meeting of the board held June 26, 2023, of which meeting all members of the board

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$176,000, 5.375% percent General Obligation Bond Anticipation Notes dated June 29, 2023 and payable June 27, 2024 to Oppenheimer & Co. at par plus \$1.00 premium and accrued interest, if any, (the “Notes”) of the Town.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 16, 2023, and a final Official Statement dated June 22, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the tax-exempt Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29 .03(2)(b ), at least 48 hours, not including Saturdays, Sundays .and legal holidays, prior

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

**Update on the Acton-Concord Regional Emergency Communications Center**

Town Manager Kerry Lafleur appeared before the Select Board to present a memorandum regarding the Acton-Concord Regional Emergency Communications Center. Also present were Fire Chief Thomas Judge, Police Lieutenant Brian Goldman, Chief Technology Officer Jason Bulger, and Project Manager Mark Cady. The full memorandum is included in the Select Board meeting packet.

Mr. Dane asked if the Town chose to move forward without Acton if the Town be starting from square one.

Ms. Lafleur explained that she is not suggesting that the Town move forward without Acton, but that the arrangement include other communities in addition to Acton and that the facility be in a neutral location. Ms. Lafleur continued that if the Town chose to move forward without Acton, it would be like starting from square one, because the Town would need to apply for its own grant funding, which may not be possible for 2024.

Ms. Hartman asked if the Town has the staff capacity to reassess the current agreement or would the Town have to move forward with hiring an Executive Director to reassess the agreement.

Ms. Lafleur responded that staff would be willing to reach out to other communities, but that staff is not interested in moving forward how it presently has in the last two years of the agreement. Ms. Lafleur continued that Acton is interested in continuing with the agreement and that she believes the Acton Town Manager would be willing to discuss adding additional communities and a different facility. Ms. Lafleur suggested a timeline of six months for staff to reassess the current agreement.

Mr. Howell asked if the Board should communicate with the Acton Select Board to understand their point of view.

Ms. Lafleur noted that because Ms. Ackerman is the Select Board Liaison to the RECC, perhaps it would make sense for her to reach out to her counterpart in Acton.

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

Ms. Hartman summarized that moving forward, staff will work with Acton to understand the potential of additional communities in the district and a neutral facility location within a six-month timeframe.

Karlen Reed of 83 Whits End appeared before the Select Board voiced concern regarding the six-month time frame for state grant funding which has a deadline of June 2024.

Ms. Lafleur added that the Concord Select Board Liaison reaching out to the Acton Select Board Liaison could prove beneficial. She also indicated that she would research Ms. Reed's concern regarding the timing of state grant funding.

The board agreed to revisit the RECC agreement at the July 10 meeting.

**Vote Approval of Solar Implementation Task Force Charge**

Select Board Clerk Mary Hartman presented a proposed charge for the Solar Implementation Task Force. The full proposed charge of the Solar Implementation Task Force is included in the Select Board meeting packet.

Ms. Escobedo asked if Ms. Hartman intended the word representative rather than liaison for the Climate Action Committee membership. Ms. Escobedo continued that she received feedback regarding the reference of conservation land in the charge.

Tanya Gailus of 62 Prescott Road appeared before the Select Board and commented regarding a public process for tree removal at potential sites that could be included in the task force charge.

Dean Banfield of 73 Walden Terrace appeared before the Select Board and commented regarding membership on the task force that he intended in his Citizen Petition to create the task force at Annual Town Meeting this year.

Mark Gailus of 62 Prescott Road appeared before the Select Board and commented that he hopes that the task force will consider the impact of construction on natural ecosystems and noted of a section of the charge that references community opposition.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted**: to approve the Solar Implementation Task Force as included in the Select Board meeting packet, with the amendment to change the word "liaison" to "representative" for the Climate Action Committee in membership.

**Roll Call Vote:**

Chair Dane – Aye

Ms. Hartman – Aye

Ms. Ackerman – Aye

Ms. Escobedo – Aye

Mr. Howell – Aye

**Town of Concord  
Select Board  
Minutes  
June 26, 2023**

**Update on Letter regarding the Hanscom North Airfield Hangar Expansion Project**

Select Board member Terri Ackerman presented the draft of a letter to the Governor regarding the Hanscom North Airfield Hangar Expansion project. The full draft letter is included in the Select Board meeting packet. Ms. Ackerman noted that she is looking for comments from the Concord Select Board this evening, as the final draft letter with the other Hanscom Area Town Selectmen communities will likely take two meeting cycles to finalize, and that the Boards should work to have the letter sent to the Governor by August, as the project will begin ramping up in September.

Mr. Dane noted that he thinks that it is a mistake to take on the general aviation industry and that though the general argument is regarding environmental impact, there should be a focus on the specific unique assets that will be impacted in the environment.

Mr. Howell noted that while he is supportive of a joint letter from the HATS communities, he also thinks an individual letter from Concord is important.

Ms. Hartman concurred and noted that in the joint letter, the letter should maintain a more regional approach to the environmental issues rather than Concord specific issues.

Ms. Escobedo noted to also copy Massport on the letter.

Mark Gailus of 62 Prescott Road appeared before the Select Board and commented that the Board should not be shy about the environmental impact that the project will have on the region, especially with its historic value.

**Statement on the MBTA Quiet Zone**

Select Board Chair Henry Dane made a statement regarding the MBTA Quiet Zone.

**Update Select Board Correspondence Policy**

Select Board Chair Henry Dane presented a proposed Correspondence Policy for the Select Board. The full proposed policy is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the Correspondence Policy as included in the Select Board meeting packet.

**Roll Call Vote:**

Chair Dane – Aye  
Ms. Hartman – Aye  
Ms. Ackerman – Aye  
Ms. Escobedo – Aye  
Mr. Howell – Aye

**Town of Concord  
Select Board  
Minutes  
June 26, 2023  
Adjournment**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**voted:** to adjourn the meeting.

**Roll Call Vote:**

Chair Dane – Aye

Ms. Hartman – Aye

Ms. Ackerman – Aye

Ms. Escobedo – Aye

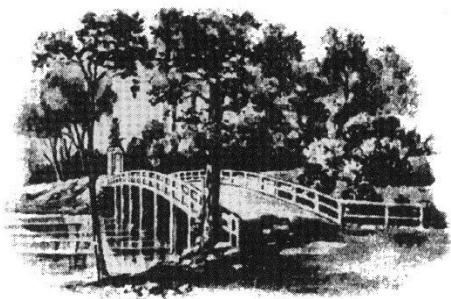
Mr. Howell – Aye

**Meeting Materials:**

[Select Board Meeting Packet for June 26<sup>th</sup>](#)

[Select Board Meeting Recording for June 26<sup>th</sup>](#)

DRAFT



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Shannon McAndrew, Senior Administrative Assistant

Date: July 10, 2023

Re: One Day Liquor License – Bay State Senior Golf Association

---

Included in your packet is a One Day Liquor License application for All Alcoholic Beverages for a license for John Thompson of the Bay State Senior Golf Association. Mr. Thompson is applying for a license for the Bay State Senior Golf Association Golf Outing to be held at Concord Country Club at 246 ORNAC on Monday, July 10, 2023 from 4:00 PM to 9:00 PM. Mr. Thompson submitted his application on June 22, 2023 and it is complete with payment and TIPS Certifications. The Town Manager's Office works with the General Manager of Concord Country Club to maintain an up-to-date file of TIPS Certifications for their bartenders.

**RECEIVED**  
 JUN 22 2023  
 TOWN OF CONCORD  
 TOWN MANAGER'S OFFICE



**PAID**



**Form Center**

**My Forms**

**One Day Special Liquor Licenses**

**Save Progress**

**Company or Organization\***

Bay State Senior Golf Association

**Applicant Name\***

John Thompson

**Email Address\***

tthompsonja@aol.com

Applicant's Email Address

**Applicant Address\***

221 Fairhaven Hill Rd.

**City\***

Concord

**State\***

Ma

**Zip Code\***

01742

**Phone Number\***

978-502-2330

Number applicant may be reached at.

**Name of Event\***

Bay State Senior Golf Association Golf Outing

If event is unnamed, please give short description such as 'wedding' or 'bar mitzvah'

**Activity Is\***

Non-Profit

**Event Type\***

Private Event i

**Event Date & Start Time\***

07/10/2023

4:00 PM

**End Time\***

9:00 PM

**Premises to be Licensed\***

Concord Country Club

Legal Name of Venue

**City\***

Concord

**State**

Ma

**Zip Code**

01742

Venue Address

**License is for the Sale of:\***

- All Alcoholic Beverages
- Wines & Malt Beverages Only
- Wines Only
- Malt Beverages Only

**Bartenders TIPS trained?\***

- Yes
- No

**Under 21 Attendees?\***

- Yes
- No

**1st one-day license for Organization?\***

- Yes
- No

**If NO, number of years licensed?**

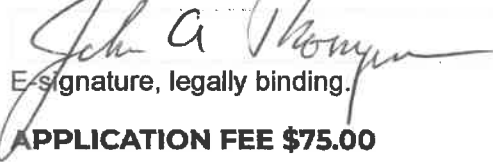
**More than 100 in attendance?\***

If YES, applicant must contact the Police Dept. to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

- Yes
- No

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

**I acknowledge and accept the above statement of liability\***

  
E-signature, legally binding.

**APPLICATION FEE \$75.00**

**Please forward to: Town Manager's Office PO Box 535 Concord, MA 01742 Applications cannot be processed until payment is received.**

**Acknowledgements \***

- I attest the information contained in this form is true and accurate.
- I acknowledge that I must pay an application fee of \$75 and will mail my payment.
- I acknowledge that no action will be taken, or scheduled, regarding my application until payment is received.

**IMPORTANT NOTICE**

**Board & Committee Meeting Calendar**

**Applications for licenses are due no later than fourteen (14) calendar days before the next Select Board Meeting.**

**TIPS TRAINING**

The Select Board require that for any event which they issue a special permit, the alcohol provided must be served by a TIPS trained (or equivalent) bartender. TIPS training cards, or their equivalent, must accompany this application. Additionally, each certification must show a photo and name of the bartender(s) and must be current. If a photo is not on the TIPS training cards, a copy of a valid driver's license with a photo should be included. Proof of TIPS credentials must be provided before any application may be voted on by the Select Board.

**I acknowledge and agree to the Town of Concord's TIPS Training Policy as outlined above.\***

- Copies of cards have been included with this application
- Copies of card(s) will be mailed separately to the Town Manager's Office

**Applicant, in choosing an option above, indicates the applicant's acceptance of TIPS terms.**

.....  
**UNDER 21 POLICY**

The Town of Concord Select Board assumes that there may be guests or attended under 21 y ears of age at any event. therefore, this policy must be adhered to for all events. Applicants agree to check the ages of all guests at the door. If a persons under the age of 21 are present, his or her hand shall be stamped to indicate the he/she is underage for the bartender.

**I certify that Concord's Under 21 Policy, as outlined above, will be followed.**

- A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance.
- All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.

Applicant, in checking the boxes above, indicates acceptance of the Under 21 Policy terms as outlined.

protected by reCAPTCHA  
[Privacy](#) - [Terms](#)

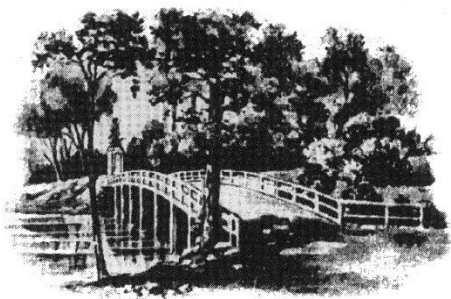
- Receive an email copy of this form.

**Email address**

This field is not part of the form submission.

**Submit**      **Submit and Print**

\* indicates a required field



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Shannon McAndrew, Senior Administrative Assistant

Date: July 10, 2023

Re: One Day Liquor License – Sadhna Upadhyay

---

Included in your packet is a One Day Liquor License application for Wines and Malt Beverages Only for Sadhna Upadhyay for a license for a family event to be held at Verrill Farm at 11 Wheeler Road on Sunday, July 16, 2023 from 12:00 PM to 4:00 PM. The application is complete with TIPS Certifications for six bartenders from Simply Serve and payment.

RECEIVED  
JUN 22 2023

TOWN OF CONCORD  
APPLICATION FOR ONE DAY SPECIAL LICENSE  
FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES



PAID

TOWN OF CONCORD  
Fee: ~~\$75.00 per day~~ One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$ 75.00

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print)

Sadhna Upadhyay

COMPANY or organization:

ADDRESS:

TELEPHONE:

978 902 0753

DATE(S) APPLIED FOR:

7/16/23

EVENT:

Family Party

HOURS OF OPERATION:

12 - 4 pm

PREMISES TO BE LICENSED:

Verrill Farm

ADDRESS OF PREMISE LICENSED:

11 Wheeler Rd, Concord, MA

License is for the Sale of:

- All Alcoholic Beverages
- Wines & Malt Beverages Only
- Wines Only
- Malt Beverages Only

The Licensed Activity or Enterprise is:

- For Profit
- Non-Profit

Are the bartenders TIPS or equivalently trained?

Yes  No

Will there be people in attendance that are under the age of 21?

Yes  No

Is this the first one day special license secured by this organization?

Yes  No

If no, number of consecutive years licensed?

2

Will there be more than 100 people in attendance?

Yes  No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant:

[Signature]

Date:

June 19, 2023

**TOWN OF CONCORD  
Board of Selectmen**

**One Day Special Licenses**

**TIPS TRAINING (OR EQUIVALENT)**

<b>Applicant Name:</b>	Jen Verrill
<b>Location of Event:</b>	11 Wheeler Rd. Verrill Farm
<b>Date of Event:</b>	July 16, 2023

The Board of Selectmen require that any event for which they issue a One Day Special License the alcohol must be served by a TIPS trained or equivalent bartender.

TIPS training cards or the equivalent must accompany this application. These must show the photo and name of the bartender and must be current. If a photo is not on the TIPS training card, then a copy of a valid driver's license with a photo should be included as well. Proof of TIPS credential must be provided before this application is voted on by the Board of Selectmen.

**TOWN OF CONCORD  
Board of Selectmen**

**One Day Special Licenses**

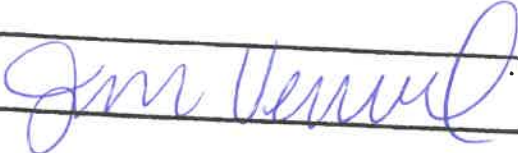
**Under 21 Policy**

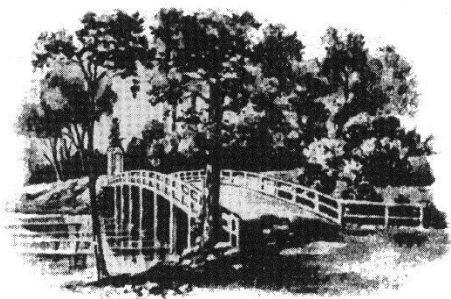
The Town of Concord Board of Selectmen assumes that there may be guests or attendees under 21 at any event. Therefore this policy must be adhered to for all events.

<b>Applicant Name:</b>	Jen Vernill
<b>Location of Event:</b>	11 Wheeler Rd. / Vernill Farm
<b>Date of Event:</b>	July 16 / 2023

Applicants agree to check the ages of all guests at the door. If a person is under the age of twenty-one, his/her hand will be stamped to indicate that the person is underage to the bartender.

I certify that Concord's under 21 policy requirement for the event stated in this application will be followed.

<b>Signature of Applicant:</b>	
--------------------------------	--



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Shannon McAndrew, Senior Administrative Assistant

Date: July 10, 2023

Re: One Day Liquor License – Belmont High School

---

Included in your packet is a One Day Liquor License application for Wines and Malt Beverages Only for a license for Betsy Parent of Belmont High School. Ms. Parent is applying for a license for the HBS Golf Tournament for Financial Aid at Concord Country Club at 246 ORNAC on Monday, September 18, 2023 from 6:00 PM to 8:00 PM. Ms. Parent's application is complete with payment and TIPS Certifications. The Town Manager's Office works with the General Manager of Concord Country Club to maintain an up-to-date file of TIPS Certifications for their bartenders.

RECEIVED  
JUN 22 2023



PAID

TOWN OF CONCORD

TOWN OF CONCORD  
TOWN MANAGER'S OFFICE

APPLICATION FOR ONE DAY SPECIAL LICENSE

FOR THE SALE OF WINES & MALT BEVERAGES/ALL ALCOHOLIC BEVERAGES

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$ 75.00

The undersigned hereby applies for a One Day Special License in accordance with the provisions of the Statutes relating hereto:

NAME: (please print)

Betsy Parrot

COMPANY or organization:

Belmont Hall School

ADDRESS:

350 Prospect St, Belmont 02478

TELEPHONE:

617 993 5201

DATE(S) APPLIED FOR:

Monday, September 18, 2023

EVENT:

HBS Golf Tournament for Financial Aid

HOURS OF OPERATION:

6-8 pm

PREMISES TO BE LICENSED:

Concord Country Club

ADDRESS OF PREMISE LICENSED:

246 Old Road to New Ave Corner

License is for the Sale of:

All Alcoholic Beverages

Wines & Malt Beverages Only

Wines Only

Malt Beverages Only

The Licensed Activity or Enterprise is:

For Profit

Non-Profit

Are the bartenders TIPS or equivalently trained?

Yes

No

Will there be people in attendance that are under the age of 21?

Yes

No  NOT LIKELY

Is this the first one day special license secured by this organization?

Yes

No

If no, number of consecutive years licensed? \_\_\_\_\_

Will there be more than 100 people in attendance?

Yes

No

If yes, the applicant agrees to contact the Police Department to determine whether traffic control coverage is necessary. The traffic control coverage is provided at the expense of the applicant.

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Board of Selectmen, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant: Betsy Parrot

Date: \_\_\_\_\_

**TOWN OF CONCORD  
Board of Selectmen**

**One Day Special Licenses**

**TIPS TRAINING (OR EQUIVALENT)**

<b>Applicant Name:</b>	Belmont Hill School
<b>Location of Event:</b>	Concord Country Club
<b>Date of Event:</b>	9/18/23

The Board of Selectmen require that any event for which they issue a One Day Special License the alcohol must be served by a TIPS trained or equivalent bartender.

