



OLD NORTH BRIDGE

TOWN OF CONCORD

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

Select Board Agenda

August 7, 2023 at 6:00 PM

Town House, Select Board Room, 22 Monument Square

Join Zoom Meeting

<https://us02web.zoom.us/j/87464462346?pwd=ZUozbk4vMHY2N0ZjM25yMlZZaDhGdz09>

Meeting ID: 874 6446 2346

Passcode: 586404

Dial In Toll-Free: 877-853-5257

#	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	<p>Consent Agenda</p> <ul style="list-style-type: none"> a. Meeting Minutes: July 24, 2023 b. One Day Liquor Licenses: <ul style="list-style-type: none"> i. Retroactive approval for Verrill Farm & True West Brewery for Wine & Malt Beverages Only for Sunday, August 6, 2023 from 5:30 PM to 8:30 PM for a Corn & Lobster Dinner to be held at Verrill Farm, 11 Wheeler Road ii. Verrill Farm for Wine & Malt Beverages Only for Wednesday, August 9, 2023 from 6:00 PM to 8:00 PM for the Cornell Club Annual Dinner to be held at Verrill Farm, 11 Wheeler Road iii. Verrill Farm for Wine & Malt Beverages Only for Thursday, August 17, 2023 from 6:00 to 8:00 PM for the Farm to Table Dinner to be held at Verrill Farm, 11 Wheeler Road iv. Kimberly Scott for Wine & Malt Beverages Only for Saturday, August 26, 2023 from 3:00 PM to 7:00 PM for a Memorial Service to be held at Verrill Farm, 11 Wheeler Road v. Elizabeth Monaghan on behalf of the Concord-Carlisle Class Reunion for Wine & Malt Beverages Only for Saturday, September 30, 2023 from 6:00 PM to 11:00 PM for the Class Reunion to be held at Concord Country Club, 246 ORNAC c. Sunday Entertainment Licenses: <ul style="list-style-type: none"> i. The Concord Players on Sunday, November 12, 2023 from 2:00 PM to 6:00 PM for a play performance to be held at 51 Walden Performing Arts Center, 51 Walden Street to be held at 51 Walden

		<ul style="list-style-type: none"> ii. Performing Arts Center, 51 Walden Street The Concord Players on Sunday, February 18, 2024 from 2:00 PM to 6:00 PM for a play performance to be held at 51 Walden Performing Arts Center, 51 Walden Street iii. The Concord Players on Sunday, April 28, 2024 from 2:00 PM to 6:00 PM for a musical performance to be held at 51 Walden Performing Arts Center, 51 Walden Street iv. The Concord Players on Sunday, May 6, 2024 from 2:00 PM to 6:00 PM for a musical performance to be held at 51 Walden Performing Arts Center, 51 Walden Street d. Town Accountant Warrant: July 27, 2023 e. Committee Nominations: <ul style="list-style-type: none"> i. Elizabeth Leonard of 23 MacMillan Drive to the Zoning Board of Appeals for a term to expire May 31, 2026
III.	6:20 PM	<p>Disclosure by Non-Elected Municipal Employee of Financial Interest as required by M.G.L. c. 268A, Section 19</p> <ul style="list-style-type: none"> a. Abigail Flanagan, Planning Board b. Sue Felshin, Planning Board designee to the Community Preservation Committee c. Jennifer Scheunemann, Economic Vitality Committee and Concord 2025 Executive Committee – Communications and Publicity Subcommittee
IV.	6:25 PM	<p>Committee Appointments – Select Board Appointments</p> <ul style="list-style-type: none"> a. Corrective Appointment of James Vahey of 1544 Main Street to the Library Committee for a term to expire on May 31, 2026 to restore staggered terms of committee membership b. Corrective Appointment of Holly LeGault of 242 Monsen Road to the Public Ceremonies and Celebrations Committee for a term to expire on May 31, 2028
V.	6:25 PM	Town Manager’s Report
VI.	6:35 PM	Chair’s Report
VII.	6:45 PM	Select Board Liaison Reports
VIII.	7:00 PM	<p>Discuss and finalize comments compiled for the letter for the NOVO Riverside Commons 40B Application</p> <p>Presenter: Megan Zammuto, Deputy Town Manager</p>
IX.	7:15 PM	<p>Report on further revisions to letter to the Governor regarding Hanscom North Airfield Expansion and discuss retaining Special Counsel</p> <p>Presenter: Terri Ackerman, Select Board Member and Kerry Lafleur, Town Manager</p> <p>See June 26, 2023 Select Board Meeting Packet for more information</p>

X.	7:25 PM	Report on consultation with Acton counterparts on modifications to the Acton-Concord Regional Emergency Communications Center Presenter: Terri Ackerman, Select Board Member See June 26, 2023 Select Board Meeting Packet for more information
XI.	7:35 PM	Discuss Adoption of Residential Tax Exemption Presenter: Henry Dane, Select Board Chair
XII.	8:05 PM	Review Town Manager Evaluation Composite Results Presenter: Henry Dane, Select Board Chair
XIII.	8:15 PM	Communications and Documents of Interest for Information but Not Discussion
XIV.	8:15 PM	Adjournment

**Times are approximate and subject to change*

Upcoming Meetings:		
Monday, August 21, 2023 <i>(if needed)</i>	Monday, August 28, 2023	Monday, September 18, 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 or [978-318-3006](tel: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
July 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 2nd floor in the Select Board Room and via Zoom at 6:00 PM on July 24, 2023.

Present were: Henry Dane, Chair; Mary Hartman, Clerk; Terri Ackerman, 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. Ackerman, Ms. Escobedo via Zoom, and Mr. Howell.

Public Comment

Rich Feeley of 347 Lexington Road and President of the Concord Housing Authority appeared before the Select Board and commented on the Joint Committee on Revenue's public hearing taking place tomorrow, July 25, 2023 on the building permit fee surcharge and asked the Select Board send a letter of testimony in support.

Tanya Gailus of 62 Prescott Road appeared before the Select Board and commented on the draft Board and Committee Code of Conduct.

Anna Feldweg of 343 Commonwealth Avenue appeared before the Select Board and commented on the Warner's Pond project, articulating that her and a growing group of residents do not support the decision of removing the dam, hoping that the Natural Resources Commission would slow their progress and research other options.

Consent Agenda

- a. Meeting Minutes: June 5, 2023; July 10, 2023
- b. One Day Liquor Licenses:
 - i. Wines & Malt Beverages Only for Saltbox Catering for a Private Event at Saltbox Farm, 40 Westford Road on Friday, July 28, 2023 from 6:00 PM to 9:00 PM
 - ii. Wines & Malt Beverages Only for Saltbox Catering for a Private Event at Saltbox Farm, 40 Westford Road on Saturday, September 16, 2023 from 4:00 PM to 8:00 PM
 - iii. All Alcoholic Beverages for the Concord Chamber of Commerce for the Taste of Concord at 200 Strawberry Hill Road on Tuesday, September 19, 2023 from 4:00 PM to 9:00 PM
- c. Extension of Liquor License Hours for Saltbox Kitchen on Friday, August 11, 2023 until 11:00 PM
- d. Tour Guide Licenses: Matthew Johnson; Dr. Holly Marie Zagaria; Michael McGrath

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- e. Town Accountant Warrant: July 13, 2023, July 14, 2023
- f. Gift Acceptance from the Friends of the Bruce Freeman Rail Trail for an ADA portable toilet for the trail valued at \$575.00

Ms. Hartman noted that she thought that the bathrooms at the Bruce Freeman Rail Trail were complete and asked if the portable bathroom is needed, who will maintain cleanliness of the portable bathroom.

Deputy Town Manager Megan Zammuto responded that the bathrooms have been inspected, but the certificates of compliance and occupancy have not yet been issued. Ms. Zammuto continued that it is her understanding that the portable bathroom would be added to an existing contract with the Department of Public Works for maintenance. Ms. Hartman then checked the invoice from the vendor and noted that weekly service is part of their quoted fee.

Upon a motion duly made and seconded, it was **UNANIMOUSLY voted**: to approve the Consent Agenda with the proposed amendments to the meeting minutes of June 5, 2023 and July 10, 2023.

Roll Call Vote:

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

Committee Appointments

- a. J. Ray Andrews of 11 Dalton Road for a term to expire May 31, 2026 to the Concord Housing Development Corporation

Upon a motion duly made and seconded, it was **UNANIMOUSLY voted**: to appoint J. Ray Andrews of 11 Dalton Road for a term to expire May 31, 2026 to the Concord Housing Development Corporation.