TIPS training cards or the equivalent must accompany this application. These must show the photo and name of the bartender and must be current. If a photo is not on the TIPS training card, then a copy of a valid driver's license with a photo should be included as well. Proof of TIPS credential must be provided before this application is voted on by the Board of Selectmen.

Sarah at CCC told me that the Clerk's Office has all these on file with you. You should have all you need.

Thank you -

Betsy Parrott

**TOWN OF CONCORD  
Board of Selectmen**

**One Day Special Licenses**

**Under 21 Policy**

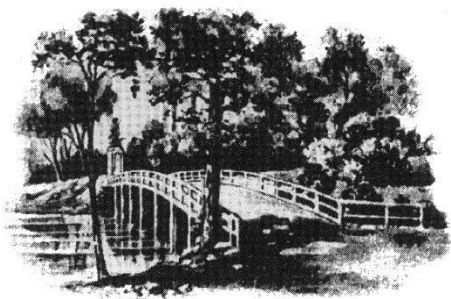
The Town of Concord Board of Selectmen assumes that there may be guests or attendees under 21 at any event. Therefore this policy must be adhered to for all events.

<b>Applicant Name:</b>	Belmont Hill School
<b>Location of Event:</b>	Concord Country Club
<b>Date of Event:</b>	9/18/23

Applicants agree to check the ages of all guests at the door. If a person is under the age of twenty-one, his/her hand will be stamped to indicate that the person is underage to the bartender.

I certify that Concord's Under 21 policy requirement for the event stated in this application will be followed.

<b>Signature of Applicant:</b>	Betsy Parrott
--------------------------------	---------------



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Shannon McAndrew, Senior Administrative Assistant

Date: July 10, 2023

Re: One Day Liquor License – Winter Hill Brewing Company

---

Included in your packet is a One Day Liquor License application for Wines and Malt Beverages Only for Breck Bailey of Winter Hill Brewing Company. Winter Hill Brewing Company is applying for a license for an Oktoberfest Beer Garden to be open to the public at Verrill Farm at 11 Wheeler Road on Saturday, September 30, 2023 from 12:00 PM to 6:00 PM. Winter Hill Brewing Company's application is complete with TIPS Certifications for six bartenders from Simply Serve and payment.

## Shannon McAndrew

---

**From:** noreply@civicplus.com  
**Sent:** Tuesday, June 27, 2023 3:31 PM  
**To:** licensing board; Town Manager's Office; jromanul@concordma.gov  
**Subject:** Online Form Submittal: One Day Special Liquor Licenses

### One Day Special Liquor Licenses

Company or Organization	Indignant Brewing Co LLC (d/b/a Winter Hill Brewing Co)
Applicant Name	Breck Bailey
Email Address	breck@winterhillbrewing.com
Applicant Address	328 Broadway
City	Somerville
State	MA
Zip Code	02145
Phone Number	2032492890
Name of Event	Oktoberfest Beer Garden at Verrill Farm (Open to the Public)
Activity Is	For Profit
Event Type	Private Event in Rented Facility
Event Date & Start Time	9/30/2023 12:00 PM
End Time	6:00 PM
Premises to be Licensed	Verrill Farm
City	Concord
State	MA
Zip Code	01742
License is for the Sale of:	Wines & Malt Beverages Only
Bartenders TIPS trained?	Yes
Under 21 Attendees?	Yes

1st one-day license for Organization? No

If NO, number of years licensed? 5+

More than 100 in attendance? No

*By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Concord, and the Select Board, acting as the Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.*

I acknowledge and accept the above statement of liability Breck Bailey

**APPLICATION FEE \$75.00**

*Please forward to: Town Manager's Office PO Box 535 Concord, MA 01742  
Applications cannot be processed until payment is received.*

Acknowledgements I attest the information contained in this form is true and accurate., I acknowledge that I must pay an application fee of \$75 and will mail my payment., I acknowledge that no action will be taken, or scheduled, regarding my application until payment is received.

**IMPORTANT NOTICE**

**Board & Committee Meeting Calendar**

(Section Break)

**TIPS TRAINING**

*The Select Board require that for any event which they issue a special permit, the alcohol provided must be served by a TIPS trained (or equivalent) bartender. TIPS training cards, or their equivalent, must accompany this application. Additionally, each certification must show a photo and name of the bartender(s) and must be current. If a photo is not on the TIPS training cards, a copy of a valid driver's license with a photo should be included. Proof of TIPS credentials must be provided before any application may be voted on by the Select Board.*

I acknowledge and agree to the Town of Concord's TIPS Training Policy as outlined above. Copies of card(s) will be mailed separately to the Town Manager's Office

---

**UNDER 21 POLICY**

*The Town of Concord Select Board assumes that there may be guests or attendees under 21 years of age at any event. therefore, this policy must be adhered to for all events. Applicants agree to check the ages of all guests at the door. If a persons under the age of 21 are present, his or her hand shall be stamped to indicate the he/she is underage for the bartender.*

---

I certify that Concord's Under 21 Policy, as outlined above, will be followed.

A legal adult, over 21 years of age, shall check the ages of all guests to ensure compliance., All bartenders shall be made aware of the Under 21 Policy terms before the event's commencement.

---

Email not displaying correctly? [View it in your browser.](#)



**Town of Concord**  
Office of the Town Manager  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535

Page 1 of 2

## MEMORANDUM

To: Select Board  
Cc: Gail S. Dowd, Chief Financial Officer  
From: Kerry A. Lafleur, Town Manager *KAL*  
Date: June 21, 2023  
Re: Appointment of Town Accountant/ Role of Town Accountant

### Appointment of Town Accountant

Under Section 2 (B) of the Town Charter, the Select Board *"shall appoint...a town accountant"* <https://concordma.gov/DocumentCenter/View/16990/Town-Charter-2018->. Under Massachusetts General Laws (MGL) Chapter 41, Section 55, the term of the appointment is for three- (3) years, though at the discretion of the appointing authority, the appointment may be for a term of up to five- (5) years. Further, it is common for the Town Accountant to have an individual employment agreement with the appointing authority, though this is not required.

### Role of Town Accountant

The Town Accountant serves as the Town's internal auditor, and is charged with both fulfilling the statutory duties which are defined in MGL, Chapter 41, Sections 50 – 57, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section50>, and those specifically assigned within the Town's position description, which is attached for reference. These duties generally include:

- Maintaining all financial records, including General Ledger and any Subsidiary Ledgers; preparing, coordinating and reviewing complex accounting transactions and entries, such as the Annual Tax Recap sheets, certification of Free Cash, Schedule A and Fixed Assets.
- Preparing and analyzing monthly operating statements and other internal statistical and financial reports as required.
- Coordinating and serving as the primary contact for the external auditor in all phases of the annual audit, including preparation of all audit schedules and supplementary schedules and work papers as required.
- Works to ensure expenditures of town and public school funds are in compliance with town policies and legal authority to spend; reviews and approves all payments made by the Town; and maintains custody of all contracts entered into by the Town.
- Compiles and submits accounting reports as required by state and federal laws and regulations, as well as by Town bylaw.

- Develops and implements comprehensive policies and procedures regarding town-wide accounting controls and processes.
- Serves as ex-officio member of the Concord Retirement Board, overseeing the preparation of financial statements of the Retirement System and overseeing processes and procedures of the Retirement Office to ensure compliance with all federal, state and Public Retirement Employee Administration Commission (PERAC) regulations.

While the Town's financials are audited on an annual basis by an outside accounting firm, as the Town's internal auditor, the Town Accountant should provide regular reports to the Select Board relative to budgetary compliance and adherence to applicable laws, rules and regulations. We, in Concord, have a long history of presenting this information through the Chief Financial Officer, but this is not considered a best practice as one of the primary functions of the Town Accountant is to provide assurance to the Select Board, and town, that both the Town Manager and Chief Financial Officer are adhering to the adopted budget and to applicable laws, rules and regulations. We attempted to institute a new practice (i.e. regular reporting to the Select Board) either just prior to, or during the Covid pandemic, but like with many things, this new practice has yet to be cemented into standard operating procedures. Moving forward, at a minimum, the Town Accountant should be charged with providing a written, quarterly report to the Select Board, and presenting said report semi-annually at a public meeting.

In addition, as the appointing authority, the Select Board, or sub-committee thereof, should be reviewing the Town Accountant's performance on an annual basis, and therefore should be establishing performance milestones around specific tasks, such as:

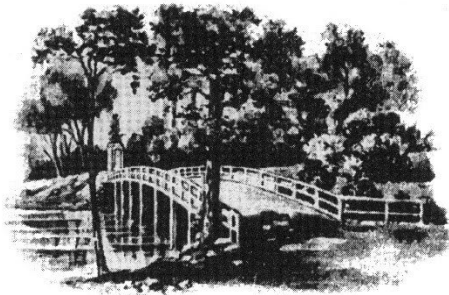
- Quarterly Reports to Select Board
- Fiscal Year Close
- Submission of required reports to the State, such as Schedule A and the Tax Recap
- Completion fiscal year audit

Understanding that members of the Select Board are not necessarily experts in the area of municipal accounting and finance, it is common for Chief Financial Officers and Town Managers to provide assistance in this area, and CFO Gail Dowd and I are happy to assist as needed.

### **Requested Action**

It has come to my attention that the term of our Town Accountant, Mary Barrett, expired on May 31, 2023. In keeping with MGL and the Town Charter, I am recommending that you reappoint Ms. Barrett to the position of Town Accountant for the term of June 1, 2023 – June 30, 2026. I will leave it to you and Ms. Barrett to determine whether you wish to enter into an individual employment agreement.

Please be in touch with any questions.



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Kerry Lafleur, Town Manager

Date: July 10, 2023

Re: Appointment of Interim Town Treasurer-Collector

---

### **Appointment of Town Treasurer-Collector**

Under Section 2 (D) of the Town Charter, the Town Manager “shall appoint...a Town Treasurer-Collector”, subject to the approval of the Select Board. The Town Charter may be viewed [here](#).

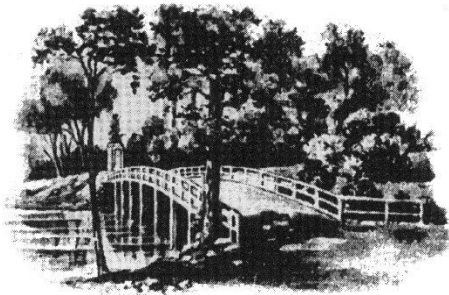
### **Role of the Town Treasurer-Collector**

The Town Treasurer-Collector is responsible for billing property and excise taxes; collection of property tax, excise tax, and utility bills; receiving and maintaining all departmental receipts; and maintaining all bank accounts. Also responsible for all debt issuance and management. Four (4) full-time and one (1) part-time staff budgeted; Deputy Treasurer-Collector and 3.5 Senior Account Clerks.

### **Requested Action**

In light of the recent resignation of Gail Dowd, Chief Financial Officer and Town Treasurer-Collector, I am recommending that the Select Board approve the appointment of Colleen Rhinhart to the position of Interim Town Treasurer-Collector for a term to expire October 31, 2023.

Ms. Rhinhart has previously served in the position of Interim Town-Treasurer Collector in early 2022 and has been employed by the Town for ten (10) years, serving in the positions of Collections Assistant, Treasury Assistant, and Deputy Treasurer-Collector.



OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board

From: Shannon McAndrew, Senior Administrative Assistant

Date: July 10, 2023

Re: Acton-Concord Regional Communications Center – E-911 Grant Funding

---

At the last Select Board meeting, Town Manager Kerry Lafleur provided the Board with an update on the Acton-Concord Regional Communications Center. A question that arose during the meeting was if the E-911 grant funding for Fiscal Years 2022 and 2023 will be in jeopardy if there is an additional six (6)-month delay for the purpose of ascertaining whether the Town has additional partners.

Upon further discussion with Project Manager Mark Cady, the Fiscal Years 2022 and 2023 grant funding is secure, and a budget modification can be applied if required for project direction.

Please be in touch with any further questions.

Concord, MA 01742

Re: Hanscom Field/Special Counsel/Proposal for Services

Dear Ms. Lafleur and Ms. Zammuto:

Thank you for considering us for potential Special Counsel to advise and represent the Town of Concord on the pending matter of expansion of commercial aviation at Hanscom Field. This is precisely what we do for other municipalities dealing with projects that pose numerous environmental, real estate, land use, and municipal law issues. The work would be done by or under the auspices of the partners Gregor I. McGregor, who lives in Concord, and Luke Legere who lives in a neighboring town.

We are a full service environmental, land use and litigation firm, the oldest such law firm in New England. We will bring to bear our experience and expertise on all aspects, issues and impacts of the Hanscom project, including the approvals and environmental reviews it needs (and may seek to avoid or minimize) from federal, state and local agencies.

For the Town of Concord, we expect first to assess your concerns, important issues, avenues of attack, relative costs, chances of success, and overall strategy. We will recommend a specific game plan, which likely will suggest attention and actions by Town employees and officials, outside experts if warranted, and, of course, arrangements for confidentiality, consistency and public message. You will find us understanding, friendly, fast and assertive to protect and advance Concord's interests.

Our municipal clients appreciate the value added we provide based on years of working for cities and towns. We are comfortable with tight budget constraints, clear communication lines, appropriate confidentiality, control of message, and how to interact with the several towns, land trusts, local and state organizations, and other interested parties who may seek to join the effort.

Mr. McGregor and Mr. Legere (and their partner Nathaniel Stevens) have served or are serving as municipal officials in various environmental capacities. Mr. McGregor has been honored by the Massachusetts Municipal Lawyers Association (MMLA) for his career contributions to legal education and effective advocacy for municipal counsel and public officials. We have specific experience in prior years for clients opposing commercial aviation expansion at Hanscom and compelling MassPort to comply with the Massachusetts Environmental Policy Act (MEPA).

We propose to bill at these hourly rates, which are 20% less than our regular rates for clients:

Founding Partner(s) Partners	\$480/hour \$400/hour	Junior Associates Law Clerks	\$240/hour \$150/hour
Senior Associates	\$320/hour	Legal Interns	No Charge

We are charging Concord reduced rates for our services in view of the governmental interest and environmental stakes involved. We are not asking for a retainer payment to begin work. The Select Board would vote to designate our Special Counsel position as Special Municipal Employee.

Below we describe how we work effectively and efficiently for our Special Counsel municipal clients. Attached are summaries of our interventions, administrative hearings, appeals, and amicus curiae roles in a variety of transportation, energy, environmental, and land use cases. You may see the full descriptions of Massachusetts environmental laws, related federal programs, client results, and our cases in court at our web site [www.mcgregorlaw.com](http://www.mcgregorlaw.com).

#### HOW WE WORK WITH OUR CITY AND TOWN CLIENTS

Our firm has been retained as Special Counsel over the decades by many Massachusetts' municipalities. This work has involved everything from transportation, hazardous waste, eminent domain, land use and zoning, energy siting, and related litigation, to Home Rule, state preemption, emergency management, insurance claims, open space conservation, water and sewer utilities, environmental enforcement, and innumerable other issues.

We regularly advise and represent cities, towns and counties in matters relating to formal legal compliance reviews, official comments on pending projects, interventions in pending proceedings, resolving intractable disputes, abating air and water pollution, achieving climate related goals, and securing federal and state approvals to local projects.

Our experience includes negotiation and drafting of complex documents such as litigation settlements, conservation restrictions and easements, purchase and sale agreements, land development agreements, Brownfields redevelopments, Article 97 legislation, liability and indemnification clauses, and conveyancing documents for contaminated properties. We often provide consultation in crisis management, environmental controversies, and complex matters of law, science and policy.

When appropriate we sue on behalf of municipalities to enforce environmental, land use, zoning, planning and public health laws. We bring claims against responsible parties that contaminated municipal property or necessitated public expenditures for cleanups. Quite often we are recruited by the City Solicitor or Town Counsel, sometimes when there is a conflict of interest.

We defend municipal decisions as well as the underlying bylaws and regulations when challenged in state and federal environmental agencies, in Superior Court, Land Court, District Court, Appeals Court,

Supreme Judicial Court, and the federal District Court for Massachusetts and on appeals to the U.S Court of Appeals for the 1<sup>st</sup> Circuit.

We advise communities on tactics and strategies in dealing with state or federal projects, including transportation, energy siting, water supplies, and solid or hazardous waste facilities. We advise on Comprehensive Plans, Open Space and Recreation Plans, Municipal Harbor Plans, projects being reviewed under the Massachusetts Environmental Policy Act (ENFs and EIRs), federal projects under NEPA, FEMA, and FAA review, and pending bills in the state Legislature or Congress.

In 45 years of environmental practice Mr. McGregor's cases in court broke new ground in the law of Environmental Impact Statements under the National Environmental Policy Act (NEPA) and Massachusetts Environmental Policy Act (MEPA), wetland and floodplain protection under the Massachusetts Wetlands Protection Act, hazardous waste cleanup liability and cost-recovery under the Massachusetts Superfund, reduced taxes and tax exemptions for qualified land conservation, Home Rule environmental ordinances and bylaws of cities and towns, law enforcement and contempt remedies, and the constitutional doctrine of Regulatory Takings.

Over the decades our firm has authored numerous amicus briefs in precedent-setting cases in the Supreme Judicial Court in support of positions adopted by the Court. These range from the legality of Home Rule wetland protection bylaws to the validity of Conservation Restrictions, from property tax reductions for CRs to tax exemptions for charitable land conservation, from the defense of local and state land use restrictions against landowner challenges as Regulatory Takings to the limits of municipal land use authorities generally. These cases helped to put Massachusetts in the forefront of the developing doctrines of Home Rule and land conservation.

We are well known and respected in the field of environmental law, even by opposition counsel and agency officials against whom we do represent our clients zealously.

## CONCLUSION

We would be pleased and proud to provide legal services to the Town of Concord.

Sincerely,

Gregor I. McGregor, Esq.

McGregor Legere & Stevens PC

15 Court Square – Suite 660

Boston, MA 02108

617-338-6464, ext. 123

Direct: 857-449-2220

[gimcg@mcgregorlaw.com](mailto:gimcg@mcgregorlaw.com)

[www.mcgregorlaw.com](http://www.mcgregorlaw.com)

Member – international Environmental Law Network

[www.elnonline.com](http://www.elnonline.com)

~~~~~

This message and any attachments are confidential intended only for the persons named above. Any use, distribution, copying, or disclosure is strictly prohibited. If you have received this e-mail in error, please notify us immediately and delete all copies of the e-mail and any attachments, without making a copy. Thank you.

McGregor Legere Stevens PC

## SELECTED MUNICIPAL ADVOCACY, NEGOTIATION & LITIGATION

We represented the City of New Bedford as Special Counsel in cleanup cost recovery claims against the railroads for PCB contamination at the New Bedford rail yard known as North Terminal (settled for \$3 million) and against the local manufacturers who received and offloaded the PCBs (negotiations pending). These claims utilize the Massachusetts Superfund statute, G.L.c.21E, which provides a private right of action for response action cost recovery, real property damages, and related expert and legal fees. This involved consulting on railroad liabilities, tracking successor corporations, assessing contamination causes, tabulating response costs, utilizing principles of contribution, allocating costs, serving claims notices, filing suit, and negotiating a final settlement including money damages and transfers of railroad properties to the City.

We represented the City of Brockton as Special Counsel in the Superior Court, Appeals Court, Supreme Judicial Court, Energy Facilities Siting Board (EFSB), and DEP challenging a proposed Brockton Power gas-fired electrical generating plant to be located in Brockton near Environmental Justice communities. The City as a party and other municipalities and organizations as interveners participate in environmental reviews, public hearings, public comment periods, adjudicatory hearings with expert witnesses, and reviews in court of the siting decisions, as well as federal and state permit processes under the state Clean Air Act and laws regarding water supply, wetlands protection, and energy.

We represented the Town of Hudson as Special Town Counsel at the EFSB regarding work to be performed within an inactive Massachusetts Bay Transportation Authority railroad right-of-way, as part of the construction of an underground transmission line proposed by NSTAR Electric Company d/b/a Eversource Energy. We successfully filed a Motion to Intervene as a full party in the EFSB proceedings, filed Direct Testimony and supporting evidence from Hudson Town Officials. Our participation in the EFSB proceedings on behalf of the Town successfully made changes to the Final Decision to promote protection of natural resources, as well as the Town's public water supply, which were the issues of greatest concern to the Town.

As Special Counsel for the City of Marlborough, we successfully defended a lawsuit challenging the City's proposed renovation of an existing park, including construction of a new senior center. A group of residents had sued the City to stop construction of that project, arguing a violation of Article 97 of the Amendments to the Massachusetts Constitution protecting conservation land from unapproved dispositions and changes of use (among other things). We prevailed on the merits in Superior Court, allowing the City to proceed with construction of this much-needed municipal project. Other Superior Courts, in similar challenges to municipal project, have conducted the same type of factual analysis we recommended.

We assisted the City of Springfield's Legal and Planning Departments to document the history of pollution and remediation on a publicly-acquired Brownfield site to be used for a public school where foundation construction discovered industrial oil contamination. This involved investigation of EPA and DEP files on the site, synthesis of environmental consultants' reports, tracking of financial records associated with clean-up costs, and research into corporate history in preparation for a cost-recovery suit against the site's former owners. We researched and drafted for the City Law Department a complaint in Federal District Court under the federal Superfund statute (CERCLA), advised on discovery

tactics, and helped win a motion for summary judgment. The case settled for \$2.5 million to reimburse the City the premium costs of school construction to deal with the historic hazardous waste.

As Special Counsel to the Town of Acton, we represented the Zoning Board of Appeals (ZBA) in public hearings and decisions on a 350-unit Affordable Housing project under the state Affordable Housing Statute, G.L.c.40B. This project presented novel legal issues for housing units in the Town of Concord but sole access over an Acton public way, an historic easement in Concord that the developer chose not to utilize, and the project entrance at the confluence of public ways in three towns. For the Board of Selectmen, through the Town Manager, we negotiated, drafted and executed a \$1 million Development Agreement between the Town and national developer including a contribution to the municipal affordable housing fund plus road and sidewalk improvements.

We represented the Town of Charlton as Special Counsel in claims and negotiations under the federal and state Superfund cleanup statutes culminating in a \$500,000 settlement with Exxon Corporation over water mains installed and replacement water supply obtained from a neighboring community, all in response to historic gasoline contamination of neighborhoods along Route 20, known historically as Gasoline Alley. This brought closure to a stalemated negotiation so as to get the water flowing to the affected neighborhoods.

We were Special Counsel to the Town of Westwood regarding the Massachusetts Bay Transportation Authority (MBTA) proposed parking structure and improvements to the MBTA-Amtrak rail station at Route 128, with advice on applicability of wetland protection laws, environmental impact reports, and political strategy relative to this state, carried out in a series of public hearings and successful negotiations on completing this project the gateway to the Towns commercial area.

McGregor's client Grazing Fields Farm in Bourne, MA successfully challenged in the federal District Court and Court of Appeals for the First Circuit the federal Environmental Impact Statement (EIS) under NEPA and plans of the Massachusetts Highway Department to build Route 25 (I-495) through the center of this last, large working farm on Cape Cod. We won a court injunction requiring a new EIS. This resulted in forcing the state to move the highway around the historic Farm Center and reverse the eminent domain takings for Interstate 495 connecting the Cape via the Bourne Bridge. *Grazing Fields Farm v. Massachusetts Highway Department*.

In a separate state administrative case, after one of the longest adjudicatory hearings in DEP, we secured the first "no-salt order" against MassHighway and an innovative closed drainage system for two miles of I-495 so as to prevent pollution of the commercial cranberry bogs in the Town of Bourne.

Mr. McGregor was Special Counsel for the Town of Dennis on Cape Cod, in the Superior Court and on appeal in the Supreme Judicial Court, upholding the Dennis Home Rule wetlands protection bylaw, one of the first in Massachusetts, against Home Rule and Regulatory Taking challenges brought by a developer whose subdivision road across a tidal creek to a marsh island had been disapproved by the Conservation Commission. This is the seminal case establishing the legality of local environmental legislation, enacted by Town Meetings and City Councils, which are stricter than state statutes. It also advanced the law of Takings by ruling that diminishing a multi-home subdivision development to a single home does not establish a Taking. *Lovequist v. Conservation Commission of the Town of Dennis*

As Special Environmental Counsel to the City of Waltham, we helped obtain land use permissions for the City's new high school on Lexington Street. We opined on the inapplicability of the Total Maximum

Daily Load (TMDL) for phosphorus to convince the Waltham Conservation Commission to issue an Order of Conditions under the Wetlands Protection Act. We also helped obtain necessary permissions under the Wetlands Protection Act and approval under the Massachusetts Environmental Policy Act (MEPA).

Appointed as Special Counsel for the Town of Wellfleet for a year-long negotiation and preparation of multi-year contract with a private country club for the Herring River Restoration Project, including use of part of club property for restoration and mitigation, as part of a multi-decade project to reverse the ecosystem damage done by the Herring River Dam. The negotiation was successful in all respects and this important project is proceeding.

6.23

| SUMMARY OF SELECT BOARD GOALS & OBJECTIVES JUNE 2023 |      |                                                          |                                                                 |           |           |
|------------------------------------------------------|------|----------------------------------------------------------|-----------------------------------------------------------------|-----------|-----------|
| BY RANK                                              |      |                                                          |                                                                 |           |           |
| MEMBER                                               | RANK | GOAL                                                     | COMMENT (SUMMARY)                                               | SUBJECT 1 | SUBJECT 2 |
| ACKERMAN                                             | 1    | CUT COSTS AND TIGHTEN TOWN BUDGET                        | HIRING FREEZE, HEALTH INSURANCE, DECREASE BORROWING             | BUDGET    | ADMIN     |
| DANE                                                 | 1    | PROMOTE EFFICIENCY, QUALITY & FOCUS OF SB AND TOWN GOV'T | FAVOR IN-PERSON MEETING TO BUILD COMMUNITY AND COMMUNICATION    | ADMIN     | ADMIN     |
| ESCOBEDO                                             | 1    | SUPPORT HOUSING PRODUCTION PLAN AND GOALS                | SUPPORT TRANSFER FEE AND MBTA ZONING                            | HOUSING   | TAXES     |
| HARTMAN                                              | 1    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | REDUCE REAL ESTATE IMPACT OF SCHOOL DEBT ON LOW VALUE HOMES     | BUDGET    | TAXES     |
| HOWELL                                               | 1    | SUPPORT MBTA COMMUNITIES ZONING                          |                                                                 | HOUSING   | TAXES     |
| ACKERMAN                                             | 2    | EXPLORE WAYS TO ENHANCE REVENUE                          | USER FEES, LOCAL SALES TAX, PILOT PROGRAM, ENTERPRISE FUNDS     | BUDGET    | TAXES     |
| DANE                                                 | 2    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | ELIMINATE MIDDLE SCHOOL DEBT IMPACT FOR LOWEST 1/3 OF HOMES     | BUDGET    | TAXES     |
| ESCOBEDO                                             | 2    | OUTLINE OF TM AND DEPT GOALS FOR '24                     | PRIORITIES AND USE OF ARPA FUNDS                                | ADMIN     | BUDGET    |
| HARTMAN                                              | 2    | SUPPORT MBTA COMMUNITIES ZONING                          | BRING ARTICLE TO 2024 ATM                                       | HOUSING   | HOUSING   |
| HOWELL                                               | 2    | SUPPORT DEVELOPMENT OF DEI PLAN                          | PROVIDE RESOURCES TO REACH GOAL                                 | DEI       | DEI       |
| ACKERMAN                                             | 3    | SPONSOR TOWN-WIDE TRANSPORTATION STUDY                   | SUPPORTING ECONOMY, DIVERSITY AND RECREATION                    | TRANS     | BUDGET    |
| DANE                                                 | 3    | ZONING TO PROMOTE DIVERSITY OF HOUSING OPTIONS           | EXPLORE OPTIONS & INCENTIVES IN ADDITION TO 40B AND MBTA ZONING | HOUSING   | HOUSING   |
| ESCOBEDO                                             | 3    | STRATEGIC PLANNING PROCESS TO CLARIFY 5 YR PRIORITIES    | COMPLETE BY DECEMBER                                            | ADMIN     | BUDGET    |
| HARTMAN                                              | 3    | ADVANCE CLIMATE ACTION VIA SOLAR TF                      |                                                                 | CLIMATE   | CLIMATE   |
| HOWELL                                               | 3    | REVISE PERSONNEL BOARD CHARGE AND BYLAW                  | WORK WITH PERSONNEL BD FOR CURRENT BEST PRACTICES               | ADMIN     | ADMIN     |
|                                                      |      |                                                          |                                                                 |           |           |
|                                                      |      |                                                          |                                                                 |           |           |
|                                                      |      |                                                          |                                                                 |           |           |

| SUMMARY OF SELECT BOARD GOALS & OBJECTIVES JUNE 2023 |      |                                                          |                                                                 |           |           |
|------------------------------------------------------|------|----------------------------------------------------------|-----------------------------------------------------------------|-----------|-----------|
| BY SUBJECT                                           |      |                                                          |                                                                 |           |           |
| MEMBER                                               | RANK | GOAL                                                     | COMMENT (SUMMARY)                                               | SUBJECT 1 | SUBJECT 2 |
| DANE                                                 | 1    | PROMOTE EFFICIENCY, QUALITY & FOCUS OF SB AND TOWN GOV'T | FAVOR IN-PERSON MEETING TO BUILD COMMUNITY AND COMMUNICATION    | ADMIN     | ADMIN     |
| HOWELL                                               | 3    | REVISE PERSONNEL BOARD CHARGE AND BYLAW                  | WORK WITH PERSONNEL BD FOR CURRENT BEST PRACTICES               | ADMIN     | ADMIN     |
| ESCOBEDO                                             | 2    | OUTLINE OF TM AND DEPT GOALS FOR '24                     | PRIORITIES AND USE OF ARPA FUNDS                                | ADMIN     | BUDGET    |
| ESCOBEDO                                             | 3    | STRATEGIC PLANNING PROCESS TO CLARIFY 5 YR PRIORITIES    | COMPLETE BY DECEMBER                                            | ADMIN     | BUDGET    |
| ACKERMAN                                             | 1    | CUT COSTS AND TIGHTEN TOWN BUDGET                        | HIRING FREEZE, HEALTH INSURANCE, DECREASE BORROWING             | BUDGET    | ADMIN     |
| HARTMAN                                              | 1    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | REDUCE REAL ESTATE IMPACT OF SCHOOL DEBT ON LOW VALUE HOMES     | BUDGET    | TAXES     |
| ACKERMAN                                             | 2    | EXPLORE WAYS TO ENHANCE REVENUE                          | USER FEES, LOCAL SALES TAX, PILOT PROGRAM, ENTERPRISE FUNDS     | BUDGET    | TAXES     |
| DANE                                                 | 2    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | ELIMINATE MIDDLE SCHOOL DEBT IMPACT FOR LOWEST 1/3 OF HOMES     | BUDGET    | TAXES     |
| HARTMAN                                              | 3    | ADVANCE CLIMATE ACTION VIA SOLAR TF                      |                                                                 | CLIMATE   | CLIMATE   |
| HOWELL                                               | 2    | SUPPORT DEVELOPMENT OF DEI PLAN                          | PROVIDE RESOURCES TO REACH GOAL                                 | DEI       | DEI       |
| HARTMAN                                              | 2    | SUPPORT MBTA COMMUNITIES ZONING                          | BRING ARTICLE TO 2024 ATM                                       | HOUSING   | HOUSING   |
| DANE                                                 | 3    | ZONING TO PROMOTE DIVERSITY OF HOUSING OPTIONS           | EXPLORE OPTIONS & INCENTIVES IN ADDITION TO 40B AND MBTA ZONING | HOUSING   | HOUSING   |
| ESCOBEDO                                             | 1    | SUPPORT HOUSING PRODUCTION PLAN AND GOALS                | SUPPORT TRANSFER FEE AND MBTA ZONING                            | HOUSING   | TAXES     |
| ACKERMAN                                             | 3    | SPONSOR TOWN-WIDE TRANSPORTATION STUDY                   | SUPPORTING ECONOMY, DIVERSITY AND RECREATION                    | TRANS     | BUDGET    |
| HOWELL                                               | 1    | SUPPORT MBTA COMMUNITIES ZONING                          |                                                                 |           |           |
|                                                      |      |                                                          |                                                                 |           |           |
|                                                      |      |                                                          |                                                                 |           |           |

## 2023-24 SELECT BOARD GOALS & OBJECTIVES

### ACKERMAN

#### 1. Work with Town Manager to cut costs and tighten up Town's budget, for example:

- a. Hold off on creating new positions
- b. Evaluate whether we must fill all vacancies- examine opportunities for job-sharing and other creative strategies.
- c. Evaluate whether we can reduce any positions.
- d. Look for more opportunities to charge off to Special Revenue funds
- e. Research different health insurance
- f. Decrease borrowing for small capital items

#### 2. Explore ways to enhance revenue, for example:

- a. Solar farm
- b. Update user fees so that they cover all costs for that service
- c. Position organization to be ready to apply for grants
- d. Lobby our legislators to increase hotel/meals tax
- e. Lobby our legislators to allow local sales tax
- f. Restart PILOT discussions with private schools and hospital re: transportation, public safety, other
- g. Confirm Enterprise Fund payments to Gen Fund for employee benefits, including Beede
- h. Update process/formula for Enterprise Fund chargebacks for Gen Fund services, including Beede
- i. Ensure that ambulance fees cover costs and are being sufficiently collected
- j. Ensure that all services for Carlisle are being charged to Carlisle
- k. Ensure that all services for CCHS are being charged to CCHS
- l. Ensure that all tenants at the Knox Trail facility are being charged appropriately

#### 3. Sponsor a town-wide transportation study that supports economic, social equity and recreational needs in line with Complete Streets principles.

### HOWELL

1. **MBTA Communities Zoning:** Develop and pass Concord's MBTA Communities Zoning plan. Support community input gathering, zoning development by the Planning Board, publicizing and passage of the new zoning.

2. **DEI Program:** Diversity Equity and Inclusion program support. Support and promote the development of a program plan for DEI working with the Town Manager and Commission. Provide resources to achieve the goals of this plan in the FY25 budget.
3. **Personnel Board Governance:** Revise the charge for the Personnel Board and plan for a new Personnel Bylaw. Work with the Personnel Board to update their charge and working with the Board and Town Manager develop a proposal and plan for an update the Personnel Bylaw which reflects current best practices in municipal workforce governance.

### HARTMAN

1. Attenuate the impact of the CMS debt service to real estate tax bills by researching and implementing a residential tax exemption and/or clause 41C ½ of M.G.L. c.59, section 5.
2. Actively participate in Planning Board efforts to implement zoning changes consistent with the MBTA Communities Zoning Act (Economic Development Bond Bill of 2021, Section 3A). Bring an article to the 2024 Annual Town Meeting.
3. Make significant progress toward the town's 2020 Climate Action Goals by empaneling and empowering the Solar Task Force.

### ESCOBEDO

1. The Select Board will support approved housing production goals as outlined in the most recent Housing Production Plan to include the addition of at least three additional housing units to the SHI within the year and actively support other identified projects which advance the Town's progress toward a range of additional affordable housing units. This will include supporting both statewide and home rule petitions efforts to secure a permanent source of AH funding through a transfer fee and the Town's initiative related to the state's MBTA Communities' Zoning requirement.
2. Receive before September an outline summary of the Town Manager's and department goals for FY'24, specifically identifying priorities for each to include anticipated use of ARPA funds as known at this time.
3. Engage in a strategic planning process to be initiated and completed by December by the Town Manager to clarify the Town's priorities for the next three to five years.
4. By mid-year, understand the proposed chronological outline of **all anticipated Celebration 250** events noting the anticipated target group(s) for community engagement, event cost estimate and key public safety considerations, as well as economic vitality benefit, with the opportunity for the Select Board to provide feedback.
5. Working with the Town Manager, demonstrate significant progress to resolve cell tower coverage for Concord's town center area, particularly in anticipation of significant Concord 250 activities and ongoing safety concerns.

6. Explore next steps to be taken after receiving the final reports and recommendations from the White Pond Advisory Task Force.

| SUMMARY OF SELECT BOARD GOALS & OBJECTIVES JUNE 2023 |      |                                                          |                                                                 |          |
|------------------------------------------------------|------|----------------------------------------------------------|-----------------------------------------------------------------|----------|
| BY SUBJECT                                           |      |                                                          |                                                                 |          |
| MEMBER                                               | RANK | GOAL                                                     | COMMENT (SUMMARY)                                               | SUBJECT  |
| DANE                                                 | 1    | PROMOTE EFFICIENCY, QUALITY & FOCUS OF SB AND TOWN GOV'T | FAVOR IN-PERSON MEETING TO BUILD COMMUNITY AND COMMUNICATION    | ADMIN    |
| HOWELL                                               | 3    | REVISE PERSONNEL BOARD CHARGE AND BYLAW                  | WORK WITH PERSONNEL BD FOR CURRENT BEST PRACTICES               | ADMIN    |
| ACKERMAN                                             | 1    | CUT COSTS AND TIGHTEN TOWN BUDGET                        | HIRING FREEZE, HEALTH INSURANCE, DECREASE BORROWING             | BUDGET   |
| ACKERMAN                                             | 2    | EXPLORE WAYS TO ENHANCE REVENUE                          | USER FEES, LOCAL SALES TAX, PILOT PROGRAM, ENTERPRISE FUNDS     | BUDGET   |
| HOWELL                                               | 2    | SUPPORT DEVELOPMENT OF DEI PLAN                          | PROVIDE RESOURCES TO REACH GOAL                                 | DEI      |
| HARTMAN                                              | 3    | ADVANCE CLIMATE ACTION VIA SOLAR TF                      |                                                                 | ENVIRON  |
| HARTMAN                                              | 1    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | REDUCE REAL ESTATE IMPACT OF SCHOOL DEBT ON LOW VALUE HOMES     | RE TAXES |
| DANE                                                 | 2    | RESIDENTIAL TAX EXEMPTION RE: SCHOOL DEBT                | ELIMINATE MIDDLE SCHOOL DEBT IMPACT FOR LOWEST 1/3 OF HOMES     | RE TAXES |
| ACKERMAN                                             | 3    | SPONSOR TOWN-WIDE TRANSPORTATION STUDY                   | SUPPORTING ECONOMY, DIVERSITY AND RECREATION                    | TRANS    |
| HOWELL                                               | 1    | SUPPORT MBTA COMMUNITIES ZONING                          |                                                                 | ZONING   |
| HARTMAN                                              | 2    | SUPPORT MBTA COMMUNITIES ZONING                          | BRING ARTICLE TO 2024 ATM                                       | ZONING   |
| DANE                                                 | 3    | ZONING TO PROMOTE DIVERSITY OF HOUSING OPTIONS           | EXPLORE OPTIONS & INCENTIVES IN ADDITION TO 40B AND MBTA ZONING | ZONING   |