Roll Call Vote:

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

Town Manager's Report

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

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Chair's Report**

Chair Dane reported that he and the Town Clerk will be hosting an effective governance workshop for Boards and Committees on Saturday, September 19, 2023 in the Goodwin Room at the Concord Free Public Library.

Select Board Liaison Reports

Chair Dane did not have a report.

Ms. Hartman reported on:

- Agricultural Committee – Ag Day will be hosted on September 9, 2023; the \$0.10 paper bag fee and associated tax poses a burden on farmers and she met with relevant Town staff and Representative Cataldo regarding the proposing of an amendment to the Home Rule Petition that establishes the bag fee. We would know soon if the amendment will require a vote at town meeting.
- Massachusetts Cultural Council Visit to West Concord – A vibrant event initiated by Representative Cataldo and was extremely proud of the artist work in West Concord
- Economic Vitality Committee – Created a “passport” for visiting West Concord businesses – residents can visit West Concord businesses with their passport to be stamped and have their name entered in a lottery to win the grand prize after at least three (3) different stamps have been received.

Ms. Ackerman reported on:

- Attended the showing of the movie *Glory*, which was great to see with other Concordians.
- Update on the Acton-Concord RECC – Acton Select Board is also meeting this evening so she will touch base with Acton counterpart following tonight's meeting.
- Update on the Letter to the Governor regarding Hanscom North Airfield Expansion – Other Hanscom Area Town Select Board communities are also meeting, so will hopefully have an update at the next Concord Select Board meeting.
- Transportation Advisory Committee – Suggested comments on the NOVO Riverside Commons project
- 2229 Main Street Oversight Committee and 2229 Main Street Advisory Task Force – Attended a site visit together; Task Force working with Town Counsel for a work plan with associated costs for legal work.
- Hanscom Field Advisory Committee – Informed that the FAA is updating noise policies, so the committee is drafting a letter of testimony in which comments are due on September 29, 2023; because Hanscom borders two (2) national natural resources, Minuteman National Park and Great Meadows, this has triggered a national environmental review (Section 106 review) in addition to the state (MEPA) environmental review

Ms. Escobedo reported on:

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- White Pond Task Force – Working with Donna McIntosh, Communications Manager, regarding community outreach.
- Community Preservation Committee – Discussed draft agreement regarding Warner’s Pond in light of the alternatives being considered; discussed closeouts of grant awards for projects previously funded projects; discussed request from the Municipal Affordable Housing Trust to designate a certain amount of money each year to the Trust
- Municipal Affordable Housing Trust – Upcoming Housing Roundtable on Wednesday, August 16, 2023 at 7:00 PM
- Zoning Board of Appeals – Need to recruit a 5th member of the board; Considered a new application at their meeting

Mr. Howell reported on:

- Middle School Building Committee – Construction moving forward as planned with minimal change orders
- Joint Finance Committee and School Committee – Both committees presented their typical budget-building process, what they are looking for, the rationale, etc. The schools are particularly concerned with the timing to receive reimbursement for transportation of students from the family shelter.

Update on Gerow Park

Town Manager Kerry Lafleur, Public Works Director Alan Cathcart, and Chief Financial Officer Gail Dowd appeared before the Select Board to present a memorandum for an update on Gerow Park. The full memorandum is included in the Select Board meeting packet.

Ms. Ackerman asked if an additional appropriation would be needed to match the materials.

Ms. Dowd responded no, this fits within all current appropriations.

Ms. Hartman noted of the dead plants surrounding the area and asked if the plant maintenance will be addressed by the contractor.

Ms. Dowd responded that the maintenance of the plants was included in the original agreement with the contractor for this first year of planting, so this will be addressed.

Ms. Hartman then asked who will continue to maintain the grounds of the park.

Mr. Cathcart responded that Public Works is picking up the project and will be able to maintain the grounds through the work of Highway and Grounds and the Facilities Department.

**Review Amendments recommended by the Traffic Management Group to the Traffic,
Parking, and Pedestrian Rules and Regulations**

Town Engineer Steve Dookran and Assistant Town Engineer Joe Cormier appeared before the Select Board to present a memorandum on the amendments proposed by the Traffic Management

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Group to the Traffic, Parking, and Pedestrian Rules and Regulations. Mr. Cormier presented the first request for Hubbard Street.

Ms. Hartman asked if a bike lane will be added to Hubbard Street in connection with the Complete Streets program.

Mr. Dookran responded that a decision on this has been deferred at this time.

Ms. Ackerman concurred with Ms. Hartman and asked if the Transportation Advisory Committee has commented on the recommendations, as this is the committee that will be working with consultants on the comprehensive transportation study.

Mr. Dookran responded they have not, but regarding the addition of a bike lane, this decision can still be made down the line.

Mr. Cormier continued and presented the second request for Monsen Road and third request for Seven Star Lane.

Ms. Ackerman asked a question regarding the signage to be installed for Seven Star Lane.

Mr. Cormier responded that there would be additional signage installed for “No Outlet” on the ORNAC side, as there is only one sign there presently, and additional signage on the Westerly side.

The Select Board concurred that moving forward with requests as such, the Transportation Advisory Committee should be consulted for comments.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the proposed amendments to Traffic, Parking, and Pedestrian Rules and Regulations to Hubbard Street 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

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the proposed amendments Traffic, Parking, and Pedestrian Rules and Regulations to Monsen Road as included in the Select Board meeting packet.

Roll Call Vote:

Chair Dane – Aye

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

Upon a motion duly made and seconded, it was **voted**: to approve the proposed amendments to Seven Star Lane to Traffic, Parking, and Pedestrian Rules and Regulations as included in the Select Board meeting packet. The motion passed 3-2-0.

Roll Call Vote:

Chair Dane – Aye
Ms. Hartman – No
Ms. Ackerman – No
Ms. Escobedo – Aye
Mr. Howell – Aye

Review and Approve Hosmer Meadow Conservation Restrictions

Natural Resources Director Delia Kaye appeared before the Select Board to present a memorandum on two Conservation Restrictions at 24 McCallar Lane from Keuka Road LLC and 38 McCallar Road from Morgan Burks Kettler Irrevocable Trust. The full memorandum is included in the Select Board meeting packet.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted**: to approve a Conservation Restriction over 1.06 acres of land at 24 McCallar Lane from Keuka Road LLC, granted on June 5, 2023 to the Natural Resources Commission, shown as Conservation Restriction Area on Lot 1 on a plan titled Plan of Land in Concord, Massachusetts, for Keuka Road LLC, last revised June 14, 2023, pursuant to Massachusetts General Laws, Sections 31 through 33 of Chapter 184.

Roll Call Vote:

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

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted**: to approve a Conservation Restriction over 8.58 acres of land at 38 McCallar Lane from Morgan Burks Kettler Irrevocable Trust, granted on June 5, 2023 to the Natural Resources Commission, shown as Conservation Restriction Area on Lot 2 on a plan titled Plan of Land in Concord, Massachusetts, for Keuka Road LLC, last revised June 14, 2023, pursuant to Massachusetts General Laws, Sections 31 through 33 of Chapter 184.

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Roll Call Vote:

Chair Dane – Aye

Ms. Hartman – Aye

Ms. Ackerman – Aye

Ms. Escobedo – Aye

Mr. Howell – Aye

**Discuss 40B Process and Select Board Role in NOVO Riverside Commons
40B Application at Baker Avenue**

Deputy Town Manager Megan Zammuto appeared before the Select Board with Director of the Regional Housing Services Office, Liz Rust, to discuss the 40B process and the Select Board's role in the NOVO Riverside Commons 40B application at 300 Baker Avenue.

Ms. Rust presented on the 40B process, with the full presentation included in the Select Board meeting packet. Ms. Rust explained that the Select Board has two roles: (1) to solicit comments from town committees and town staff during the 30-day review period and forward these comments to Mass Housing and (2) to ensure adequate support for the project by town departments. The Select Board does not play a role in the approval process.

Real Estate Attorney Dan Holmes, Permitting and Design Manager Kevin Hurley, Vice President of Development Allen Peacock, Attorney Stephanie Kiefer, and Chief Operation Officer of Kirk and Company Brett Pelletier appeared before the Select Board on behalf of the NOVO Riverside Commons 40B Application. Attorney Holmes stated that the proposed development is for two apartment buildings with 201 units, 25% of which will be affordable units. Mr. Hurley presented building design, parking design, and landscape design plans for the development, which are included in the Select Board meeting packet.

Ms. Hartman asked a question regarding the rent prices for the remaining 75% of units and if they will be luxury units.