| ESCOBEDC                                             | 1    |                                                          |                                                                 |          |
| ESCOBEDC                                             | 2    |                                                          |                                                                 |          |
| ESCOBEDC                                             | 3    |                                                          |                                                                 |          |

COMMUNICATIONS AND DOCUMENTS OF INTEREST FOR  
INFORMATION AND NOT DISCUSSION

JULY 10, 2023

1. SELECT BOARD CORRESPONDENCE POLICY ADOPTED JUNE 26, 2023
2. REVISED ANNUAL TOWN MEETING SCHEDULE
3. PLANNING BOARD GOALS JULY 5, 2023
4. RE: BAKER AVENUE 40B PROJECT: COMPREHENSIVE PERMIT TIME-LINE FOR ZBA
5. RE: MBTA ZONING: COMPLIANCE GUIDELINES
6. LETTER DATED JUNE 14 FROM ROBERT MELTZER ON "MBTA COMMUNITY ZONING OVERLAY"
7. CONCORD MUNICIPAL HOUSING TRUST: ACCOUNTS DATED JUNE 30
8. RESPONSE OF TOWN MANAGER DATED JUNE 30 TO QUESTIONS ASKED BY PAUL MACONE WITH REGARD TO VARIOUS MATTERS OF FINANCE AND ADMINISTRATION
9. LETTER FROM NATHANIEL WELCH "SUPPORTING LOCAL BUSINESS" WITH REGARD TO CONCORD CHEESE SHOP AND BOARD OF HEALTH
10. LETTER OF GREG THERIAULT ON WARNERS POND

## **Concord Select Board Correspondence Policy**

June 26, 2023

All correspondence to the Select Board, as well as that to Town officials and employees, is subject to the public records law. While letters and emails from Concord residents to the Board are welcome and frequently helpful, there is no requirement that any of them be published or included in the Board's Meeting Materials made available on the Town website prior to each meeting. The inclusion of correspondence received in time for the inclusion in the Materials will be in the discretion of the Board based on its relevance to matters currently before the Board or likely to be considered in the near future.

According to the Commonwealth's Division of Open Government, the manner that a public body chooses to receive and disseminate public comment is at its discretion. In order to be considered for inclusion in the Meeting materials, in addition to relevance, it is requested that any correspondence bear the name and street address of the correspondent.

## 2024 Annual Town Meeting and Town Election Calendar

### Town Election Schedule

|                             |                                                                                   |
|-----------------------------|-----------------------------------------------------------------------------------|
| Monday, January 29, 2024    | Town Caucus                                                                       |
| Saturday, February 24, 2024 | Voter Registration Deadline for Presidential Primary                              |
| Tuesday, March 5, 2024      | Presidential Primary                                                              |
| Friday, March 29, 2024      | Voter Registration Deadline for Annual Town Election                              |
| Tuesday, April 9, 2024      | Annual Town Election                                                              |
| Friday, April 19, 2024      | Voter Registration Deadline for Annual Town Meeting                               |
| September, 2024 [Day TBD]   | State Primary (Voter Registration Deadline 10 <sup>th</sup> Day Prior by 5:00 pm) |
| Saturday, October 26, 2024  | Voter Registration Deadline for Presidential Election                             |
| Tuesday, November 5, 2024   | Presidential Election                                                             |

### Annual Town Meeting Schedule

|                                                                     |                                                                                                                                |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Thursday, November 16, 2023                                         | Finance Committee Public Forum on Capital Planning                                                                             |
| Monday, December 4, 2023                                            | Joint SB/SC Capital Planning Forum                                                                                             |
| Saturday, December 2, 2023, 9AM                                     | Town Meeting Preview Meeting; Warrant Opens                                                                                    |
| Friday, December 15, 2023                                           | Due Date for Draft Warrant Articles (submit to: <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> ) |
| Wednesday, January 3, 2024, 4PM                                     | Warrant Closes                                                                                                                 |
| Monday, January 8, 2024, 7PM                                        | Select Board Meeting: vote order of Warrant Articles                                                                           |
| Monday, January 16, 2024, 4PM                                       | Warrant Review Meeting with Town Counsel                                                                                       |
| Wednesday, January 24, 2024                                         | Deadline to submit Warrant to the printer                                                                                      |
| Wednesday, February 7, 2024                                         | Warrant Mailed to Households                                                                                                   |
| Monday, February 26, 2024, 7PM<br>(Snow Date: Tuesday, February 27) | Public Hearing #1 (hybrid): Select Board                                                                                       |
| Thursday, March 7, 2024, 7PM<br>(Snow Date: Tuesday, March 12)      | Public Hearing #2 (hybrid): Finance Committee – Town, Concord Public Schools, C-C Regional School District                     |
| Wednesday, March 13, 2024, 7PM<br>(Snow Date: Thursday, March 14)   | Public Hearing #3 (hybrid): Planning Board                                                                                     |
| Tuesday, March 19, 2024, 7PM<br>(Snow Date: Wednesday, March 20)    | Public Hearing #4 (hybrid): Finance Committee – Minuteman Regional Voc-Tech District and Community Preservation Committee      |
| Thursday, March 21, 2024, 7PM<br>(Snow Date: Tuesday, March 26)     | Public Hearing #5 (hybrid): Finance Committee – Enterprise Funds                                                               |
| Friday, March 29, 2024                                              | Deadline for SB and FinCom Recommendations on Articles                                                                         |

|                                                    |                                                                                                                                                                                  |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Monday, April 1, 2024                              | Select Board Meeting: SB input on draft Consent Calendar to Moderator                                                                                                            |
| Monday, April 1, 2024                              | Deadline for FinCom Completion of Finance Committee Report                                                                                                                       |
| Monday, April 8, 2024                              | Voter Registration Deadline for Annual Town Meeting                                                                                                                              |
| Friday, April 5, 2024, 5PM                         | Deadline for Draft Motions (submit to <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> )                                                             |
| Thursday, April 11, 2024, 4PM                      | Motions Review Meeting with Town Counsel                                                                                                                                         |
| Friday, April 12, 2024                             | FinCom Report mailed to households                                                                                                                                               |
| Friday, April 12, 2024, 9AM                        | Moderator's Town Meeting Coordination Meeting (All Article Sponsors and Town Meeting Coordinator)                                                                                |
| Thursday, April 18, 2024, 5PM                      | Deadline to submit PowerPoint Presentations and Paper Handouts for review and approval (submit to <a href="mailto:TMSubmissions@concordma.gov">TMSubmissions@concordma.gov</a> ) |
| Wednesday, April 24, 2024                          | Moderator's Staff Meeting (location, format and time TBD)                                                                                                                        |
| Monday, April 29, 2024 at 7PM                      | Annual Town Meeting at Concord Carlisle High School                                                                                                                              |
| Tuesday, April 30 to Wednesday, May 1, 2024 at 7PM | Subsequent Additional Days as needed to conclude Annual Town Meeting                                                                                                             |

### Relevant Holidays

|                           |                                          |
|---------------------------|------------------------------------------|
| December 7-14, 2023       | Hanukkah                                 |
| Monday, December 25, 2023 | Christmas Day                            |
| Monday, January 1, 2024   | New Year's Day                           |
| Monday, January 15, 2024  | Martin Luther King, Jr. Day              |
| Monday, February 19, 2024 | President's Day                          |
| February 20-24, 2023      | Concord Public Schools February Vacation |
| March 11 - April 9, 2024  | Ramadan                                  |
| Sunday March 31, 2024     | Easter                                   |
| April 22 -28, 2024        | Passover                                 |
| Monday, April 15, 2024    | Patriot's Day (observed)                 |
| April 15-19, 2024         | Concord Public Schools April Vacation    |



# TOWN OF CONCORD

## Planning Board

141 Keyes Road, Concord, MA 01742  
(978) 318-3290

**To: Select Board**  
**Kerry Lafleur, Town Manager**

**From: Planning Board**  
**Elizabeth Hughes, Town Planner**

**Re: Planning Board Goals/Projects: 2023-2024**

Date: July 5, 2023

The following memo provides an update on the Planning Board's goals and projects for 2022-2023 and identifies goals and projects that the Planning Board will develop for 2023-2024. In the past, the Board has provided a priority level for each task and an estimate of the level of time the Board and Town Planner will need to spend on each item. Over the past few years, this has not provided any real guidance to the Board or the Town Planner since over the course of a year, there are so many factors and influences that go into advancing a project. Additionally, each year unexpected items come up that take priority.

For this year, the Board has proposed the projects they believe can be advanced over the next year based on staff time and budget and a list of future projects that will be evaluated for the following year based on the needs of the Board, the community and Envision Concord Action Items.

### **2022 - 2023 Goals and Projects**

#### **1. 2023 Annual Town Meeting Zoning Bylaw Amendments**

ZBL Section 4.5.4 Fast Food Restaurant – Town Meeting adopted a Zoning Bylaw Amendment to remove the prohibition on fast-food restaurants.

ZBL Section 5.4.6 Mobile Food Establishment – Town Meeting adopted a Zoning Bylaw Amendment to allow mobile food establishments as a temporary use under certain limited circumstances.

ZBL Section 4.2.3 Combined Business/Residence – Following the 2023 ATM public hearing, the Board determined that sufficient issues and concerns were raised that could not be addressed in time before the Town Meeting. The Board did not move the article.

#### **2. 2018 Envision Concord-Bridge to 2030 Comprehensive Plan**

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

### **3. Scenic Roads Bylaw Rules & Regulations**

The Town Planner developed draft Rules & Regulations for the implementation of the Bylaw and has worked over the past year with the Concord Public Works Commission and Historical Commission on addressing issues and concerns. The Board met with members from both Commissions and CPW staff on May 9th. The Town Planner will continue to finalize the draft Regulations and then request they be reviewed by Town Counsel. This project has been included on the list of projects for 2023-2024.

### **4. Subdivision Rules & Regulations Update**

The Subdivision Rules & Regulations have not been updated since 2007. The Planning Division has \$75,000 for the hiring of a consultant. The Town Planner was not able to advance this project in 2022-2023 and this project has been included on the list of projects for 2023-2024.

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

The Town Planner has been working with the Board and Town staff for the past two and a half years on the creation of new Site Plan Rules & Regulations. The Town Planner was not able to advance this project in 2022-2023. Because of the significant number of elements that go into the development of a good site plan, the number of Town departments/divisions and staff involved, and the time required to accomplish this project, the Board and the Town Planner agree that this project cannot be accomplished in-house. The Board will be seeking funding in the FY2025 budget to hire a consultant. The Town Planner will also be looking to see if there are grant opportunities to assist with the hiring of a consultant. This project has been included on the list of future projects.

### **6. Tree Preservation Bylaw and Rules & Regulations Update**

The Town Planner worked with the Natural Resources Land Manager and Planning Division Administrative Assistants on proposed changes to the Tree Preservation Bylaw and the Rules & Regulations. The Town Planner was not able to advance this project in 2022-2023 and this project has been included on the list of projects for 2023-2024.

### **7. Parking Zoning Requirements Updates**

The Board determined that the parking requirements for various uses in the Zoning Bylaw need to be reviewed and Section 7.7 Parking Requirements updated. The Town Planner and Senior Planner worked with the Board on the development of a Request for Quotes to hire a consultant to do this analysis and make recommendations for changes. This RFQ will be sent out in June and the project has been included on the list for 2023-2024.

### **8. Zoning Bylaw Section 6.2.13 (FAR Bylaw)**

The Board did not have any further discussion about the FAR Bylaw to determine whether modifying the FAR is an appropriate tool to address mansionization and whether there are other options. This project has been included on the list of future projects.

## **9. State Zoning Act; Chapter 40A, Section 3A – MBTA Community Zoning Requirement**

The State finalized the MBTA Communities Zoning Guidelines in October 2022. The Town submitted the required Action Plan to the State at the end of January 2023. In April, the Board and Planning staff began working with two different consultant teams to move forward with community engagement, developing the proposed MBTA Communities Zoning District Boundary, and draft Zoning for the 2024 ATM. This project has been included on the list of projects for 2023-2024.

### **2023 - 2024 Goals and Projects**

#### **1. State Zoning Act; Chapter 40A, Section 3A – MBTA Community Zoning Requirement – May 2023 to April 2024**

The Planning Board has taken the lead working with Planning staff on the advancement of the development of compliant zoning and a zoning overlay district pursuant to the MBTA Communities Requirements. The Board and the Planning staff will continue working with the CHAPA Community Engagement Manager on moving forward with a robust community engagement program and a consultant team with Horsley Witten through MHP on developing the proposed MBTA Communities Zoning Overlay District Boundary, and draft Zoning for the 2024 ATM.

#### **2. 2018 Envision Concord-Bridge to 2030 Comprehensive Plan – June/July 2023**

The 2018 Comprehensive Plan Section 5 Implementation Action Chart 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 to update the timing, decide whether the Board should take the lead in moving forward and determine what actions or next steps are need to advance the items over the next 2 to 4 years.

#### **3. Scenic Roads Bylaw Rules & Regulations – August/September 2023**

The Town Planner will finalize the draft Rules & Regulations based on the input from the Board, Historical Commission and Concord Public Works Commission from the May 9, 2023 meeting and request the draft Regulations be reviewed by Town Counsel. The Board will then seek input from stakeholders on the final draft Regulations before conducting the required public hearing for the adoption.

#### **4. Subdivision Rules & Regulations Update – January to March 2024**

The Town Planner will prepare a Request for Proposals for the hiring of a consultant to work with the Board, Town staff and stakeholders to update the 2007 Subdivision Rules & Regulations. The Board is required to hold a public hearing on the adoption of the amended Regulations.

#### **5. Tree Preservation Bylaw Rules & Regulations Update – October/November 2023**

The Town Planner worked with the Natural Resources Land Manager and Planning Division Administrative Assistants on proposed changes to the Tree Preservation Bylaw and the Rules & Regulations. The Town Planner will get feedback on the proposed revisions from local developers and certified arborists who have been working with the Tree Preservation Bylaw and the Rules & Regulations and solicit comments from them on any issues and concerns. The Board is required to hold a public hearing on the adoption of any revisions to the Regulations and Town Meeting must adopt any changes to the Bylaw.

## **6. Zoning Bylaw Section 7.7 Parking Requirements Analysis & Updates – July to September 2023**

The Planning staff have worked with the Board on the development of a Request for Quotes to hire a consultant to analyze various section of the Zoning Bylaw Parking Requirements, including Table IV Minimum Parking Requirements to make sure they are consistent with industry standards. The consultant will also make recommendations on amendments to improve items, such as shared parking, relief from parking and incorporation of other Transportation Demand Management options. This RFQ will be sent out in June/July 2023.

## **7. 2023 Annual Town Meeting Zoning Bylaw Amendments – June/July 2023**

The Board will discuss what housekeeping Zoning Bylaw amendments, if any, should be brought forth to the 2024 ATM.

### **Future List of Projects**

#### **1: Site Plan Rules & Regulations Update – 2024-2025**

The Board will be seeking funding in the FY2025 Planning Division budget to hire a consultant to assist the Town Staff on the development of new Site Plan Rules & Regulations. The Board believes this will be imperative should the Town pass MBTA Communities Multi-family Zoning. The Town Planner will also look to see if there are grant opportunities to assist with the hiring of a consultant.

#### **2. Zoning Bylaw Section 6.2.13 (FAR Bylaw) - TBD**

The Board will have a fundamental discussion about the FAR Bylaw to determine whether modifying the FAR is an appropriate tool to address mansionization and whether there are other options.

| <b>TIME PERIOD</b>                                                                                          | <b>ACTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>NO LATER THAN 30 DAYS FROM THE MUNICIPALITY'S RECEIPT OF THE COMPREHENSIVE PERMIT APPLICATION</b></p> | <p><b>The ZBA must open the Public Hearing within 30 days of receipt of a Comprehensive Permit application.</b> Even if the ZBA feels that the Comprehensive Permit application is incomplete, some ZBAs take a conservative (and wise) approach and schedule and open Public Hearing. At the initial Public Hearing session, the ZBA can explain why it feels that the Comprehensive Permit application is incomplete, request any additional required information, and with input from Town Counsel, make a decision as to what the appropriate next step should be.</p> <p>Note: A ZBA may stay the commencement of the Public Hearing if three or more Comprehensive Permit applications are concurrently undergoing hearings before the ZBA, and the total number of housing units in the pending projects exceeds the numerical threshold for a Large Project within that municipality, as set forth in 760 CMR 56.03(6).</p> <p>SEE 760 CMR 56.05(3)</p> |
| <p><b>NO LATER THAN 15 DAYS FROM THE OPENING OF THE PUBLIC HEARING</b></p>                                  | <p>Within 15 days of the opening of the Public Hearing, the ZBA must make a determination as to whether or not it wants to deny an application on one or more of the grounds set forth in 760 CMR 56.03(1) in accordance with the procedures set forth in 760 CMR 56.03(8). The ZBA must provide written notice to both the Applicant and DHCD.</p> <p>SEE 760 CMR 56.05(3) and 760 CMR 56.03(1) and 760 CMR 56.03(8).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>NO LATER THAN 15 DAYS FROM ZBA ACTION</b></p>                                                         | <p>If the Applicant wishes to challenge the ZBA's assertion that it can deny the application on one or more of the grounds set forth in 760 CMR 56.03(1), the Applicant must file its written response with the Massachusetts Department of Housing and Community Development (DHCD) within 15 days of its receipt of the ZBA's notice. The Applicant must also provide the ZBA with a copy of its challenge.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| <b>TIME PERIOD</b>                                                                             | <b>ACTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>NO LATER THAN 30 DAYS FROM FILING OF APPLICANT'S CHALLENGE</b></p>                       | <p>DHCD must issue its decision re: the Applicant's appeal within 30 days of the receipt of all materials. Any failure of DHCD to issue a timely decision shall be deemed a determination in favor of the municipality.</p> <p>SEE 760 CMR 56.03(8).</p>                                                                                                                                                                                                                                                                                                                       |
| <p><b>NO LATER THAN 20 DAYS FROM THE DATE OF DHCD'S DECISION ON A "SAFE HARBOR" APPEAL</b></p> | <p>The Applicant or ZBA may appeal DHCD's decision by filing an interlocutory appeal with the HAC and the ZBA's Public Hearing must be stayed until the conclusion of the appeal.</p>                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>WITHIN 180 DAYS OF THE OPENING OF THE PUBLIC HEARING</b></p>                             | <p>Except with the written consent of the Applicant, the Public Hearing shall not extend beyond 180 days of the opening of the Public Hearing. The 180 day limit presumes that the Applicant has made timely submissions of materials in response to <b>reasonable</b> information requests by the ZBA and that there have not been any significant changes in the proposed project during the Public Hearing. If significant modifications do occur, the ZBA will normally ask the Applicant to consent to an extension of the 180-day limit.</p> <p>SEE 760 CMR 56.05(3)</p> |

| <b>TIME PERIOD</b>                                                                  | <b>ACTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>NO LATER THAN 40 DAYS FROM THE CLOSING OF PUBLIC HEARING</b></p>              | <p>The ZBA must “render a decision” (Denial, Approval, or Approval with Conditions), based on a <b>majority</b> vote of the Board within 40 days of the closing of the Public Hearing, unless such time period is extended by written agreement of the ZBA and Applicant. The ZBA shall file its decision with 14 days in the office of the city or town clerk and forward a copy to the Applicant or its designated representative, and to DHCD”.</p> <p>Note: Although the regulations state that the ZBA needs only to “render a decision” within 40 days, most ZBAs take a conservative approach and file an executed Comprehensive Permit decision within 40 days of the closing of the Public Hearing.</p> <p>Note: The majority vote is based upon the number of originally sitting members. For example, assume that there were 5 announced sitting members. However, at the closing of the Public Hearing, only three members remain eligible to vote. A vote to grant the Comprehensive Permit would require the support of all 3 of the voting-eligible members. Therefore, if a voting member is at risk of losing voting eligibility because the member is unable to attend a Public Hearing and has already used the Mullin Rule for one absence (assuming the municipality has adopted the Mullin Rule), the ZBA will normally ask the Applicant if it desires to proceed with the hearing or continue the hearing to a date on which all voting members can be present.<br/>SEE CMR 760 56.05(8).</p> |
| <p><b>NO LATER THAN 20 DAYS FROM DATE ZBA DECISION IS FILED WITH TOWN CLERK</b></p> | <p>If the ZBA denies the permit or approves the permit with conditions or requirements that the Applicant feels make the project “Uneconomic,” the Applicant may appeal the ZBA decision to the Housing Appeals Committee within 20 days after the written decision has been filed in the office of the city or town clerk.</p> <p>SEE 760 CMR 56.05(9)(b) and 760 CMR 56.06(4)(g)</p> <p>If the ZBA approves the Comprehensive Permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c. 40A, §17. The court would normally be either the Land Court or Superior Court.</p> <p>SEE 760 CMR 56.05(9)(a)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



Commonwealth of Massachusetts  
**DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

Issue Date: August 10, 2022

Revised: October 21, 2022

**Compliance Guidelines for Multi-family Zoning Districts**  
**Under Section 3A of the Zoning Act**

**1. Overview of Section 3A of the Zoning Act**

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

**2. Definitions**

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on DHCD’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by DHCD.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCD to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCD as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by DHCD; or (iii) has been designated by the public owner for disposition and

redevelopment. Other publicly-owned land may qualify as developable public land if DHCD determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“DHCD” means the Department of Housing and Community Development.

“EOHED” means the Executive Office of Housing and Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) DHCD considers requests for funding from the Housing Choice Initiative, (iii) EOHED, DHCD and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

### **3. General Principles of Compliance**

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”

- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

#### **4. Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. DHCD will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

##### *a. Site plan review*

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable

case law.<sup>1</sup> These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

*b. Affordability requirements*

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCD will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, DHCD may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by DHCD as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCD; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to DHCD, and using a methodology and format acceptable to DHCD. The analysis must demonstrate that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will DHCD approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the

---

<sup>1</sup> See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

**5. Determining "Reasonable Size"**

In making determinations of "reasonable size," DHCD will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. DHCD will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, DHCD will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

| <b>Category</b>         | <b>Percentage of total housing units</b> |
|-------------------------|------------------------------------------|
| Rapid transit community | 25%                                      |
| Commuter rail community | 15%                                      |
| Adjacent community      | 10%                                      |
| Adjacent small town     | 5%                                       |

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of  $7,500 \times 0.25 = 1,875$  multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 ( $40 \times 15$ ) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater* of the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

*Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying  $1,000 \times .1 = 100$  units; (ii) second, by multiplying  $50 \times 15 = 750$  units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of  $1,000 = 250$  units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.*

c. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCD compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

d. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

## 6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

### a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the DHCD compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

### b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. DHCD will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

### c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

**7. Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

**8. Location of Districts**

*a. General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, DHCD will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. DHCD will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

| <u>Total developable station area within the MBTA community (acres)</u> | <u>Portion of the multi-family zoning district that must be within a transit station area</u> |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 0-100                                                                   | 0%                                                                                            |
| 101-250                                                                 | 20%                                                                                           |
| 251-400                                                                 | 40%                                                                                           |
| 401-600                                                                 | 50%                                                                                           |
| 601-800                                                                 | 75%                                                                                           |
| 801+                                                                    | 90%                                                                                           |

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

*b. MBTA communities with limited or no transit station area*

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

*c. General guidance on district location applicable to all MBTA communities*

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

## **9. Determinations of Compliance**

Section 3A provides that any MBTA community that fails to comply with Section 3A’s requirements will be ineligible for funding from any of the listed funding sources. DHCD will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. Determinations of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions.

DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

| Transit Category (# of municipalities) | Deadline to Submit Action Plan | Deadline to Submit District Compliance Application |
|----------------------------------------|--------------------------------|----------------------------------------------------|
| Rapid transit community (12)           | January 31, 2023               | December 31, 2023                                  |
| Commuter rail community (71)           | January 31, 2023               | December 31, 2024                                  |
| Adjacent community (58)                | January 31, 2023               | December 31, 2024                                  |
| Adjacent small town (34)               | January 31, 2023               | December 31, 2025                                  |

a. *Process to achieve interim compliance*

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by DHCD. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *DHCD approval of an action plan.* DHCD will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If DHCD determines that the MBTA community’s action plan is reasonable and will lead to district compliance in a timely manner, DHCD will issue a determination of interim compliance. DHCD may require modifications to a proposed action plan prior to approval.
- iii. *Implementation of the action plan.* After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community’s progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a DHCD determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted

by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with DHCD staff throughout the process of implementing an action plan. DHCD will endeavor to respond to inquiries about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by DHCD and should be submitted at least 90 days prior to the vote of the legislative body.

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from DHCD. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by DHCD and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, DHCD will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at DHCD.

**10. Ongoing Obligations; Rescission of a Determination of Compliance**

After receiving a determination of compliance, an MBTA community must notify DHCD in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development

of multi-family housing in the multi-family zoning district. DHCD may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if DHCD determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify DHCD of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district;
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

#### **11. Changes to MBTA Service**

Section 3A applies to the 175 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

**List of Appendices:**

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

**Appendix 1:**  
**MBTA Community Categories and Requirements**

| <b>Community</b> | <b>Community category</b> | <b>2020 Housing Units</b> | <b>Minimum multi-family unit capacity*</b> | <b>Minimum land area**</b> | <b>Developable station area***</b> | <b>% of district to be located in station area</b> |
|------------------|---------------------------|---------------------------|--------------------------------------------|----------------------------|------------------------------------|----------------------------------------------------|
| Abington         | Commuter Rail             | 6,811                     | 1,022                                      | 50                         | 307                                | 40%                                                |
| Acton            | Commuter Rail             | 9,219                     | 1,383                                      | 50                         | 246                                | 20%                                                |
| Amesbury         | Adjacent Community        | 7,889                     | 789                                        | 50                         | -                                  | 0%                                                 |
| Andover          | Commuter Rail             | 13,541                    | 2,031                                      | 50                         | 587                                | 50%                                                |
| Arlington        | Adjacent Community        | 20,461                    | 2,046                                      | 32                         | 58                                 | 0%                                                 |
| Ashburnham       | Adjacent Small Town       | 2,730                     | 137                                        | -                          | -                                  | 0%                                                 |
| Ashby            | Adjacent Small Town       | 1,243                     | 62                                         | -                          | -                                  | 0%                                                 |
| Ashland          | Commuter Rail             | 7,495                     | 1,124                                      | 50                         | 272                                | 40%                                                |
| Attleboro        | Commuter Rail             | 19,097                    | 2,865                                      | 50                         | 467                                | 50%                                                |
| Auburn           | Adjacent Community        | 6,999                     | 750                                        | 50                         | -                                  | 0%                                                 |
| Ayer             | Commuter Rail             | 3,807                     | 750                                        | 50                         | 284                                | 40%                                                |
| Bedford          | Adjacent Community        | 5,444                     | 750                                        | 50                         | -                                  | 0%                                                 |
| Bellingham       | Adjacent Community        | 6,749                     | 750                                        | 50                         | -                                  | 0%                                                 |
| Belmont          | Commuter Rail             | 10,882                    | 1,632                                      | 27                         | 502                                | 50%                                                |
| Berkley          | Adjacent Small Town       | 2,360                     | 118                                        | -                          | 79                                 | 0%                                                 |
| Beverly          | Commuter Rail             | 17,887                    | 2,683                                      | 50                         | 1,435                              | 90%                                                |
| Billerica        | Commuter Rail             | 15,485                    | 2,323                                      | 50                         | 308                                | 40%                                                |
| Bourne           | Adjacent Small Town       | 11,140                    | 557                                        | -                          | -                                  | 0%                                                 |
| Boxborough       | Adjacent Small Town       | 2,362                     | 118                                        | -                          | -                                  | 0%                                                 |
| Boxford          | Adjacent Small Town       | 2,818                     | 141                                        | -                          | -                                  | 0%                                                 |
| Braintree        | Rapid Transit             | 15,077                    | 3,769                                      | 50                         | 485                                | 50%                                                |
| Bridgewater      | Commuter Rail             | 9,342                     | 1,401                                      | 50                         | 181                                | 20%                                                |
| Brockton         | Commuter Rail             | 37,304                    | 5,596                                      | 50                         | 995                                | 90%                                                |
| Brookline        | Rapid Transit             | 27,961                    | 6,990                                      | 41                         | 1,349                              | 90%                                                |

|                  |                     |        |        |    |       |     |
|------------------|---------------------|--------|--------|----|-------|-----|
| Burlington       | Adjacent Community  | 10,431 | 1,043  | 50 | -     | 0%  |
| Cambridge        | Rapid Transit       | 53,907 | 13,477 | 32 | 1,392 | 90% |
| Canton           | Commuter Rail       | 9,930  | 1,490  | 50 | 451   | 50% |
| Carlisle         | Adjacent Small Town | 1,897  | 95     | -  | -     | 0%  |
| Carver           | Adjacent Small Town | 4,701  | 235    | -  | -     | 0%  |
| Chelmsford       | Adjacent Community  | 14,769 | 1,477  | 50 | -     | 0%  |
| Chelsea          | Rapid Transit       | 14,554 | 3,639  | 14 | 608   | 75% |
| Cohasset         | Commuter Rail       | 3,341  | 638    | 43 | 241   | 20% |
| Concord          | Commuter Rail       | 7,295  | 1,094  | 50 | 519   | 50% |
| Danvers          | Adjacent Community  | 11,763 | 1,176  | 50 | -     | 0%  |
| Dedham           | Commuter Rail       | 10,459 | 1,569  | 49 | 507   | 50% |
| Dover            | Adjacent Small Town | 2,046  | 102    | -  | -     | 0%  |
| Dracut           | Adjacent Community  | 12,325 | 1,233  | 50 | -     | 0%  |
| Duxbury          | Adjacent Community  | 6,274  | 750    | 50 | -     | 0%  |
| East Bridgewater | Adjacent Community  | 5,211  | 750    | 50 | -     | 0%  |
| Easton           | Adjacent Community  | 9,132  | 913    | 50 | -     | 0%  |
| Essex            | Adjacent Small Town | 1,662  | 83     | -  | -     | 0%  |
| Everett          | Rapid Transit       | 18,208 | 4,552  | 22 | 200   | 20% |
| Fall River       | Commuter Rail       | 44,346 | 6,652  | 50 | 324   | 40% |
| Fitchburg        | Commuter Rail       | 17,452 | 2,618  | 50 | 601   | 75% |
| Foxborough       | Adjacent Community  | 7,682  | 768    | 50 | -     | 0%  |
| Framingham       | Commuter Rail       | 29,033 | 4,355  | 50 | 270   | 40% |
| Franklin         | Commuter Rail       | 12,551 | 1,883  | 50 | 643   | 75% |
| Freetown         | Commuter Rail       | 3,485  | 750    | 50 | 346   | 40% |
| Georgetown       | Adjacent Community  | 3,159  | 750    | 50 | -     | 0%  |
| Gloucester       | Commuter Rail       | 15,133 | 2,270  | 50 | 430   | 50% |
| Grafton          | Adjacent Community  | 7,760  | 776    | 50 | 82    | 0%  |
| Groton           | Adjacent Small Town | 4,153  | 208    | -  | -     | 0%  |

|            |                     |        |       |    |     |     |
|------------|---------------------|--------|-------|----|-----|-----|
| Groveland  | Adjacent Small Town | 2,596  | 130   | -  | -   | 0%  |
| Halifax    | Commuter Rail       | 3,107  | 750   | 50 | 300 | 40% |
| Hamilton   | Commuter Rail       | 2,925  | 731   | 49 | 184 | 20% |
| Hanover    | Adjacent Community  | 5,268  | 750   | 50 | -   | 0%  |
| Hanson     | Commuter Rail       | 3,960  | 750   | 50 | 218 | 20% |
| Harvard    | Adjacent Small Town | 2,251  | 113   | -  | -   | 0%  |
| Haverhill  | Commuter Rail       | 27,927 | 4,189 | 50 | 415 | 50% |
| Hingham    | Commuter Rail       | 9,930  | 1,490 | 50 | 757 | 75% |
| Holbrook   | Commuter Rail       | 4,414  | 662   | 41 | 170 | 20% |
| Holden     | Adjacent Community  | 7,439  | 750   | 50 | -   | 0%  |
| Holliston  | Adjacent Community  | 5,562  | 750   | 50 | -   | 0%  |
| Hopkinton  | Adjacent Community  | 6,645  | 750   | 50 | 79  | 0%  |
| Hull       | Adjacent Community  | 5,856  | 586   | 7  | 34  | 0%  |
| Ipswich    | Commuter Rail       | 6,476  | 971   | 50 | 327 | 40% |
| Kingston   | Commuter Rail       | 5,364  | 805   | 50 | 345 | 40% |
| Lakeville  | Adjacent Small Town | 4,624  | 231   | -  | 30  | 0%  |
| Lancaster  | Adjacent Small Town | 2,788  | 139   | -  | -   | 0%  |
| Lawrence   | Commuter Rail       | 30,008 | 4,501 | 39 | 271 | 40% |
| Leicester  | Adjacent Small Town | 4,371  | 219   | -  | -   | 0%  |
| Leominster | Commuter Rail       | 18,732 | 2,810 | 50 | 340 | 40% |
| Lexington  | Adjacent Community  | 12,310 | 1,231 | 50 | -   | 0%  |
| Lincoln    | Commuter Rail       | 2,771  | 635   | 42 | 130 | 20% |
| Littleton  | Commuter Rail       | 3,889  | 750   | 50 | 244 | 20% |
| Lowell     | Commuter Rail       | 43,482 | 6,522 | 50 | 274 | 40% |
| Lunenburg  | Adjacent Small Town | 4,805  | 240   | -  | -   | 0%  |
| Lynn       | Commuter Rail       | 36,782 | 5,517 | 50 | 637 | 75% |
| Lynnfield  | Adjacent Community  | 4,773  | 607   | 40 | -   | 0%  |
| Malden     | Rapid Transit       | 27,721 | 6,930 | 31 | 484 | 50% |

|                    |                     |        |       |    |       |     |
|--------------------|---------------------|--------|-------|----|-------|-----|
| Manchester         | Commuter Rail       | 2,433  | 559   | 37 | 305   | 40% |
| Mansfield          | Commuter Rail       | 9,282  | 1,392 | 50 | 327   | 40% |
| Marblehead         | Adjacent Community  | 8,965  | 897   | 27 | -     | 0%  |
| Marlborough        | Adjacent Community  | 17,547 | 1,755 | 50 | -     | 0%  |
| Marshfield         | Adjacent Community  | 11,575 | 1,158 | 50 | -     | 0%  |
| Maynard            | Adjacent Community  | 4,741  | 474   | 21 | -     | 0%  |
| Medfield           | Adjacent Community  | 4,450  | 750   | 50 | -     | 0%  |
| Medford            | Rapid Transit       | 25,770 | 6,443 | 35 | 714   | 75% |
| Medway             | Adjacent Community  | 4,826  | 750   | 50 | -     | 0%  |
| Melrose            | Commuter Rail       | 12,614 | 1,892 | 25 | 774   | 75% |
| Merrimac           | Adjacent Small Town | 2,761  | 138   | -  | -     | 0%  |
| Methuen            | Adjacent Community  | 20,194 | 2,019 | 50 | -     | 0%  |
| Middleborough      | Commuter Rail       | 9,808  | 1,471 | 50 | 260   | 40% |
| Middleton          | Adjacent Community  | 3,359  | 750   | 50 | -     | 0%  |
| Millbury           | Adjacent Community  | 5,987  | 750   | 50 | -     | 0%  |
| Millis             | Adjacent Community  | 3,412  | 750   | 50 | -     | 0%  |
| Milton             | Rapid Transit       | 9,844  | 2,461 | 50 | 404   | 50% |
| Nahant             | Adjacent Small Town | 1,680  | 84    | -  | -     | 0%  |
| Natick             | Commuter Rail       | 15,680 | 2,352 | 50 | 680   | 75% |
| Needham            | Commuter Rail       | 11,891 | 1,784 | 50 | 1,223 | 90% |
| New Bedford        | Commuter Rail       | 44,588 | 6,688 | 50 | 744   | 75% |
| Newbury            | Adjacent Small Town | 3,072  | 154   | -  | 69    | 0%  |
| Newburyport        | Commuter Rail       | 8,615  | 1,292 | 35 | 213   | 20% |
| Newton             | Rapid Transit       | 33,320 | 8,330 | 50 | 2,833 | 90% |
| Norfolk            | Commuter Rail       | 3,601  | 750   | 50 | 333   | 40% |
| North Andover      | Adjacent Community  | 11,914 | 1,191 | 50 | 5     | 0%  |
| North Attleborough | Adjacent Community  | 12,551 | 1,255 | 50 | -     | 0%  |
| North Reading      | Adjacent Community  | 5,875  | 750   | 50 | -     | 0%  |

|              |                     |        |        |    |       |     |
|--------------|---------------------|--------|--------|----|-------|-----|
| Northborough | Adjacent Community  | 5,897  | 750    | 50 | -     | 0%  |
| Northbridge  | Adjacent Community  | 6,691  | 750    | 50 | -     | 0%  |
| Norton       | Adjacent Community  | 6,971  | 750    | 50 | -     | 0%  |
| Norwell      | Adjacent Community  | 3,805  | 750    | 50 | -     | 0%  |
| Norwood      | Commuter Rail       | 13,634 | 2,045  | 50 | 861   | 90% |
| Paxton       | Adjacent Small Town | 1,689  | 84     | -  | -     | 0%  |
| Peabody      | Adjacent Community  | 23,191 | 2,319  | 50 | -     | 0%  |
| Pembroke     | Adjacent Community  | 7,007  | 750    | 50 | -     | 0%  |
| Plymouth     | Adjacent Community  | 28,074 | 2,807  | 50 | -     | 0%  |
| Plympton     | Adjacent Small Town | 1,068  | 53     | -  | -     | 0%  |
| Princeton    | Adjacent Small Town | 1,383  | 69     | -  | -     | 0%  |
| Quincy       | Rapid Transit       | 47,009 | 11,752 | 50 | 1,222 | 90% |
| Randolph     | Commuter Rail       | 12,901 | 1,935  | 48 | 182   | 20% |
| Raynham      | Adjacent Community  | 5,749  | 750    | 50 | -     | 0%  |
| Reading      | Commuter Rail       | 9,952  | 1,493  | 43 | 343   | 40% |
| Rehoboth     | Adjacent Small Town | 4,611  | 231    | -  | -     | 0%  |
| Revere       | Rapid Transit       | 24,539 | 6,135  | 27 | 457   | 50% |
| Rochester    | Adjacent Small Town | 2,105  | 105    | -  | -     | 0%  |
| Rockland     | Adjacent Community  | 7,263  | 726    | 47 | -     | 0%  |
| Rockport     | Commuter Rail       | 4,380  | 657    | 32 | 252   | 40% |
| Rowley       | Commuter Rail       | 2,405  | 601    | 40 | 149   | 20% |
| Salem        | Commuter Rail       | 20,349 | 3,052  | 41 | 266   | 40% |
| Salisbury    | Adjacent Community  | 5,305  | 750    | 50 | -     | 0%  |
| Saugus       | Adjacent Community  | 11,303 | 1,130  | 50 | 11    | 0%  |
| Scituate     | Commuter Rail       | 8,260  | 1,239  | 50 | 373   | 40% |
| Seekonk      | Adjacent Community  | 6,057  | 750    | 50 | -     | 0%  |
| Sharon       | Commuter Rail       | 6,581  | 987    | 50 | 261   | 40% |
| Sherborn     | Adjacent Small Town | 1,562  | 78     | -  | -     | 0%  |

|                  |                     |        |       |    |       |     |
|------------------|---------------------|--------|-------|----|-------|-----|
| Shirley          | Commuter Rail       | 2,599  | 650   | 43 | 338   | 40% |
| Shrewsbury       | Adjacent Community  | 14,966 | 1,497 | 50 | 52    | 0%  |
| Somerville       | Rapid Transit       | 36,269 | 9,067 | 24 | 1,314 | 90% |
| Southborough     | Commuter Rail       | 3,763  | 750   | 50 | 167   | 20% |
| Sterling         | Adjacent Small Town | 3,117  | 156   | -  | -     | 0%  |