Mr. Peacock responded that the units will be luxury and that the rent prices will be in step with market rate rents.

Mr. Dane asked for an estimated taxable value that the development would generate for the Town.

Ms. Hartman asked how much the Town receives from the building permit and how much would the Town receive annually from property taxes.

Mr. Pelletier responded that assuming 100% valuation on 100% of the construction costs, the Town would receive about \$1.3 million annually from property taxes.

Mr. Dane asked how many school-aged children the development would generate.

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Attorney Kiefer responded that a [Metropolitan Area Planning Council Study](#) suggests that people anticipate higher rates of school-aged children than the actual number.

Mr. Howell commented on the sustainability objectives of the development and asked if the parking would provide for electric vehicle charging.

Mr. Hurley responded that there is a plan for solar energy and car charging at the development. Ms. Ackerman asked if there would be a second site visit for the development.

Mr. Hurley responded that they are considering hosting a public information meeting, which could potentially include a site visit. Mr. Hurley noted that they are targeting early September for this meeting.

Ms. Escobedo asked if there would be any passive space dedicated for seniors at the development.

Finalize Fiscal Year 2024 Select Board Goals

Select Board Chair Henry Dane presented the Fiscal Year 2024 Select Board goals to be finalized.

Town Manager Kerry Lafleur asked a clarifying question regarding Goal #2 listed on page 117 of the Select Board meeting packet, asking if the Select Board means to see budgetary information for Fiscal Year 2025 rather than Fiscal Year 2024, since this has already been voted on.

Ms. Ackerman concurred that it makes more sense to focus on Fiscal Year 2025 for budgetary items in Goal 2, but to focus on Fiscal Year 2024 for the Town Manager and Departmental goals that are also included in Goal 2. Ms. Ackerman asked if the Town Manager and Department goals could be prepared for the Select Board meeting on Monday, August 28, 2023. Ms. Ackerman asked if the “hiring freeze” statement could be removed from the comments in Goal 2.

Ms. Hartman asked if “school debt” could be removed from Goal 3, so it is Residential Tax Exemption alone.

Executive Assistant to the Select Board Shannon McAndrew to incorporate these updates, reformat the table to improve ease of understanding and redistribute to the Select Board.

Communications and Documents of Interest for Information but Not Discussion

Adjournment

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

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Roll Call Vote:

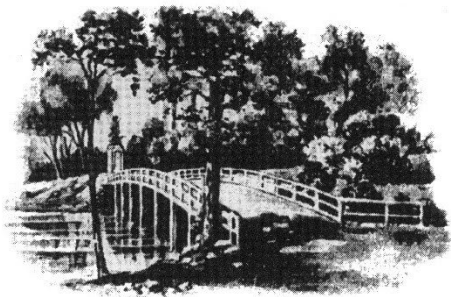
Chair Dane – Aye
Ms. Hartman – Aye
Ms. Ackerman – Aye
Ms. Escobedo – Aye
Mr. Howell – Aye

Meeting Materials:

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

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

DRAFT



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: August 7, 2023

Re: One Day Liquor Licenses – Jennifer Verrill of Verrill Farm

Included in your packet are three (3) One Day Liquor Licenses for Wine & Malt Beverages Only for Jennifer Verrill of Verrill Farm, located at 11 Wheeler Road. The applications are for:

1. Retroactive approval for the Corn and Lobster Dinner on Sunday, August 6, 2023 from 5:30 PM to 8:30 PM
2. Approval for the Cornell Club Annual Dinner on Wednesday, August 9, 2023 from 6:00 PM to 8:00 PM
3. Approval for the Farm to Table Dinner on Thursday, August 17, 2023 from 6:00 PM to 8:00 PM

The applications are complete with TIPS Certifications for six bartenders from Simply Serve and payment.

RECEIVED
JUL 24 2023

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TOWN OF CONCORD

TOWN OF CONCORD 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) Jennifer Vernill

COMPANY or organization: Vernill Farm / True West Brewery

ADDRESS: 11 Wheeler Rd.

TELEPHONE: 978 309-4494

DATE(S) APPLIED FOR: August 6, 2023

EVENT: Corn + Lobster Dinner

HOURS OF OPERATION: 5:30- 8:30

PREMISES TO BE LICENSED: 11 Wheeler Rd. / Vernill Farm

ADDRESS OF PREMISE LICENSED: 11 Wheeler Rd.

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? last month

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: Jennifer Vernill Date: July 21, 2023

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JUL 24 2023



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TOWN OF CONCORD

TOWN OF CONCORD
TOWN MANAGER

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) Jennifer Verrill

COMPANY or organization: verrill farm

ADDRESS: 11 wheeler rd, Concord MA 01742

TELEPHONE: 978-369-4494

DATE(S) APPLIED FOR: August 9, 2023

EVENT: Cornell club Annual Dinner

HOURS OF OPERATION: 6-8 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? 10

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: Jennifer Verrill Date: 7/21/2023

RECEIVED
JUL 24 2023

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PAID

TOWN OF CONCORD

TOWN OF CONCORD 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) Jennifer Verrill
COMPANY or organization: Verrill Farm Concord, MA 01742
ADDRESS: 11 Wheeler Rd. Concord, MA 01742
TELEPHONE: 978-369-4494
DATE(S) APPLIED FOR: August 17
EVENT: Farm to Table Dinner
HOURS OF OPERATION: 6-8 PM
PREMISES TO BE LICENSED: Verrill Farm 11 Wheeler Rd. Concord, MA 01742
ADDRESS OF PREMISE LICENSED: 11 Wheeler Rd. Concord MA 01742

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

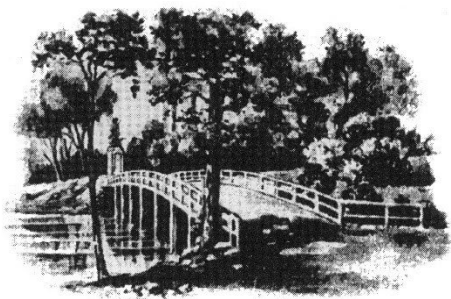
If no, number of consecutive years licensed? 10

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: 7/21/2023



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: August 7, 2023

Re: One Day Liquor Licenses – Kimberly Scott

Included in your packet is a One Day Liquor License application for Kimberly Scott for Wine & Malt Beverages Only for a Memorial Service to be held at Verrill Farm, located at 11 Wheeler Road. The event is to take place on Saturday, August 26, 2023 from 3:00 PM to 7:00 PM.

The application is complete with TIPS Certifications for six bartenders from Simply Serve and payment.

RECEIVED
JUL 26 2023



PAID

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

TOWN OF CONCORD
TOWN MANAGER'S OFFICE

Fee: \$75.00/per day - One Day All Alcoholic and/or Wines & Malt Beverages Only Amount Paid \$ 15.00

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

NAME: (please print) Kimberly Scott/Jennifer Verrill
COMPANY or organization: _____
ADDRESS: _____
TELEPHONE: 941 735 0456
DATE(S) APPLIED FOR: 8/26/23
EVENT: Memorial Service
HOURS OF OPERATION: 3pm to 7pm
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

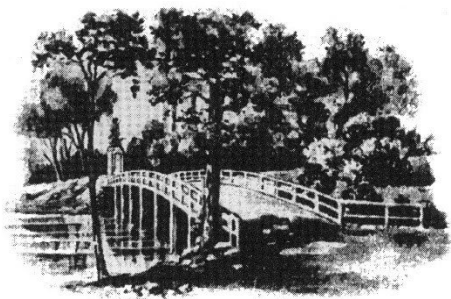
If no, number of consecutive years licensed? _____

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: 7/15/2023



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: August 7, 2023

Re: One Day Liquor Licenses – Concord-Carlisle Class Reunion

Included in your packet is a One Day Liquor License application for Elizabeth Monaghan on behalf of the Concord-Carlisle Class Reunion for Wine & Malt Beverages Only for the Concord-Carlisle Class Reunion to be held at Concord Country Club, 246 ORNAC. The event is to take place on Saturday, September 30, 2023 from 6:00 PM to 11:00 PM.

The Town Manager's Office works with Sara Killelea, General Manager at Concord Country Club, to maintain an updated file of their TIPS Certified bartenders. The application is complete with payment.