| Stoneham         | Adjacent Community  | 10,159 | 1,016 | 27 | 12    | 0%  |
| Stoughton        | Commuter Rail       | 11,739 | 1,761 | 50 | 317   | 40% |
| Stow             | Adjacent Small Town | 2,770  | 139   | -  | -     | 0%  |
| Sudbury          | Adjacent Community  | 6,556  | 750   | 50 | -     | 0%  |
| Sutton           | Adjacent Small Town | 3,612  | 181   | -  | -     | 0%  |
| Swampscott       | Commuter Rail       | 6,362  | 954   | 20 | 236   | 20% |
| Taunton          | Commuter Rail       | 24,965 | 3,745 | 50 | 269   | 40% |
| Tewksbury        | Adjacent Community  | 12,139 | 1,214 | 50 | -     | 0%  |
| Topsfield        | Adjacent Small Town | 2,358  | 118   | -  | -     | 0%  |
| Townsend         | Adjacent Small Town | 3,566  | 178   | -  | -     | 0%  |
| Tyngsborough     | Adjacent Community  | 4,669  | 750   | 50 | -     | 0%  |
| Upton            | Adjacent Small Town | 2,995  | 150   | -  | -     | 0%  |
| Wakefield        | Commuter Rail       | 11,305 | 1,696 | 36 | 630   | 75% |
| Walpole          | Commuter Rail       | 10,042 | 1,506 | 50 | 638   | 75% |
| Waltham          | Commuter Rail       | 26,545 | 3,982 | 50 | 470   | 50% |
| Wareham          | Adjacent Community  | 12,967 | 1,297 | 50 | -     | 0%  |
| Watertown        | Adjacent Community  | 17,010 | 1,701 | 24 | 27    | 0%  |
| Wayland          | Adjacent Community  | 5,296  | 750   | 50 | -     | 0%  |
| Wellesley        | Commuter Rail       | 9,282  | 1,392 | 50 | 921   | 90% |
| Wenham           | Commuter Rail       | 1,460  | 365   | 24 | 111   | 20% |
| West Boylston    | Adjacent Community  | 3,052  | 587   | 39 | -     | 0%  |
| West Bridgewater | Adjacent Small Town | 2,898  | 145   | -  | -     | 0%  |
| West Newbury     | Adjacent Small Town | 1,740  | 87    | -  | -     | 0%  |

|             |                     |        |        |    |     |     |
|-------------|---------------------|--------|--------|----|-----|-----|
| Westborough | Commuter Rail       | 8,334  | 1,250  | 50 | 194 | 20% |
| Westford    | Adjacent Community  | 9,237  | 924    | 50 | -   | 0%  |
| Westminster | Adjacent Small Town | 3,301  | 165    | -  | 30  | 0%  |
| Weston      | Commuter Rail       | 4,043  | 750    | 50 | 702 | 75% |
| Westwood    | Commuter Rail       | 5,801  | 870    | 50 | 470 | 50% |
| Weymouth    | Commuter Rail       | 25,419 | 3,813  | 50 | 713 | 75% |
| Whitman     | Commuter Rail       | 5,984  | 898    | 37 | 242 | 20% |
| Wilmington  | Commuter Rail       | 8,320  | 1,248  | 50 | 538 | 50% |
| Winchester  | Commuter Rail       | 8,135  | 1,220  | 37 | 446 | 50% |
| Winthrop    | Adjacent Community  | 8,821  | 882    | 12 | 14  | 0%  |
| Woburn      | Commuter Rail       | 17,540 | 2,631  | 50 | 702 | 75% |
| Worcester   | Commuter Rail       | 84,281 | 12,642 | 50 | 290 | 40% |
| Wrentham    | Adjacent Community  | 4,620  | 750    | 50 | -   | 0%  |

296,806

Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

\*

Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

\*\*

Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.

\*\*\*

This Appendix was updated on 3/13/2023 to add two new MBTA communities (Fall River and New Bedford, which became MBTA communities on 1/1/2023)

\*\*\*\*

## Appendix 2

### Compliance Model Overview

The purpose of the compliance model is to ensure a consistent approach to measuring and evaluating multi-family zoning districts for compliance with Section 3A. The compliance model is intended to create a reasonable estimate of multi-family unit capacity of each multi-family zoning district. It is not intended to provide a precise determination of how many units may be developed on any individual lot or combination of lots.

The model uses geospatial tax parcel data from local assessors, compiled and hosted by MassGIS, to define lot boundaries and dimensions in each multi-family zoning district. The model also captures key dimensional and regulatory elements of the multi-family zoning district that impact multi-family unit capacity. The product of the compliance model is a Microsoft Excel workbook that must be submitted as part of a compliance application to DHCD. Consultant support is available at no cost to assist MBTA communities in meeting all the technical requirements of compliance.

The Compliance Modeling Process at a Glance:

- 1 Step One**  
Download the compliance model (an Excel workbook), instructions, and Land Database GIS file from DHCD's mass.gov website
- 2 Step Two**  
Each municipality will answer questions in a "Checklist" format answering questions and using information from the proposed zoning district (such as height, lot coverage, and other dimensional metrics).
- 3 Step Three**  
Using a GIS map provided by DHCD, the community will draw zoning district boundaries so that individual lot level data can be exported into the workbook.
- 4 Step Four**  
The compliance model's formulas then generate an estimate of: unit capacity on each lot in the district(s); unit capacity for the district(s) as a whole; total land area for the district(s) and resulting gross density. Municipalities then review the resulting lot data for accuracy.
- 5 Step Five**  
Finally, the workbook results are compared to the requirements for the applying municipality as part of the district compliance determination process. The municipality submits the completed workbook as part of its application to DHCD when the results show a district and zoning is compliant with the requirements in Appendix 1.

## **Components of the Compliance Model**

### Land database

The compliance model includes geospatial parcel data for each MBTA community that identifies how much land area on each lot within a multi-family zoning district is developable land. Applicants will prepare this parcel data for the model's calculations by creating a shapefile for each district, measuring each district's land area, and exporting all lot records within the district's boundaries into an Excel or .csv file. These exported tables can then be pasted into the zoning review checklist and unit capacity estimator, described below.

### Zoning review checklist and unit capacity estimator

To capture the data needed to estimate a district's multi-family unit capacity, municipalities will be required to complete a zoning review checklist. The checklist is of a series of questions and responses about allowed residential uses, parking requirements, dimensional restrictions (such as maximum building height and minimum open space), and other regulatory elements applicable in the district.

The unit capacity estimator uses the GIS exported lot information from the land database and the information entered into the zoning review checklist to calculate an estimate of the maximum number of multi-family residential units that could be constructed on each lot in each district as of right. It then aggregates the unit capacity estimates for each lot into an estimate of total unit capacity for each district. It also derives an estimate of the gross density for each district.

## **Case-Specific Refinements to the Compliance Model Inputs and Outputs**

To ensure the integrity and reasonableness of each unit capacity estimate, DHCD may adjust the compliance model inputs and outputs as necessary to account for physical conditions or zoning restrictions not adequately captured by the compliance model. For example, DHCD may override the GIS data and change one or more lots from excluded land to developable land where a municipality demonstrates those lots meet the definition of developable land. DHCD may also adjust the unit capacity estimator's algorithm when it does not adequately account for an atypical zoning requirement or other local development restriction that will clearly impact unit capacity.

Robert N. Meltzer

Attorney At Law

June 14, 2023

Board of Selectmen  
Town of Concord  
22 Concord Square  
Concord, MA 01742  
Attn: Henry Dane, Chair

Re: MBTA Community Zoning Overlay

Dear Mr. Dane:

As you know, in 2021 the state legislature passed a law requiring a zoning overlay for "MBTA Communities" that would require multi-family zoning in specific areas surrounding MBTA facilities. In this case, and for the town of Concord, this impacts West Concord village and downtown Concord.

As you may not know, many towns are objecting to a state-wide effort to impose zoning overlays which fail to adequately address local conditions and local opinions and local policy decisions, meaning that the overlay process is likely to lead to significant litigation as towns defend their right to local zoning control free of spot zoning by the Massachusetts General Court. This is an important issue for towns, like Concord, with multiple stations, in that they are being forced to cede regulatory control of large swaths of valuable and taxable land to state regulators remote from public process.

What is clear is that the overlay process is a two-step process. First, the town must agree to be an MBTA Community, in which case the overlay applies. The corollary to this is the question of what happens if a town elects not to remain a MBTA Community, in which case the state law does not mandate the overlay. It is very unclear at this point what it means to be an MBTA Community, or how one can terminate the designation of being an MBTA Community. What is clear is that the decision to comply with new law belongs to the people of each community, which in this instance is represented by Town Meeting.

It appears that the 2021 law, which was poorly considered and poorly drafted, implicates potential tax revenues of the MBTA Communities and creates uncertainty about revenue caused by potential future mandates. As such, taxpayers have a right to be heard before any action is taken by the town with consequences relating to taxation. Before this town proceeds further on creating the overlay, the first step must be approval of Town Meeting or perhaps a town-wide ballot, the absence of which would render the overlay constitutionally illegal, and subject to litigation.

Robert N. Meltzer

Attorney At Law

I am proposing that the Selectmen create and staff an ad hoc committee to review this issue, to develop an understanding of what it means to be an MBTA Community, whether a town may withdraw from participation with the MBTA in order to terminate being an MBTA Community based on concerns, consequences and impacts of being an MBTA Community which have not previously included imposition of state-sponsored zoning, and, ultimately, following hearings on these issues, to make a recommendation concerning the Selectmen's determination to move forward with the overlay, or not, based upon the repercussions of such a choice. In short, if the people of Concord do not want to have spot zoning imposed on the town, with the precedent it creates, what does it mean to withdraw as a MBTA Community and how is it done? Could the town elect to keep one MBTA station and retain the other? And how does that work? And, most importantly for the purposes of assessing suitability of the overlay at one, two or zero stations, what would be the impact on tax revenues on this town. Clearly, these issues must be addressed for the citizens of Concord to make an informed choice as to their response to the overlay(s).

It is extremely premature to be moving forward with compliance with the law when Town Meeting has yet to sign on, opening a door to potential legal challenge to the rights of the citizens of this town to object to the overall scheme, not just its particulars. Withdrawing from the MBTA Community to reflect rejection of rule from Boston may seem extreme to some, but less than firing on the King's troops at the Old North Bridge; never underestimate the will of Concordians.

Thank you.

Very truly yours,



Robert N. Meltzer

## Henry Dane

---

**From:** keith@kbergman.com  
**Sent:** Friday, June 30, 2023 9:38 AM  
**To:** Linda Escobedo; 'Lawson, Michael E'; 'Rich Feeley'; Kerry Lafleur  
**Cc:** 'Lee Smith'; 'Stephanie Chrobak'; 'Linda Miller'; Henry Dane; 'Burton Flint'; 'Diane Proctor'; 'Rick Eifler'; 'Stephan Bader'; Mary Hartman; 'Kathy Cuocolo'; Megan Zammuto; Elizabeth Hughes; Elizabeth Rust; 'Jennifer Polito'  
**Subject:** CMAHT - 6/27/2023 meeting update; next meeting 7/18/23 @ 5 pm on Zoom - prep for August Housing Roundtable  
**Attachments:** CMAHT Fund Balance 2023-06-27 year-end.xlsx; CMAHT Fund Balance 2023-06-27 year-end.pdf; 20230718\_Agenda\_Affordable\_Housing\_Trust.pdf

*No conversations in cyberspace, please*

CMAHT members, Concord Housing Roundtable partners, staff –

Here's a quick update from the Trust's meeting on June 27<sup>th</sup> –

- Approved [minutes from CMAHT's June 13 meeting](#).
- Voted to submit to the Select Board the attached CMAHT fund balance report for the fiscal year ending June 30, 2023 containing "a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding," pursuant to [CMAHT Bylaw Section 7](#). *In sum, total revenues of \$4,106,140.35 have been received since Town Meeting began setting aside funds for a Trust in 2019. Of that, \$983,000 has been committed for support or creation of 10 affordable units; leaving an uncommitted balance of \$3,123,140.35.*
- Discussed plans for a Concord Housing Roundtable-- to be held in August-- to try to reach a consensus with Roundtable partners on proposed funding priorities for the Trust's fund balance, and for upcoming housing funding applications for [CPA \(due 9/8/23\)](#), ARPA, & Town funds for 2024 Annual Town Meeting, and state grant opportunities.
- Heard updates from CHDC on Assabet River Bluff and Junction Village; from CHA on its properties and project-based voucher (PBV) program; and from the Town on surplus state property at 91B Main Street and the [NOVO Riverside Commons 40B](#).
- Prepared for [MBTA Communities Zoning](#) public information session on June 28<sup>th</sup>

CMAHT's next meeting will be on Tuesday July 18, 2023 at 5 pm on Zoom. Agenda is attached and [linked online](#). Topics include:

- Debrief from [June 28<sup>th</sup> MBTA Communities Zoning \(see presentations\)](#), and prepare for upcoming community workshops on zoning boundary and language to be held on July 26<sup>th</sup>, August 23<sup>rd</sup> and September 20<sup>th</sup>
- Continue to prepare for next Concord Housing Roundtable in August - Roundtable partners in attendance on June 27<sup>th</sup> had suggested Trust members come up with an initial set of proposed funding priorities for the larger group to consider, citing the criteria used in making recommendations (see [CMAHT guidelines approved by the Select Board in 2022](#), which are being updated to reflect adoption of the [Housing Production Plan](#)).
- Status of proposed state legislation to fund the Trust, including [S.1786](#) filed by Cape & Islands Senator Julian Cyr, which would establish a local option real estate transfer fee, provided that the community meets no less than 4 of the 7 criteria set forth in that bill. Rich Feeley had prepared a preliminary analysis for Concord, and Town staff has been asked for review and comment.

Thanks, all, for your support.

Keith

Keith Bergman, Chair

Concord Municipal Affordable Housing Trust | Concord, MA ([concordma.gov](http://concordma.gov))

Keith Bergman

56 White Avenue

Concord, MA 01742

[Keith@KBergman.com](mailto:Keith@KBergman.com)

774-353-8706

**CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST FUND, 6/27/2023**

**FUND ACTIVITY BY DATE**

| <i>Date</i>                                               | <i>By</i>           | <i>Purpose</i>                               | <i>Applicant</i> | <i>Amount</i>  | <i>Balance</i>  | <i>Status</i>                      |
|-----------------------------------------------------------|---------------------|----------------------------------------------|------------------|----------------|-----------------|------------------------------------|
| <b>CONCORD SELECT BOARD</b>                               |                     |                                              |                  |                |                 |                                    |
| 7/1/2019                                                  | Town Meeting        | 2019 ATM, Article 23                         | CHDC             | \$ 500,000.00  | \$ 500,000.00   | appropriation                      |
| 7/1/2019                                                  | Select Board        | 930 Main St - Assist in purchase (2 units)   | CHDC             | (150,000.00)   | 350,000.00      | 2 units added to SHI 1/1/2022      |
| 7/29/2019                                                 | Select Board        | Gerow - Design feasibility (1 unit)          | CHA              | (50,000.00)    | 300,000.00      | \$10,784.86 balance remains        |
| 9/13/2020                                                 | Town Meeting        | 2020 ATM, Article 14                         |                  | 500,000.00     | 800,000.00      | appropriation                      |
| 1/4/2021                                                  | Select Board        | Gift of Eric Green & Carmin Reiss to AHTF    |                  | 25,000.00      | 825,000.00      | donation                           |
| 2/22/2021                                                 | Select Board        | Emerson Annex - Preserve 1 unit              | Town             | (100,000.00)   | 725,000.00      | completed                          |
| 6/1/2021                                                  | Select Board        | 100 Elm Brook Buydown - Create 1 SHI unit    | CHDC             | (570,000.00)   | 155,000.00      | committed                          |
| 7/1/2021                                                  | Town Meeting        | 2021 ATM, Article 17                         |                  | 500,000.00     | 655,000.00      | appropriation                      |
| 11/22/2021                                                | Select Board        | Emerson Annex - return unused balance        | Town             | 5,000.00       | 660,000.00      | returned to article                |
| <b>CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST (CMAHT)</b> |                     |                                              |                  |                |                 |                                    |
| 12/6/2021                                                 | Select Board        | Transfer fund balances to CMAHT fund         |                  |                | \$ 660,000.00   |                                    |
| 12/16/2021                                                | CMAHT               | Assabet River Bluff land - deposit           | CHDC             | \$ (50,000.00) | 610,000.00      | applied to purchase, 8/9/22        |
| 1/3/2022                                                  | Select Board        | 100 Elm Brook Buydown - decommit             | CHDC             | 570,000.00     | 1,180,000.00    | decommitted                        |
| 1/6/2022                                                  | CMAHT               | Assabet River Bluff property for 5 SHI units | CHDC             | (600,000.00)   | 580,000.00      | \$2,564.98 balance remains         |
| 7/1/2022                                                  | Town Meeting        | 2022 ATM, Article 24                         |                  | 500,000.00     | 1,080,000.00    | appropriation                      |
| 10/4/2022                                                 | CMAHT               | Christopher Heights 83 SHI units             | CHDC             | (1,000,000.00) | 80,000.00       | committed                          |
| 10/25/2022                                                | CMAHT               | Christopher Heights 83 SHI units - decommit  | CHDC             | 1,000,000.00   | 1,080,000.00    | decommitted                        |
| 2/22/2023                                                 | Town Finance Dep't  | Accumulated interest through 2-22-2023       |                  | 12,472.85      | 1,092,472.85    | interest                           |
| 4/18/2023                                                 | CMAHT               | 135 Baker Ave - buy down 1 unit - by 7/6/23  |                  | (38,000.00)    | 1,054,472.85    | \$38,000 balance remains           |
| 4/30/2023                                                 | Town Meeting        | 2023 ATM, Article 29 Town transfer           | RHSO             | 1,000,000.00   | 2,054,472.85    | transfer from 2017 ATM article     |
| 5/26/2023                                                 | Town Finance Dep't  | Resale fee: 127 Old Bedford Rd, #1           |                  | 6,280.00       | 2,060,752.85    | RHSO resale fee                    |
| 6/20/2023                                                 | CPA grant agreement | 2023 ATM, Article 28 CPA fund transfer       |                  | 1,044,255.76   | 3,105,008.61    | for "affordable community housing" |
| 6/26/2023                                                 | Town Finance Dep't  | Incremental interest through 6-26-2023       |                  | 18,131.74      | 3,123,140.35    | interest                           |
| <b>UNCOMMITTED BALANCE</b>                                |                     |                                              |                  |                | \$ 3,123,140.35 |                                    |

**CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST FUND, 6/27/2023**

**PROGRAMMATIC SUMMARY**

**REVENUES**

| <u>BY FUNDING SOURCE</u>               | SHI | Amount                 | Balance | Status                             |
|----------------------------------------|-----|------------------------|---------|------------------------------------|
| 2019 ATM, Article 23                   |     | \$ 500,000.00          |         | appropriation                      |
| 2020 ATM, Article 14                   |     | 500,000.00             |         | appropriation                      |
| Donation to AHTF                       |     | 25,000.00              |         | donation                           |
| 2021 ATM, Article 17                   |     | 500,000.00             |         | appropriation                      |
| 2022 ATM, Article 24                   |     | 500,000.00             |         | appropriation                      |
| Accumulated interest through 2-22-2023 |     | 12,472.85              |         | interest                           |
| 2023 ATM, Article 29 Town transfer     |     | 1,000,000.00           |         | transfer from 2017 ATM article     |
| Resale fee: 127 Old Bedford Rd, #1     |     | 6,280.00               |         | RHSO resale fee                    |
| 2023 ATM, Article 28 CPA fund transfer |     | 1,044,255.76           |         | for "affordable community housing" |
| Incremental interest through 6-26-2023 |     | 18,131.74              |         | interest                           |
| <b>Total</b>                           |     | <b>\$ 4,106,140.35</b> |         |                                    |

**FUNDS COMMITTED**

| <u>BY PROJECT</u>                            | SHI       | Amount                 | Balance | Status                        |
|----------------------------------------------|-----------|------------------------|---------|-------------------------------|
| 930 Main St - Assist in purchase (2 units)   | 2 CHDC    | \$ (150,000.00)        |         | 2 units added to SHI 1/1/2022 |
| Gerow - Design feasibility (1 unit)          | 1 CHA     | \$ (50,000.00)         |         | \$10,784.86 balance remains   |
| Emerson Annex - Preserve 1 unit              | 1 Town    | \$ (95,000.00)         |         | completed                     |
| 100 Elm Brook Buydown - Create 1 SHI unit    | 0 CHDC    | \$ -                   |         | decommitted                   |
| Assabet River Bluff property for 5 SHI units | 5 CHDC    | \$ (650,000.00)        |         | \$2,564.98 balance remains    |
| Christopher Heights 83 SHI units             | 0 CHDC    | \$ -                   |         | decommitted                   |
| 135 Baker Ave - buy down 1 unit - by 7/6/23  | 1 RHSO    | \$ (38,000.00)         |         | \$38,000 balance remains      |
| <b>Total</b>                                 | <b>10</b> | <b>\$ (983,000.00)</b> |         |                               |
| <b>UNCOMMITTED BALANCE</b>                   |           | <b>\$ 3,123,140.35</b> |         |                               |

**FUNDS UNEXPENDED**

| <u>BY PROJECT</u>                            | SHI | Amount                 | Balance | Status |
|----------------------------------------------|-----|------------------------|---------|--------|
| Gerow - Design feasibility (1 unit)          |     | \$ 10,784.86           |         |        |
| Assabet River Bluff property for 5 SHI units |     | 2,564.96               |         |        |
| 135 Baker Ave - buy down 1 unit - by 7/6/23  |     | 38,000.00              |         |        |
| <b>UNEXPENDED BALANCE</b>                    |     | <b>\$ 51,349.82</b>    |         |        |
| <b>UNEXPENDED BALANCE</b>                    |     | <b>\$ 3,174,490.17</b> |         |        |

**CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST FUND, 6/27/2023**

**FUND ACTIVITY BY DATE**

| <i>Date</i>                                               | <i>By</i>           | <i>Purpose</i>                               | <i>Applicant</i> | <i>Amount</i>  | <i>Balance</i>         | <i>Status</i>                      |
|-----------------------------------------------------------|---------------------|----------------------------------------------|------------------|----------------|------------------------|------------------------------------|
| <b>CONCORD SELECT BOARD</b>                               |                     |                                              |                  |                |                        |                                    |
| 7/1/2019                                                  | Town Meeting        | 2019 ATM, Article 23                         |                  | \$ 500,000.00  | \$ 500,000.00          | appropriation                      |
| 7/1/2019                                                  | Select Board        | 930 Main St - Assist in purchase (2 units)   | CHDC             | (150,000.00)   | 350,000.00             | 2 units added to SHI 1/1/2022      |
| 7/29/2019                                                 | Select Board        | Gerow - Design feasibility (1 unit)          | CHA              | (50,000.00)    | 300,000.00             | \$10,784.86 balance remains        |
| 9/13/2020                                                 | Town Meeting        | 2020 ATM, Article 14                         |                  | 500,000.00     | 800,000.00             | appropriation                      |
| 1/4/2021                                                  | Select Board        | Gift of Eric Green & Carmin Reiss to AHTF    |                  | 25,000.00      | 825,000.00             | donation                           |
| 2/22/2021                                                 | Select Board        | Emerson Annex - Preserve 1 unit              | Town             | (100,000.00)   | 725,000.00             | completed                          |
| 6/1/2021                                                  | Select Board        | 100 Elm Brook Buydown - Create 1 SHI unit    | CHDC             | (570,000.00)   | 155,000.00             | committed                          |
| 7/1/2021                                                  | Town Meeting        | 2021 ATM, Article 17                         |                  | 500,000.00     | 655,000.00             | appropriation                      |
| 11/22/2021                                                | Select Board        | Emerson Annex - return unused balance        | Town             | 5,000.00       | 660,000.00             | returned to article                |
| <b>CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST (CMAHT)</b> |                     |                                              |                  |                |                        |                                    |
| 12/6/2021                                                 | Select Board        | Transfer fund balances to CMAHT fund         |                  | \$             | \$ 660,000.00          |                                    |
| 12/16/2021                                                | CMAHT               | Assabet River Bluff land - deposit           | CHDC             | \$ (50,000.00) | 610,000.00             | applied to purchase, 8/9/22        |
| 1/3/2022                                                  | Select Board        | 100 Elm Brook Buydown - decommit             | CHDC             | 570,000.00     | 1,180,000.00           | decommitted                        |
| 1/6/2022                                                  | CMAHT               | Assabet River Bluff property for 5 SHI units | CHDC             | (600,000.00)   | 580,000.00             | \$2,564.98 balance remains         |
| 7/1/2022                                                  | Town Meeting        | 2022 ATM, Article 24                         |                  | 500,000.00     | 1,080,000.00           | appropriation                      |
| 10/4/2022                                                 | CMAHT               | Christopher Heights 83 SHI units             | CHDC             | (1,000,000.00) | 80,000.00              | committed                          |
| 10/25/2022                                                | CMAHT               | Christopher Heights 83 SHI units - decommit  | CHDC             | 1,000,000.00   | 1,080,000.00           | decommitted                        |
| 2/22/2023                                                 | Town Finance Dept   | Accumulated interest through 2-22-2023       |                  | 12,472.85      | 1,092,472.85           | interest                           |
| 4/18/2023                                                 | CMAHT               | 135 Baker Ave - buy down 1 unit - by 7/6/23  |                  | (38,000.00)    | 1,054,472.85           | \$38,000 balance remains           |
| 4/30/2023                                                 | Town Meeting        | 2023 ATM, Article 29 Town transfer           | RHSO             | 1,000,000.00   | 2,054,472.85           | transfer from 2017 ATM article     |
| 5/26/2023                                                 | Town Finance Dept   | Resale fee: 127 Old Bedford Rd, #1           |                  | 6,280.00       | 2,060,752.85           | RHSO resale fee                    |
| 6/20/2023                                                 | CPA grant agreement | 2023 ATM, Article 28 CPA fund transfer       |                  | 1,044,255.76   | 3,105,008.61           | for "affordable community housing" |
| 6/26/2023                                                 | Town Finance Dept   | Incremental interest through 6-26-2023       |                  | 18,131.74      | 3,123,140.35           | interest                           |
| <b>UNCOMMITTED BALANCE</b>                                |                     |                                              |                  | <b>\$</b>      | <b>\$ 3,123,140.35</b> |                                    |

**CONCORD MUNICIPAL AFFORDABLE HOUSING TRUST FUND, 6/27/2023**

**PROGRAMMATIC SUMMARY**

| REVENUES                                     | SHI       | Amount          | Balance                | Status                             |
|----------------------------------------------|-----------|-----------------|------------------------|------------------------------------|
| <u>BY FUNDING SOURCE</u>                     |           |                 |                        |                                    |
| 2019 ATM, Article 23                         |           | \$ 500,000.00   |                        | appropriation                      |
| 2020 ATM, Article 14                         |           | 500,000.00      |                        | appropriation                      |
| Donation to AHTF                             |           | 25,000.00       |                        | donation                           |
| 2021 ATM, Article 17                         |           | 500,000.00      |                        | appropriation                      |
| 2022 ATM, Article 24                         |           | 500,000.00      |                        | appropriation                      |
| Accumulated interest through 2-22-2023       |           | 12,472.85       |                        | interest                           |
| 2023 ATM, Article 29 Town transfer           |           | 1,000,000.00    |                        | transfer from 2017 ATM article     |
| Resale fee: 127 Old Bedford Rd, #1           |           | 6,280.00        |                        | RHSO resale fee                    |
| 2023 ATM, Article 28 CPA fund transfer       |           | 1,044,255.76    |                        | for "affordable community housing" |
| Incremental interest through 6-26-2023       |           | 18,131.74       |                        | interest                           |
| <b>Total</b>                                 |           |                 | <b>\$ 4,106,140.35</b> |                                    |
| <u>FUNDS COMMITTED</u>                       |           |                 |                        |                                    |
| <u>BY PROJECT</u>                            |           |                 |                        |                                    |
| 930 Main St - Assist in purchase (2 units)   | 2         | \$ (150,000.00) |                        | 2 units added to SHI 1/1/2022      |
| Gerow - Design feasibility (1 unit)          | 1         | \$ (50,000.00)  |                        | \$10,784.86 balance remains        |
| Emerson Annex - Preserve 1 unit              | 1         | \$ (95,000.00)  |                        | completed                          |
| 100 Elm Brook Buydown - Create 1 SHI unit    | 0         | \$ -            |                        | decommitted                        |
| Assabet River Bluff property for 5 SHI units | 5         | \$ (650,000.00) |                        | \$2,564.98 balance remains         |
| Christopher Heights 83 SHI units             | 0         | \$ -            |                        | decommitted                        |
| 135 Baker Ave - buy down 1 unit - by 7/6/23  | 1         | \$ (38,000.00)  |                        | \$38,000 balance remains           |
| <b>Total</b>                                 | <b>10</b> |                 | <b>\$ (983,000.00)</b> |                                    |
| <b>UNCOMMITTED BALANCE</b>                   |           |                 | <b>\$ 3,123,140.35</b> |                                    |

**FUNDS UNEXPENDED**

|                                              |                        |
|----------------------------------------------|------------------------|
| <u>BY PROJECT</u>                            |                        |
| Gerow - Design feasibility (1 unit)          | \$ 10,784.86           |
| Assabet River Bluff property for 5 SHI units | 2,564.96               |
| 135 Baker Ave - buy down 1 unit - by 7/6/23  | 38,000.00              |
| <b>UNEXPENDED BALANCE</b>                    | <b>\$ 51,349.82</b>    |
|                                              | <b>\$ 3,174,490.17</b> |

## Henry Dane

---

**From:** Kerry Lafleur <klafleur@concordma.gov>  
**Sent:** Friday, June 30, 2023 11:28 AM  
**To:** Paul  
**Cc:** Henry Dane; Terri Ackerman; Linda Escobedo; Mary Hartman; Mark Howell; Kerry Lafleur  
**Subject:** RE: Questions

Good morning,

Please find my responses to your questions below. Please be in touch with any additional questions.

Thanks,  
Kerry

1. Has Chief Financial Officer Gail Dowd submitted her notice of resignation and if so, when is her last day? **Yes, Gail Dowd has submitted her resignation, effective July 31, 2023.**
2. Now that Jon Harris has retired and Brandon Roberts has submitted his notice of resignation, who is going to do the budgeting and purchasing function for the town? **We are reviewing our options and will have a plan in place within the next few days.**
3. I'm of the understanding that the town was going to go on-line with the cut-over to the "Munis" financial system as of July 1<sup>st</sup> and with the present staffing, or lack of staff in the Finance Dept., is this implementation of the long planned "Munis" system on track and who is the point person on the project? **The Munis "Go Live" scheduled for July 1, 2023 has been delayed. We are reviewing our options and will announce a new timetable sometime in July 2023.**
4. It appears a \$515K deficit was carried over to the new 24 budget. What is the origin of this deficit? By origin, I am asking where the deficit came from originally such as an accounting error? An overspent account? I am aware of the discussion about this topic at the April 27<sup>th</sup> FinCom meeting. **This was neither the result of an accounting error or an overspent account. The issue was the result of a miscalculation of the amount allocated to the Town under the Finance Committee's FY24 Guideline. As noted, this was reviewed at both meetings of the Finance Committee and Select Board. Below is further detail which was provided to members of both committees in advance of the meeting.**

**From:** Kerry Lafleur <klafleur@concordma.gov>  
**Sent:** Sunday, April 23, 2023 3:05 PM  
**To:** Matthew Johnson <mjohnson@concordma.gov>; Terri Ackerman <tackerman@concordma.gov>; Linda Escobedo <lescobedo@concordma.gov>; Henry Dane <hdane@concordma.gov>; Mary Hartman <mhartman@concordma.gov>; Carmin Reiss, Town Moderator <moderator@concordma.gov>; Peggy Briggs (peg.briggs@gmail.com) <peg.briggs@gmail.com>; ponfincom@gmail.com <ponfincom@gmail.com>  
**Cc:** Kerry Lafleur <klafleur@concordma.gov>; Gail Dowd <gdowd@concordma.gov>  
**Subject:** Proposed Adjustment to Town's FY24 Budget

Good afternoon,

I am writing to advise you that I will be proposing an adjustment to the Town's FY24 Budget which will result in a **net reduction of \$515,402**. The reason for this late proposal is that at the end of last week, CFO Gail Dowd and FinCom Guidelines Chair Parashar Patel advised me that the FinCom's starting point for the FY24 Guidelines discussion for the Town was overstated by this same amount, as a result, the FY24 Guidelines allocation for the Town was too much. Given the timing of this notice, I do not have the ability to make an in-depth review of the budget to provide a specific reduction proposal, though I'm generally expecting the reductions to come from:

- \$200,000 Reserve Fund
- \$275,000 Vacant Positions
- \$35,000 Services/ Supplies

But again, because we will need to make a more detailed analysis, for now I will propose to reduce Line 1, General Government by \$515,402, reducing the FY24 Line-item request from \$5,429,003 to \$4,913,601; and reducing the total ask under Article 9 from \$55,552,181 to \$55,036,779. We will have the opportunity to make the final adjustments to close the fiscal year at the 2024 Annual Town Meeting, under a FY24 Budget Adjustment Article.

**Further Detail:** The Guideline for the Town includes both the Guidelines portion of the operating budget and the Tier 1 portion of the Capital Budget. For FY23, the total of these two items was \$31,244,746, but incorrectly marked at the start of the FY24 Guidelines process as \$31,735,605. We have not been able to determine how this happened, but as you may know, we've had wider diversity in the number of staffers directly involved in the budget process, coupled with FinCom's use of independent budgeting tools, somehow led to a misunderstanding of information. The chart below shows the original result of the Guidelines process, versus what should have been the result, with a 5% increase to the FY23 base. Further, we show how we intend to allocate the FY24 Increment between Operating and Capital.

| Finance Committee Guideline | FY23 FinCom Starting Point | FY24 Guideline Increment (Original) | FY24 Percent Increase | FY23 Actual   | FY24 Guideline Increment (Revised) |
|-----------------------------|----------------------------|-------------------------------------|-----------------------|---------------|------------------------------------|
| Guideline adjustment        | \$ 29,796,598              |                                     |                       | \$ 29,735,046 |                                    |
| Capital, Tier 1             | \$ 1,939,007               |                                     |                       | \$ 1,509,700  |                                    |
| Guideline Increment         |                            | \$ 1,586,780                        |                       |               | \$ 1,562,233                       |
| <b>Total: Guideline</b>     | \$ 31,735,605              | \$ 33,322,385                       | <b>5.00%</b>          | \$ 31,244,746 | \$ 32,806,983                      |

In addition to the FY24 Guideline increments, as we have reviewed previously, the Town intends to carry forward \$600,000 from FY22 unspent appropriation (continues to be set aside for implementation of the Classification &

Compensation Study, now Article 5), as well as appropriate \$29,851 from the Opioid Settlement Fund, for a total FY24 incremental spending increase of \$1,976,788, or +6.65%, in the Operating Budget.

| Article 9                 | FY23 Appropriated | FY24 As Printed in Warrant | Difference   | Percent Increase | FY24 Revised |
|---------------------------|-------------------|----------------------------|--------------|------------------|--------------|
| Guideline, Operating      | \$ 29,735,046     | \$ 32,227,235              | \$ 2,492,189 | 8.38%            | \$ 31,081,98 |
|                           |                   |                            |              |                  |              |
| FY23 Budget Carry Forward |                   |                            |              |                  | \$ 600,00    |
| Opioid Settlement Funds   |                   |                            |              |                  | \$ 29,85     |
| Article 9, Sub- Total     | \$ 29,735,046     | \$ 32,227,235              | \$ 2,492,189 | 8.38%            | \$ 31,711,83 |
|                           |                   |                            |              |                  |              |
| Non-Guideline             | \$ 21,154,912     | \$ 23,324,946              | \$ 2,170,034 | 10.26%           | \$ 23,324,94 |
|                           |                   |                            |              |                  |              |
| Article 9, Total          | \$ 50,889,958     | \$ 55,552,181              | \$ 4,662,223 | 9.16%            | \$ 55,036,78 |

A number of you have asked about an 8% increase in the Town's budget, comparing FY24 versus FY23 in the warrant (refer to page 12, "Town Government Subtotal, Accounts 1 – 10). The difference between the FY24 total of \$32,227,235 and the FY23 total of \$29,735,045 is \$2,492,189, or 8.38%. This is illustrated above, and with the proposed correction will result in a total increase of 6.65%, with 4.53% coming from Guidelines. The other 0.47% of the Guidelines increase is directed to Tier 1 Capital to increase the funding from \$1,509,700 to \$1,725,000.

I can appreciate that this is complicated, and in order to make this more straightforward moving forward, we have talked about removing the Tier 1 Capital component from the Guidelines process. The Town also needs to stop relying on the use of prior year carry forward to sustain operations, a practice that was started in FY21 when the Town's budget appropriation was reduced by -2.4% in order to hold education spending harmless from the effects of the Covid-19 pandemic.

We have also been asked to provide information on historical spending by cost center, which is shown in the chart below.

| Cost Center                                                                      | FY24<br>(Revised) | FY24<br>(Original) | FY23           | FY22           | FY21           | FY20           |
|----------------------------------------------------------------------------------|-------------------|--------------------|----------------|----------------|----------------|----------------|
| Town                                                                             | 25.40%            | 25.70%             | 25.10%         | 24.80%         | 24.20%         | 25.20%         |
| CPS                                                                              | 34.40%            | 34.20%             | 34.60%         | 35.30%         | 35.40%         | 34.50%         |
| CCRSO                                                                            | 17.00%            | 16.90%             | 17.50%         | 18.10%         | 17.70%         | 17.50%         |
| Group Insurance                                                                  | 6.20%             | 6.20%              | 6.00%          | 5.60%          | 5.50%          | 5.20%          |
| OPEB                                                                             | 1.00%             | 1.00%              | 1.10%          | 1.00%          | 1.30%          | 1.50%          |
| Retirement                                                                       | 3.80%             | 3.80%              | 3.80%          | 2.90%          | 3.50%          | 3.50%          |
| Debt Service                                                                     | 9.10%             | 9.10%              | 8.80%          | 9.30%          | 9.30%          | 9.70%          |
| Other                                                                            | 3.10%             | 3.10%              | 3.10%          | 3.00%          | 3.10%          | 2.90%          |
| <b>Total</b>                                                                     | <b>100.00%</b>    | <b>100.00%</b>     | <b>100.00%</b> | <b>100.00%</b> | <b>100.00%</b> | <b>100.00%</b> |
| <b>Notes:</b>                                                                    |                   |                    |                |                |                |                |
| In FY19, the Town added 24/7 coverage for Ambulance #2 stationed in West Concord |                   |                    |                |                |                |                |
| In FY20, the Town added an additional 10FTE's to address service level demands   |                   |                    |                |                |                |                |

Please be in touch with any questions.

*Kerry A. Lafleur*  
 (formerly Kerry A. Speidel)  
 Town Manager  
 Town of Concord  
[klafleur@concordma.gov](mailto:klafleur@concordma.gov)  
 (978) 318-3000

**From:** Paul <mac.one@comcast.net>  
**Sent:** Monday, June 26, 2023 6:29 PM  
**To:** Henry Dane <HDane@danelaw.com>; Terri Ackerman <tackerman@concordma.gov>; Linda Escobedo <lescobedo@concordma.gov>; Mary Hartman <mhartman@concordma.gov>; Mark Howell <markhowell@concordma.gov>; Kerry Lafleur <klafleur@concordma.gov>  
**Subject:** Questions

Please find attached the questions I presented to the Select Board this date.

Thank you

Paul Macone  
 33 Grove Street

## Henry Dane

---

**From:** Nathaniel Welch <nwelch54@icloud.com>  
**Sent:** Tuesday, June 13, 2023 11:16 AM  
**To:** Kerry Lafleur; Henry Dane  
**Cc:** Nathaniel Welch  
**Subject:** Supporting a local business

Dear Ms. LaFleur and Mr. Dane:

I hope this letter finds you well. I am writing as a concerned citizen and loyal customer of the Concord Cheese Shop, an establishment that has been an integral part of our community's economic and social fabric for the past 50 years. I recently visited the store and I understand from a conversation with Mr. Lovis, that the Health Department is considering requiring that the Cheese Shop stop displaying cheese on the counter and purchase expensive, new refrigeration cases for all cheese display. I have a concern about over regulation so this email has a few thoughts and a request – thank you for reading this email in full.

While I deeply respect the essential role of the Health Department in maintaining the wellbeing of our community, I believe this particular directive may not take into account the historical record and safe practices of our beloved cheese shop nor the specific characteristics of cheese storage and handling. Having grown up in Concord (and returned back here 30 years ago) I have spent many hours, many thousands of dollars, and consumed vast quantities of all varieties of cheese from the Cheese Shop. I have never had any issues (other than requiring some additional exercise time to counter my love of fine cheese).

I would also note that if I am always aware of how the Cheese Shop staff samples and cuts cheeses, how they clean their equipment after every use, and how they maintain the cleanliness of the work areas - it is impeccable and impressive. In my experience, Mr. Lovis runs a “tight ship” as evidenced by how he trains the staff on procedures, how he is always present, and he was the last establishment in the town (by many months) to continue to require all customers to wear masks and sanitize their hands for Covid. He is committed to health and well-being of his customers and staff.

Throughout history, cheese has been safely stored and aged at room temperature. This method of storage, especially for hard, aged cheeses, is not only safe but crucial for their flavor development. Our local cheese shop has adhered to these traditional practices, storing their diverse range of cheeses according to type and age. Impressively, in their 50 years of operation I am not aware of a single reported incident of foodborne illness related to their cheese. This excellent safety record speaks to their conscientious handling and deep expertise in cheese storage.

In addition to the safety record, I would like to underscore the invaluable role the Cheese Shop plays in our town. Not only do they contribute economically to our tax base, but they also hold a special place in our community's heart. Generations of families have frequented their shop, and their cheese has been a staple at many of our local celebrations. They are an emblem of our town's rich history and culture. They draw visitors from all over the country and the world all of whom love to shop in this unique establishment. While I cannot speak to the reasons behind this change in the Health Department's view of the Shop's operation after 50 years, I fear that it could harm this important town icon.

In light of this, I kindly urge you to ask the Health Department head, whom I understand is relatively new, to reconsider this directive and to please stand down on this matter. As I said, I understand and respect the work of the Department and, while I am not the expert, I am confident that current practices are safe. I ask the Town and Select Board to respect the traditional nature of the Cheese Shop's practices and to not over-regulate. This approach would underscore our town's commitment to supporting businesses that have served our community safely and faithfully for decades.

Thank you for your attention to this matter (and for slogging through this whole email). I am hopeful that you will find a solution that ensures both the continued safety of our citizens and the survival of our treasured local businesses.

Regards,

Nat  
~~~~