RECEIVED
JUL 24 2023



PAID

TOWN OF CONCORD
TOWN MANAGER'S OFFICE

TOWN OF CONCORD
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) Elizabeth R. Monaghan
COMPANY or organization: CCHS CLASS REUNION
ADDRESS: 158 Hubbard St, Concord
TELEPHONE: 508 934 6263
DATE(S) APPLIED FOR: Sept 30, 2023
EVENT: Reunion
HOURS OF OPERATION: 6 - 11
PREMISES TO BE LICENSED: Concord Country Club
ADDRESS OF PREMISE LICENSED: ORTNA, 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

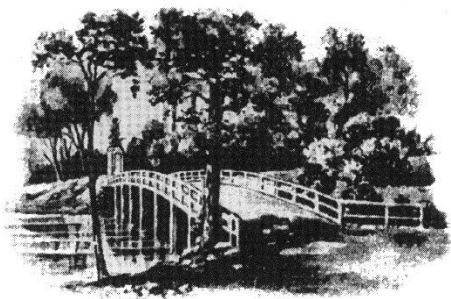
If no, number of consecutive years licensed? _____

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: Date: July 24, 2023



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: August 7, 2023

Re: Sunday Entertainment Licenses – The Concord Players

Included in your packet are four (4) Sunday Entertainment Licenses for The Concord Players 2023-2024 performance season. All performances are to take place at the 51 Walden Performing Arts Center, 51 Walden Street. The applications are for:

1. Sunday, November 12, 2023 from 2:00 PM to 6:00 PM for a play performance
2. Sunday, February 18, 2024 from 2:00 PM to 6:00 PM for a play performance
3. Sunday, April 28, 2024 from 2:00 PM to 6:00 PM for a musical performance
4. Sunday, May 6, 2024 from 2:00 PM to 6:00 PM for a musical performance

The applications are complete with payment.

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Concord



State Fee, \$ 8.00
Municipal Fee, \$ 200.00

LICENSE

For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is The Concord Players in or on the property at No. 51 Walden St, Concord MA 01742 (address)

The Licensee or Authorized representative, Katherine M Lague, Treasurer in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
11/12/23	2pm-6pm	Play Performance
2/18/24	2pm-6pm	Play Performance
4/28/24 5/6/24	2pm-6pm	Musical Performance

Hon. Mayor/ Chairman of Board of Selectman, Town of Concord (City or Town)

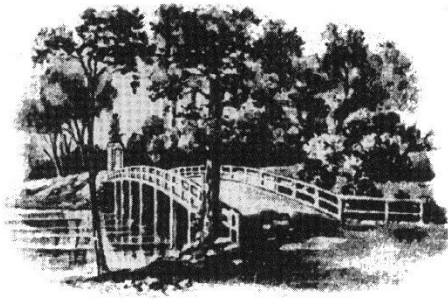
Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES



OLD NORTH BRIDGE

TOWN OF CONCORD

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

MEMORANDUM

To: Select Board

From: Megan Zammuto, Deputy Town Manager

Date: July 31, 2023

Re: Disclosure by Non-Elected Municipal Employee of Financial Interest as required by M.
G. L. c. 268A, Section 19

Enclosed please find three disclosure requests from Town of Concord board/committee members as well as a review of each by Town Counsel. The enclosed documents are being shared as privilege documents, and with the Chair's direction they can be included in the public packet.

ANDERSON KREIGER

MEMORANDUM

To: Megan Zammuto, Deputy Town Manager, Town of Concord
From: Mina S. Makarious, Anderson & Kreiger LLP, Town Counsel
Re: Application of the State Ethics Act to Planning Board Members
Date: July 31, 2023

You asked whether there were any concerns about a conflict of interest in certain members of the Concord Planning Board participating in the development of zoning proposals pursuant to the mandates of G.L. c. 40, § 3A to increase the amount of land available for multi-family zoning as-of-right in so-called “MBTA Communities”. Specifically, you asked whether Planning Board Members who own or rent property within a half mile of the Town’s two Commuter Rail Stations may participate in the development of these proposals for consideration by Town Meeting given that G.L. c. 40A, § 3A mandates multi-family housing to be located in that area.

As explained further below, such members of the Planning Board may participate in developing zoning proposals without the need for State Ethics Act disclosures or approvals by their appointing authority (*i.e.*, the Select Board). However, to the extent certain members wish to seek the Select Board’s approval as a precaution, it would be appropriate for the Select Board to grant that approval.

Analysis

Pursuant to the State Ethics Act, G.L. c. 268A, § 19, a municipal employee¹ may not participate as such “in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee...has a financial interest.” However, § 19(b) includes three exceptions to this prohibition:

(b) It shall not be a violation of this section **(1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial**

¹ Planning Board members are considered “municipal employees” for the purposes of the State Ethics Act. *See* G.L. c. 268A, § 1(g) (a municipal employee includes any “person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, **appointment**, contract of hire or engagement, **whether serving with or without compensation...**) (emphasis added).

Megan Zammuto, Deputy Town Manager, Town of Concord
Application of G.L. c. 268A to Planning Board Members
July 31, 2023

interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

(Emphasis added). The third exemption (interest shared by a substantial segment) applies to the Planning Board members at issue. In addition, the first exemption (prior approval that interest is not substantial) may also be properly applied.

In [EC-COI-92-34](#), the State Ethics Commission (the “Commission”) explained that the third exemption under § 19(b) would apply, for example, where a Selectman owned land in the Town and was asked to participate in a decision regarding property taxes that would affect more than 10% of the population of the Town. The Commission held that in that case, the Selectman could participate in the decision under exemption (b)(3) above. Since then, the Commission has consistently used the 10% standard established in that case to permit local officials to participate in matters of interest to 10% or more of a town. *See e.g., [State Ethics Commission Advisory Opinion 05-02: Voting on Matters Affecting Abutting or Nearby Property, \(June 2, 2005\)](#):*

An additional exemption is available to municipal employees. It allows a municipal employee to act provided that the particular matter is one of general policy and provided further that the issue affecting the private financial interests of the municipal official and his immediate family members also affects a “substantial segment” of the municipality's population. The Ethics Commission has advised that at least 10% of a municipality's population is a “substantial segment” for the purposes of the conflict of interest law; therefore, a municipal employee may act on matters affecting his own financial interests, or the interests of immediate family members, if the financial interest also affects at least 10% of his municipality's residents (as determined by the most recent federal census).

See also [State Ethics Commission, Conflict of interest law explanation for Board of Selectmen Members](#).

By design, G.L. c. 40A, § 3A asks MBTA Communities to rezone significant portions of their towns to permit multi-family housing. In fact, Concord, as a “Commuter Rail Community” is mandated under the Executive Office of Housing and Livable Communities’ § 3A guidelines to zone 15% or more of housing units in the Town for multi-family units. This exceeds the 10% threshold the Commission has applied for conflict analysis purposes. In addition, at this point the Planning Board has not settled on which areas of the Town it may rezone, which means that every area of the Town shares a general interest in the Planning Board's policy.

Megan Zammuto, Deputy Town Manager, Town of Concord
Application of G.L. c. 268A to Planning Board Members
July 31, 2023

Conclusion

Under these facts, the exemption in § 19(b)(3) applies to Planning Board members whose *only* connection to the zoning proposals is that they live or own property in areas that may be considered for rezoning. Accordingly, at this point no disclosure by Planning Board members under the State Ethics Act is required prior to working on the development of rezoning pursuant to MBTA Housing Choice.

Notwithstanding the foregoing, if based on independent legal advice obtained from the State Ethics Commission's Attorney of the Day (or private counsel) a Planning Board member may decide to seek an exemption under § 19(b)(1) out of an abundance of caution. I would recommend that the Select Board approve those requested exemptions on the basis that (1) there is no evidence the Planning Board members have any distinct financial interest in the rezoning that would make it difficult for them to carry out their position in good faith (as described above); and (2) to avoid any appearance that the Select Board may be attempting to control the Planning Board in the exercise of its purview pursuant to G.L. c. 40A to propose zoning.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Abigail Flanagan
Title or Position:	Member, Planning Board
Municipal Agency:	Planning Board
Agency Address:	141 Keyes Rd Concord MA 01742
Office Phone:	N/A
Office E-mail:	N/A
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. See attached
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. See attached
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. See attached

Employee signature:	
Date:	7/13/23

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail:	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Please describe the particular matter.

The Planning Board is currently undertaking extensive efforts in relation to the MBTA Communities Zoning Requirement, also known as, Zoning Act Section 3A. Under Section 3A, the Planning Board has been tasked with developing at least one zoning district, located not more than 0.5 miles from the Concord or West Concord MBTA Commuter Rail stations, that will allow for multi-family housing by right.

Please describe the task you are required to perform with respect to the particular matter.

As a member of the Planning Board, I am required to participate in all aspects of developing the required zoning district as set forth in Zoning Act Section 3A. This includes helping to determine where the district or districts shall be located, what properties will be included within the districts, what type of zoning requirements will be in place within the zoning district or districts, and various other related matters. This work will be accomplished through community meetings, roundtable discussions, Planning Board meetings, consultations with experts and consultants hired by the Town, and various other means. Ultimately the proposed zoning district or districts will be presented for a vote at town meeting. As a member of the Planning Board I will be involved in most of these efforts.

Please explain the financial interest and include a dollar amount if you know it.

I reside at 398 Main St, Concord MA 01742, with my husband and three young children. The dwelling located at 398 Main St is my primary residence. 398 Main St is located within 0.5 miles of the Concord MBTA Commuter Rail Station. As such, it is possible that my primary residence will be included in the proposed zoning district. There is a presumption that because the zoning district could potentially include my property that I have a financial interest in the matter. It should be noted that it is not clear whether the inclusion or exclusion of my property in any proposed zoning district would increase or decrease the value of the property. It should also be noted that my property is also located within the Main Streets Historic Districts and, as such, is subject to the guidelines pertaining to properties located within the district. These guidelines substantially limit changes that can be made to the dwelling. I firmly believe that this presumed financial interest will not influence my participation in this matter but I am filing this disclosure to comply with all relevant regulations and to avoid even the appearance of impropriety in this important matter.

ANDERSON KREIGER

MEMORANDUM

To: Megan Zammuto, Deputy Town Manager, Town of Concord

From: Mina S. Makarious, Anderson & Kreiger LLP, Town Counsel

Re: Application of the State Ethics Act to Ms. Sue Felshin

Date: July 31, 2023

You asked whether Ms. Sue Felshin, a member of the Community Preservation Committee (the “Committee”), could participate in the review of applications for Community Preservation Act (“CPA”) funding for restoration of Warner’s Pond. Ms. Felshin has explained that her residence abuts Warner’s Pond.

Pursuant to the State Ethics Act, G.L. c. 268A, § 19, a municipal employee¹ may not participate as such “in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee...has a financial interest.”

Because improvements to the abutting Warner’s Pond could, at least in theory, affect the property value of Ms. Felshin’s home, the State Ethics Commission (the “Commission”) would likely conclude she has a financial interest in application to the CPC for funding of the restoration of Warner’s Pond. If so, she would be prohibited from participating in review of funding applications regarding the Pond. However, § 19(b) includes three specific exceptions to this prohibition:

(b) It shall not be a violation of this section **(1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee,** or **(2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of**

¹ Planning Board members are considered “municipal employees” for the purposes of the State Ethics Act. See G.L. c. 268A, § 1(g) (a municipal employee includes any “person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, **appointment**, contract of hire or engagement, **whether serving with or without compensation...**) (emphasis added).

Megan Zammuto, Deputy Town Manager, Town of Concord
Application of State Ethics Act to Ms. Sue Felshin
July 31, 2023

such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

(Emphasis added).

Ms. Felshin has sought a written determination from her appointing authority (which we understand to be the Select Board) to participate in matters before the Committee pursuant to G.L. c. 268A, § 19(b)(1), including the Warner's Pond application.² The Select Board must therefore determine whether Ms. Felshin's interest is not "so substantial" that it is "likely to affect the integrity of the services which the municipality may expect from" her.

With respect to Ms. Felshin's financial interest in the Warner's Pond application, whether the Board believes she can be impartial is a judgment call depending on the facts before the Board. Generally, we recommend that abutters recuse themselves from voting on projects affecting abutting properties. In this case, however, it is not clear what, if any, impact the proposed pond project would have on Ms. Felshin's home value. She has also asserted that she believes she can be impartial on this matter. Accordingly, either conclusion by the Board is likely defensible: asking Ms. Felshin *not* to participate in the Warner's Pond matter, or permitting her participation pursuant to G.L. c. 268A, § 19(b)(1).

With respect to Ms. Felshin's ability to vote on CPA applications *other than* the Warner's Pond application, the Board could conclude that Ms. Felshin's interest in those applications is not substantial or direct, especially where she is one member of a large Committee and given past State Ethics Commission precedent.³

² Section 19(b)(3) does not help Ms. Felshin's case. In [EC-COI-92-34](#), the Commission explained that the third exemption (the substantial segment) would apply, for example, where a Selectman owned land in the Town and was asked to participate in a decision regarding property taxes affecting more than 10% of the population of the Town. The Commission held that the Selectman could participate in the decision under exemption (b)(3) above. Since then, the Commission has consistently used the 10% standard established in that case to permit local officials to participate in matters of financial interest to 10% or more of a town. *See also State Ethics Commission Advisory Opinion 05-02: Voting on Matters Affecting Abutting or Nearby Property, (June 2, 2005)*. In Ms. Felshin's case because less than 10% of the Town lives or owns property abutting Warner's Pond, she does not qualify for the third exemption under G.L. c. 268A, § 19(b)(3).

³ One could argue that Ms. Felshin is prohibited from consideration of other CPA applications before the Committee that compete for funding with applications for Warner's Pond restoration funding because Ms. Felshin could indirectly support or oppose the funding for the Pond by increasing the funds available for the project based on the decisions she makes with respect to other applications. This argument is at odds with long-established State Ethics Commission precedent. *See [EC-COI-87-25](#)* (permitting a City Councilor to vote on overall school budget, while abstaining on votes regarding particular line items that would affect his sister's financial interest).

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Sue Felshin
Title or Position:	Member, Community Preservation Committee, designee of the Planning Board
Municipal Agency:	Community Preservation Committee
Agency Address:	141 Keyes Rd. Concord, MA 01742
Office Phone:	N/A
Office E-mail:	N/A
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	See attached.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	See attached.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. See attached.
Employee signature:	
Date:	21 July 2023

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Please describe the particular matter.

The Community Preservation Committee has received an application to use Community Preservation Act funds for restoration of Warner's Pond. The Warner's Pond Restoration Project "seeks to improve the ecological health and recreational opportunities at Warner's Pond through a limited dredging operation, and to improve the boat launch access to better serve public access to the pond". Eutrophication has diminished the pond's ecological health and recreational opportunities over time. The Town's consultant has identified dam removal as the preferred option among three options of dredging, dam removal, and no action. The Natural Resources Division has stated the intent to seek CPA funding as a way to defray some portion of the costs of dam removal.

Please describe the task you are required to perform with respect to the particular matter.

As a member of the Community Preservation Committee, I vote on which applications to approve and on the amount of approved funding. Ultimately the projects and funding amounts will be presented for a vote at Town Meeting, which may modify projects and funding in any manner that falls "within the four corners" of the warrant article, but may take no other action.

Please explain the financial interest and include a dollar amount if you know it.

I reside at 19 Sunnyside Lane, Concord MA 01742. The dwelling located at 19 Sunnyside Lane is my primary residence. 19 Sunnyside Lane abuts the Warner's Pond parcel. There is a presumption that because the pond's parcel abuts my property that I have a financial interest in the matter. The portion of the parcel adjacent to 19 Sunnyside Lane is a "shrub swamp" form of vegetated wetland. Possible financial interests include:

- Any option, including no action, may have no effect or may cause the shrub swamp to succeed to another habitat, which could affect the desirability of the viewshed.
- Dam removal is claimed to reduce flood risk to upstream properties. 19 Sunnyside Lane is an upstream property. If the dam is removed, property value could increase from decreased flood risk, increase due to greater development potential if the entire property becomes upland habitat, or decrease if the adjacent shrub swamp becomes upland habitat and is subject to sale and/or development by the Town.

Because all options involve possibilities of unclear amounts of financial benefits and financial detriments, I firmly believe that this presumed financial interest will not influence my participation in this matter, but I am filing this disclosure to comply with all relevant regulations and to avoid even the appearance of impropriety in this matter.

ANDERSON KREIGER

MEMORANDUM

To: Megan Zammuto, Deputy Town Manager, Town of Concord
From: Mina S. Makarious, Anderson & Kreiger LLP, Town Counsel
Re: Application of the State Ethics Act to Ms. Jennifer C. Schunemann
Date: July 31, 2023

You asked whether there are potential conflict of interest issues with Ms. Jennifer Schunemann's activities as chair of the Economic Vitality Committee ("EVC") and Concord250 Sub-Committee on Publicity and Communications ("Concord250") given that she also the Co-Founder of *Discover Concord* magazine, a private publication. *Discover Concord* relies on advertising revenue to cover the costs of publication. Ms. Schunemann has disclosed that various town entities connected with the EVC and Concord250 have or may advertise in *Discover Concord*.