Nathaniel Welch  
141 Stow Street, Concord, MA 01742  
[nwelch54@icloud.com](mailto:nwelch54@icloud.com)  
617-803-5282

## Henry Dane

---

**From:** Greg Theriault <gtheriault@gmail.com>  
**Sent:** Tuesday, June 13, 2023 4:02 PM  
**To:** Henry Dane; Henry Dane  
**Subject:** Fwd: Warner Pond thoughts and a blog

Hi Henry

My original email bounced back a few times. Hopefully the town gets my point of you from my sons view point, I know it's a big project. Hope you're well. Tight lines, & Fishing

Cheers

Greg

----- Forwarded message -----

**From:** Greg Theriault <gtheriault@gmail.com>  
**Date:** Thu, Jun 8, 2023 at 9:25 AM  
**Subject:** Re: Warner Pond thoughts and a blog  
**To:** wrightroad <[wrightroad@googlegroups.com](mailto:wrightroad@googlegroups.com)>

Good morning, I realized after the post that many do not have Facebook or Next Door. The goal is to make and create educated debate more real & I'd welcome the ideas and updates and opinions. Here's my story; only after almost 7 years loving the pond. It's refreshing to see the comments so far. Cheers

Greg

I was reading the blog: "From Warner's Pond to Warner's Puddle?"  
Save Warner's Pond ([savewarnerspond.com](http://savewarnerspond.com)) It struck a nerve, and I thought of this quote;

"Wildness is the preservation of the World."— Henry David Thoreau, "Walking"

Seven years ago, my one-year-old son Tyler embarked on a delightful adventure with his parents along Warner Pond; with a beginner's mindset, he only remembers a serene pond nestled amid the picturesque landscapes of our hometown, Concord.

Tyler's eyes sparkled with excitement as we approached the tranquil waters of the Pond. He giggled and clapped his tiny hands, eager to explore the wonders of nature. We carefully settled near the water's edge, allowing him to feel the cool breeze and watch the ripples dance across the Pond's surface.

As we sat together, marveling at the beauty of our surroundings, a sudden movement caught his attention. High above us, soaring majestically through the sky, was a magnificent bald eagle. Its wings spread wide, gliding gracefully in tune with the world's rhythm below. We joined in awe, filled with gratitude for this magical encounter. While creating countless cherished memories and continuing to wonder about the world around him.

Yes, walking with the unmistakable sights and sounds that are soothing and relaxing. Many people have childhood memories of fishing on the pond's banks, with many different types of animals living in and around Warner Pond.

Today is June 7th, only a few weeks from the Summer Solstice, June 21st. I witnessed a beaver diving along Warners Pond. Beavers have earned the nickname "Nature's Engineers" for their fantastic ability to build an utterly watertight dam in under 24 hours. The reason they build dams is to create deep water that gives them protection from predators. They live in dome-shaped constructions called beaver lodges within the ponds that can only be accessed by underwater entrances. Inside, they are safe from threats such as coyotes and other predators. Often called ecological engineers, they create dams with stones, mud, twigs, and branches that can last for decades.

Warner's Pond, as many know, is nestled in the heart of Concord, Massachusetts, and has long been a cherished natural treasure for the local community. Its shimmering waters, abundant wildlife, and serene atmosphere have provided solace and joy to residents for generations. However, over the years, sediment build-up and neglect have threatened the Pond's ecological balance and recreational value.

"Dredging Warner's Pond benefits the environment and guarantees the preservation of the Pond's recreational value. Families can enjoy swimming, kayaking, and boating in the sparkling waters. Anglers can relish the opportunity to catch fish and create lasting memories with loved ones. Dredging will also enhance the aesthetic appeal of Warner's Pond, making it an even more picturesque destination for residents and visitors alike for years to come."

Ultimately, we should explore the importance of dredging Warner's Pond and why it's crucial to vote in favor of this restoration project. We should consider all options and get new bids. We can bring back Warner's Pond as a thriving aquatic ecosystem. It was and is a place where memories were made, and nature flourished. It can and will be again.

Finally, having a beginner's mind like my son's means you approach the world through a beginner's eyes, and it reminds me of a cartoon I read and smiled at.

"These two young fish are swimming along, and they happen to meet an older fish swimming the other way, who nods at them and says, "Morning, boys. How's the water?" And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes "What the hell is water?" — David Foster Wallace

What will our children and children's children remember if we break the dam? Certainly not beavers or bald eagles. Who will protect them?

Let's unite as a community and stand up for Warner's Pond.

The mission of the Natural Resources Division is to protect and enhance the natural resources in Town, including wetlands, ponds, streams, riparian corridors, open space, and farmland, and to provide environmental outreach and education to Concord residents.

Not to mention the fishing.

"Fishing is not an escape from life, but often a deeper immersion into it." - Henry David Thoreau

On Wed, Jun 7, 2023 at 11:36 PM Greg Theriault <[gtheriault@gmail.com](mailto:gtheriault@gmail.com)> wrote:

Good evening neighbors.

Lots of points of view lately on the fate of the pond. Here's mine and I'd welcome ideas and thoughts. I hope to see you all soon.

Greg

Facebook: Local Concord posts

<https://www.facebook.com/groups/1160891687361368/permalink/6222452727871880/?mibextid=W9rl1R>

Nextdoor

[https://nextdoor.com/p/5sqMb3CkRb\\_x?utm\\_source=share&extras=MjE2NTMxNDg%3D](https://nextdoor.com/p/5sqMb3CkRb_x?utm_source=share&extras=MjE2NTMxNDg%3D)

--  
Greg Theriault c. 617-899-6951

--  
Greg Theriault c. 617-899-6951

Greg Theriault c. 617-899-6951