Ms. Schunemann is considered a "municipal employee" for the purposes of the State Ethics Act by virtue of her role on the EVC and Concord 250. G.L. c. 268A, § 1(g). As such, she must be mindful of restrictions on her activity under G.L. c. 268A, §§ 17, 19, and 20. As discussed in further detail below, at the very least, such restrictions include recusal from any participation in discussions concerning advertising in *Discover Concord* in the event that she maintains a financial interest in *Discovering Concord* that is impacted by ad sales.

ANALYSIS

Sections 17 and 20

Section 17 prohibits municipal employees from receiving or seeking compensation from any entity other than the Town for particular matters in which the municipality has a substantial interest or acting as an agent for anyone other than the Town with respect to such matters. Section 20 similarly prohibits municipal employees from maintaining a financial interest in contracts in which the municipality has a financial interest. G.L. c. 268A, § 20(a).

The analysis for Ms. Schunemann under these sections turns on her designation in her roles for the EVC and Concord250. As a municipal employee, Ms. Schunemann would be barred under both of those sections from receiving any compensation from *Discovering Concord* that results, directly or indirectly, from the Town's placing an advertisement in the magazine. However,

Megan Zammuto, Deputy Town Manager, Town of Concord
Application of the State Ethics Act to Ms. Jennifer C. Schunemann
July 31, 2023

sections 17 and 20 apply less stringently to individuals designated as “special municipal employees”.

Under Section 17, a special municipal employee is only forbidden from receiving or requesting compensation from, or acting as an agent for, an entity other than the Town with respect to such matters *if* (a) they participated in the same matter as a municipal employee; (b) the matter is, or was within one year, the subject of their official municipal responsibility; or (c) is pending in the municipal agency in which they are serving.

Accordingly, under Section 17, Ms. Schunemann may receive compensation from *Discover Concord*, even if the Town has placed an ad in the magazine, if (1) she did not participate in the placement of the ad in either of her municipal positions, and (2) neither the EVC or Concord 250 participate, or participated in the past year, in the placement of the advertisements. If, however, the EVC or Concord250 participate or make decisions concerning the placement of advertisements in local publications going forward, Ms. Schunemann may not participate without running afoul of the State Ethics Act. Under Section 20, if Ms. Schunemann is a special municipal employee, she may be permitted to have an interest in a contract between the Town and *Discovering Concord* if, in addition to the foregoing, she also files a disclosure with the Town Clerk of her interests in the Contract. At this point, based on the information provided by Ms. Schunemann, it is not clear whether any such contract exists between the Town and *Discovering Concord*.

Section 19

Section 19 prohibits municipal employees (including special municipal employees) from participating in matters in which they, any of their immediate family members, or any entities with which they have a business relationship, have a financial interest. G.L. c. 268A, § 19(a). However, § 19(b) includes three specific exceptions to this prohibition:

(b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

Given Ms. Schunemann’s unique role as co-founder of *Discovering Concord* and presumably with a continuing financial interest in the same, only the first exemption is potentially available to her. Ms. Schunemann could seek an exemption to participate in matters before the EVC or

Megan Zammuto, Deputy Town Manager, Town of Concord
Application of the State Ethics Act to Ms. Jennifer C. Schunemann
July 31, 2023

Concord250 involving *Discovering Concord* if the Select Board, as her appointing authority, determines that her interest is not “so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.” Given the information available at this point, it is not clear that such a conclusion would be justified. In addition, even if the Select Board could reach this conclusion, it could not grant this exemption under § 19(b)(1) if doing so causes Ms. Schunemann to run afoul of the limitations under § 17. Thus, in reality, this exemption is only available if Ms. Schunemann receives no income from *Discovering Concord* in her capacity as co-founder of the magazine.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Jennifer C. Schunemann
Title or Position:	Volunteer
Municipal Agency:	Economic Vitality Committee
Agency Address:	Concord Town House 22 Monument Square Concord, MA 01742
Office Phone:	978-318-3080
Office E-mail:	townclerk@concordma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a potential financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter	As Chair of the Economic Vitality Committee, I interact with many stakeholders in the community. I am also the co-founder of <i>Discover Concord</i> magazine – which routinely publishes content about upcoming activities and events in the town and highlights the history and unique cultural heritage of Concord.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	The Economic Vitality Committee works with a wide range of other committees and with town staff. I do not see a direct conflict at this time. But I would like to disclose for the record that I am the co-founder of <i>Discover Concord</i> magazine. I would simply like the record to show that I am aware that perhaps, someday, there could be a conflict if the Town were to interact with the publication to produce content that could potentially be considered part of a plan to meet the mission and goals of the Economic Vitality Committee.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization could one day have a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	One division of the Town – the visitor center – orders advertising in <i>Discover Concord</i> magazine
Employee signature:	
Date:	July 26, 2023

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Jennifer C. Schunemann
Title or Position:	Volunteer
Municipal Agency:	Concord250 Sub-Committee on Publicity and Communications
Agency Address:	Concord Town House 22 Monument Square Concord, MA 01742
Office Phone:	978-318-3080
Office E-mail:	townclerk@concordma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter	Potential contract with <i>Discover Concord</i> magazine to expand the scope of its normal operations to strategically align with the Town on communication planning to reach visitors who may be planning to attend the 250 th celebrations in Concord in the time leading up to the 250 th anniversary of the first battles of the American Revolution. While there would be no request for funding to continue with Discover Concord's regular development of content and printing of its normal number of copies, the surge of interest in Concord in the lead-up to the 250 th celebration could potentially require many more copies to be printed and distributed – or custom content may need to be developed. Should this occur, funding may be necessary – either from the Town, or from an outside source.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Create a strategy to reach out to potential visitors to the area, notify them of special events/celebrations/concerts/lectures etc. surrounding the buildup to the 250 th anniversary celebration on April 19, 2025. Leverage tools available to reach a wide audience. In support of the 250 th celebration of the events of April 19, 1775, determine a strategy of where/how to communicate the stories of Concord's history – including the untold stories of indigenous people, enslaved persons, freedmen, women and children, and others who also participated in the events leading up to and surrounding the events of April 19, 1775. Leverage that history to create a 'bridge' of stories into Concord's modern-day achievements and contributions to our cultural heritage. Create an inviting and inclusive series of communications to encourage engagement with the town's cultural history, tourism sites, retail/restaurant/lodging businesses, and to support the work of the Town in proactively managing crowd control by communicating about attractive visitor experiences before and after the 'big celebrations'. Reach a wide audience in both print and remotely (digitally) to help visitors plan appropriately.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	<p>Voyager Publishing (publisher of <i>Discover Concord</i> magazine) would like to offer to produce additional print copies of <i>Discover Concord</i>— a magazine created to support tourism in the Town of Concord, and to connect visitors with logistical and historical information about Concord to support their planning - available to a larger audience than it would normally reach on its own. That expanded audience could include concierges of Boston area hotels, visitors who arrive at Logan airport, and at surrounding visitor centers such as on the Mass Pike, to tour bus operators, and to meet an anticipated increased need of copies at the National Parks as tourism increases in the coming 48 months.</p> <p>Regular advertising from the shops and restaurants in town will not be sufficient to support the paper, printing, and delivery costs associated with this need. There is not currently a contract between Concord and Voyager Publishing. For estimation of the potential financial interest in the matter, a program could include ramping up over time (scaling the need to meet the anticipated increase in visitors) and would potentially mean a maximum of:</p> <ul style="list-style-type: none"> • \$32,000 in calendar year 2023 to meet the required 18,800 additional printed copies and their distribution • Up to \$100,000 in calendar year 2024 to meet an anticipated need of 54,000 additional printed copies and their distribution • Up to \$123,000 in calendar year 2025 to meet the anticipated need of 73,700 additional printed copies and their distribution <p>Programs can be adjusted, scaled, and shared with other municipalities if that makes sense. Funding could also be requested via a grant that could flow through the town committee, if appropriate. This estimate is only to support the discussion around a potential conflict of interest. There is no current agreement.</p> <p><i>Discover Concord</i> has a financial interest in that the direct costs of paper, printing, and delivery are marked up to cover overhead and a small profit margin (Voyager Publishing, the company that produces <i>Discover Concord</i> is a for-profit LLC). <i>Discover Concord</i> routinely offers non-profit discounts to municipalities and would do so if permitted to interact with the Concord250 committee.</p>
Employee signature:	
Date:	April 27, 2023

DETERMINATION BY APPOINTING OFFICIAL

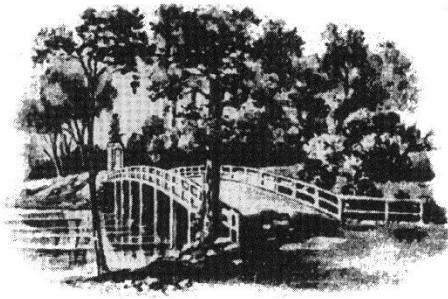
	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
	DETERMINATION
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.

Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012



OLD NORTH BRIDGE

TOWN OF CONCORD

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

MEMORANDUM

To: Select Board

From: Megan Zammuto, Deputy Town Manager

Date: July 31, 2023

Re: Proposed 40B – NOVO Riverside Commons Concord, MA Comments

Enclosed please find a draft response to the June 21st letter from Mike Busby from MassHousing regarding the proposed 40B – NOVO Riverside Commons. While the project will be reviewed formally as part of the public hearing process through the Zoning Board of Appeals, the Select Board was asked to compile preliminary comments and anticipated issues to MassHousing by August 8th. The draft letter includes comments from town staff, boards and committees, as well as town residents.

August 8, 2023

Mike Busby
Relationship Manager
MassHousing
Massachusetts Housing Finance Agency
One Beacon Street Boston, MA 02108

RE: Proposed 40B – NOVO Riverside Commons Concord, MA MH ID No. 1192 Comments

Dear Mr. Busby,

Thank you for the opportunity to review and comment on the application for Site Approval submitted by NOVO Riverside Commons, LLC. We look forward to providing more detailed comments during the Zoning Board of Appeals public hearing process. Based on our preliminary review of the application for Site Approval, the site visit, and a presentation given to the Select Board by NOVO Riverside Commons, LLC on July 24th, we present the comments below.

Public Safety

- Staff raised public safety concerns and recommended barrier fencing along the property line abutting the MBTA railroad tracks.
- The Fire Department highlighted the need for improved access to the back of the buildings and the pond.
- The Fire Department identified concerns regarding construction sequencing, and their ability to provide timely inspections if both buildings were constructed at one time. A third-party inspector might be considered.
- A portion of the site is located within the 100-year floodplain. The Fire Department has concerns with the potential flooding of the underground parking due to the proximity of the floodplain and/or potential for high groundwater. The developer should provide specific information that addresses this concern.
- The Police Department raised concerns about increased calls for service. They request relevant data on comparable properties.

Traffic

- We look forward to reviewing a traffic study during the public hearing process which would look at the below items in detail:
 - Current conditions and projected new trips generated by the project.
 - Impacts on nearby intersections, Main Street/Baker Avenue and Rt. 2/Baker Avenue Extension, and the progression through the Main Street/Church Street and Main Street/Commonwealth Avenue signalized intersections.
 - Proposals for pedestrian and cyclist safety accessing the site, particularly at the Rt. 2/Baker Avenue Extension. How to address increased pedestrian and bicycle traffic at the Rt. 2/Baker Avenue Extension intersection.

- Whether safety improvements are required for multimodal uses and/or improvements to the existing sidewalk along Baker Avenue including crossing the MBTA railroad tracks.
- We will be interested to see engineering plans for the new driveway/entrance that meet standards for proper sightlines while exiting to Baker Avenue. Additionally, the traffic study should provide information on the lefthand turning movement from Baker Ave. into the site and whether there is sufficient and safe queueing distance based on the project traffic increase and the location of the MBTA Commuter Rail crossing.

Natural Resources

- Portions of the work are proposed within the 100-year floodplain. Compensatory flood storage in accordance with 310 CMR 10.57(4)(a) will be required.
- Portions of the proposed project fall within the locally regulated 25-foot No Disturb Zone and 50-foot No Build Zone. The Natural Resources Commission looks forward to a plan that removes structures from these sensitive areas, with consideration given to a reduced footprint.

Water/Sewer

- **Wastewater Capacity:** The projects proposed sewer design flow is considerable and beyond what had been contemplated for this site, as detailed within a state certified Comprehensive Wastewater Master Plan. As allocation of limited wastewater capacity is carefully administered and managed through the Public Works Commission, the re-assignment of this available wastewater capacity will require reconsideration of the impacts to prior planned commitments.
- Within the May 22, 2023 dated PEL Submission Set, **Sheet C3.1 – Grading and Drainage Plan** (page 8 out of 10, in the 10-sheet PDF file) depicts unlabeled utilities layout that includes both water and sewer services to each building structure (#292 Baker Ave. & #294 Baker Ave.). The interconnections for both water and sewer services are proposed to be made on privately owned infrastructure.
- **Sewer Infrastructure – Legal Rights:** The proponent will need to demonstrate they have legal rights to tie into the private sewer service as shown.
- **Sewer Infrastructure Capacity/Integrity:**
 - The proponent will need to provide documentation confirming that any the existing privately-owned sewer infrastructure has sufficient design capacity (size, slope, roughness) to carry the additional sewer flow.
 - The proponent must provide documentation confirming that the receiving publicly- owned sewer infrastructure exhibits acceptable structural integrity, and has the appropriate size and slope to provide for the additional sewer capacity associated this Project.
- **Water Infrastructure Legal Rights:** The proponent will need to demonstrate they have legal rights to tie into the private water service as shown.
- **Water Infrastructure Capacity:**

- The proponent will need to document that the connection to the privately owned water infrastructure has no adverse impact on existing services and has the hydraulic capacity to meet the new demands of the proposed Project (both domestic & fire protection).
- The proponent will need to confirm that the existing publicly- owned water infrastructure possess suitable hydraulic capacity to support the flow demand to the subject Project development building structures and associated facilities.

Sustainability Measures

- The application states that various sustainability measures are being considered for the project. The Town is very supportive of sustainability and look forward to having a detailed description of these measures included in the ZBA and NRC applications.

Housing Goals

- The project's location is specifically identified in the [Town's FY 2023-2028 Housing Production Plan](#) in Strategy #3, which provides, in part, that “There are several parcels in private ownership which might be appropriate for residential developments across Concord, through 40B or other processes: A. 300-310 Baker Ave. – a mixed use location . . .”
- As part of the on-going rent increases, the town would like to limit annual rent increases for renewals to 8% or the percentage increase in income limits, whichever is lower.

Amenities

- The community would like to see amenities for residents including:
 - Infrastructure to support residents with bicycles (bike storage room, bike lanes)
 - Clear pedestrian crossings
 - Community spaces
 - Play space for children
 - Identification of a school bus stop
 - Dog park
 - Shared fleet of cars

Sincerely,

Henry Dane, Chair
Concord Select Board



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: Megan J. Zammuto, Deputy Town Manager
From: Kerry A. Lafleur, Town Manager
Date: August 2, 2023
Re: Special Counsel to review Hanscom North Airfield Development

This memorandum outlines a request to engage Special Counsel on behalf of the Town of Concord to review and monitor the proposed North Airfield Hangar Development at L. G. Hanscom Field.

Project Overview

Proponents Runway Realty Ventures, LLC and North Airfield Ventures, LLC propose to construct 27 hangars and renovate the existing Navy Hangar building to provide a combined area of 495,470 square feet (sf) of hangar space. The project involves land transfers between the Proponents and Massport, including a 28.1 -acre Massport Ground Lease area and transfer of two parcels totaling 5.2 acres from Massport to the Proponents. In addition, the Proponents will transfer a 2.6-acre parcel to Massport to provide a Taxiway Object Free Area and a perimeter access road. The project will affect a total of 47 acres of land (altering 23.2 acres of land; and adding 23.9 acres of impervious area); construct 175 new parking spaces for a total of 240 spaces including existing spaces; generate an estimated 194 average daily vehicle trips, use 13,500 gallons per day (gpd) of water and generate 12,150 gpd of wastewater. The project site is located within an Environmental Justice population designated as Minority and within a mile of additional EJ populations.

Hanscom Airfield is within the four communities of Bedford, Concord, Lincoln, and Lexington. These four communities exhibit intrinsic qualities of scenic, historic, recreational, cultural, archaeological, and natural features that are recognized for their national significance and considered representative, unique, irreplaceable, or distinctly characteristic of this area. Greatly valued by residents, these intrinsic qualities draw visitors from around the world seeking connections and inspiration from the American story. The federally owned Great Meadows Wildlife Refuge, the Minute Man National Historical Park and the Battle Road Scenic Byway are on a direct path with the east-west runway, as well as many cultural resources and open spaces that bring visitors to this region. As Hanscom Airfield has grown and expanded over the years, the incremental increases in vehicular traffic, aircraft traffic, noise, air pollution and so forth, has eroded the quality of life for residents and wildlife and diminishes the visitor experience. The cumulative impact of these incremental increases adversely effects the natural, cultural, and historical resources of the communities.

Background

On January 25, 2023, the Town received an Environmental Notification Form (ENF) for the above referenced project, [Hanscom North Airfield_ENF-011723.pdf \(dropbox.com\)](#), commencing a 20-day public comment period, in accordance with the requirements of the MA Environmental Policy Act (MEPA). For reference, the MEPA

review process provides meaningful opportunities for public review of potential environmental impacts of certain projects for which certain actions by state agencies are required. It requires state agencies to study the environmental impacts of projects requiring state permitting, financial assistance or land disposition, and to use all feasible measures to avoid, minimize, and mitigate damage to the environment or, to the extent damage to the environment cannot be avoided, to minimize and mitigate damage to the environment to the maximum extent practicable. The Town, through the Select Board, and on behalf of residents, provided comment within the public comment period, <https://concordma.gov/DocumentCenter/View/40980/Public-Comment-EEA-16654-Concord-Select-Board-Hanscom-Field-Development>. We understand that it may be up to six- (6) months before the results of said study will be release.

Given the significant public interest in this proposed project and the potential impact to the community, the Select Board has expressed an interest in closely monitoring it. In addition to services and support provided through Town staff (primarily DPLM), it makes sense to also assign legal resources to the monitoring process. Normally, this legal assignment would be made to Anderson Kreiger, as Town Counsel. In this instance, Anderson Kreiger has a conflict as it also provides some legal services to Massport. Further, it would not be unusual for a town to appoint Special Counsel when there is a need for specialized knowledge and expertise, even if no conflict existed with Town Counsel.

Recommendation

In this instance, the recommendation is that the Town appoint *McGregor, Legere & Stevens, PC*, a highly regarded firm whose practice specializes in Environmental Law, as Special Counsel. Gregor McGregor, a long term resident of Concord, would be the managing partner assigned to this engagement.

Requested Action

Appoint *McGregor, Legere & Stevens, PC* as Special Counsel in the matter of L. G. Hanscom Field North Airfield Development, Bedford, MA, with a fixed fee of \$7,500 for Phase 1A Services, generally defined as encompassing a detailed analysis of records and an advice/ strategy session to review findings and legal options. The source of funding for this engagement is within the Town's FY24 appropriation for legal services.

Additional phases of work may be assigned during the course of this engagement, but in each instance will be brought to the Select Board for consent.

McGREGOR
LEGERE & STEVENS PC

ATTORNEYS AT LAW

15 COURT SQUARE – SUITE 660
BOSTON, MASSACHUSETTS 02108
(617) 338-6464
FAX (617) 338-0737
www.mcgregorlaw.com

GREGOR I. MCGREGOR
E-mail: gimcg@mcgregorlaw.com
(617) 338-6464 ext. 123

**CONFIDENTIAL COMMUNICATION
SUBJECT TO ATTORNEY-POTENTIAL CLIENT PRIVILEGE**

August 1, 2023

VIA EMAIL
Kerry Lafleur
Town Manager
Town of Concord

Dear Ms. Lafleur,

We propose a comprehensive Public Records Request (PRR) to Hanscom for all their public documents related to this project, in every form (print and digital) in files, computers, devices, cell phones and drives (office and personal).

In other words, we'd do a \$7,500 fixed fee Phase 1A to cover a large PRR including an advice/strategy session to discuss our findings and legal options.

You may opt at larger cost to have a Phase 1B PRR directed to MassPort, 1C directed to the MAC, 1D FOIA Request to the FAA and federal grant sources, and 1E to get at ALL expansion projects of all kinds at Hanscom for the indefinite future.

Phase 2A might be an appeal to the state challenging any PRR non-compliance to force release of the Hanscom project documentation. Phase 2B might be a Public Records Law suit seeking the withheld documents.

Phase 3 might be litigation on the project legal merits, with or without an alliance, depending of course on the evidence we obtain.

Thank you for your consideration.

Gregor I. McGregor

Gregor I. McGregor, Esq.

cc: Henry Dane (via email)

From: Dean Charter <deancharter@acton-ma.gov>
Sent: Saturday, July 29, 2023 6:45 PM
To: Terri Ackerman <tackerman@concordma.gov>
Subject: Re: Acton Concord RECC

Hi Terri,

The SB did discuss the RECC. Basically they voted unanimously to consider a "neutral site", and consider adding other towns, all within the context of the existing agreement. They asked the Town Manager to update us on progress in three months.

The formal motion and record of vote will be transmitted by the Town Manager to the Concord Town Manager. We will let the process proceed on a staff/RECC Board level. Your Manager should be hearing from John if she has not heard already.

Regards

Dean

From: Terri Ackerman <tackerman@concordma.gov>
Sent: Friday, July 28, 2023 7:10 PM
To: Dean Charter
Subject: Acton Concord RECC

EXTERNAL EMAIL * Caution is Advised *

Hi Dean,

Hope you are staying cool during this hot spell.

Did the Acton SB discuss the RECC on July 24 and what was the result of that discussion?

Should we talk by phone or get together for coffee again?

Thanks,
Terri

Notes from the Acton select Board meeting July 24, 2023

RE: Acton-Concord RECC

Submitted by Terri Ackerman, Select Board

After a long discussion, Acton SB voted 5-0 to explore, over the next 3 months, the potential for other towns and an alternate location. However,

1. Acton SB members are confused about what Concord's issues are. They especially don't understand Concord's concern about a "neutral" location.
2. It is unclear what will be gained or improved as a result of the exploration. The Acton SB is ready to move very quickly (3 months). Manager John Mangiaratti has already drafted a letter to invite adjacent communities. He is willing to explore other locations, although he stated that the current location is excellent, and he doubts other locations will be as good.
3. The relationship between the 2 communities, unfortunately, doesn't appear to be good or improving. It was stated that "Concord voted for the agreement but has now "moved the goal posts". Concern was expressed that after the exploration, Concord could "move goal posts again". Select Board member Dean Charter also believes he was misquoted by Terri Ackerman and this line of communication should not be utilized again.
4. There was discussion that an alternate site will be more expensive (equipment set-up? lease?) than the present location. We are unclear if there is any data to show this, or whether it is an unproven assumption.
5. Bottom line: If the real issue is poor communication and lack of confidence in each other, then an exploration of alternate sites and additional towns is unlikely to solve the problem. Instead, it provides a poor foundation for a critical public safety service.

Also, as she was unable to attend the Acton Select Board meeting, Kerry asked Chris Carmody to review the recording and provide a quick synopsis, which is attached.



TOWN OF CONCORD
Office of the Town Manager
Town House
Concord, Massachusetts 01742

Date: July 31, 2023

To: Kerry A. Lafleur, Town Manager

From: Christopher Carmody, Risk and Compliance Manager

Re: RECC

Please find below a brief summary of the Acton Select Board meeting on July 24, 2023 regarding the Acton Concord Regional Emergency Communications Center (“RECC”).

The Acton Select Board meet at 7pm on Monday, July 24, 2023 in accordance with their publicly posted agenda: <https://ma-acton2.civicplus.com/ArchiveCenter/ViewFile/Item/18660>.

A copy of the meeting recording can be accessed here (starting at the 13 minute mark):

<https://www.youtube.com/live/4CkN1XUyPrA?feature=share&t=788>

After seventy-one minutes of discussion on the RECC, the Board voted unanimously to approve the following motion¹: that the Acton Select Board wants to pursue regional dispatch in the context of the current RECC agreement with Concord; that the RECC should explore alternate locations outside of the current Acton Safety Complex; and the RECC should explore additional membership communities. The Acton Select Board asked to be updated on this matter in 3 months, or by October 24, 2023.

During the Select Board meeting, Town Manager John Mangiaratti provided an introductory status update on this project and handed off a more comprehensive review to Select Board member Dean Charter. Lastly, the Select Board heard staff recommendations on the future of the RECC including from Interim Chief Cogan (“most important that the community gets the best services”), Interim Fire Chief Arnum (“spoken with Fire Chief Judge and they are on the same page about moving forward”), and Human Resources Director Marianne Fleckner (“2 finalists withdrew because of delays in the development of RECC”).

Select Board member Charter reported that Concord approved the governance agreement in May 2021 on a 3-2 vote. Since then, the Concord Town Manager has left, there have been retirements and staff turnover in both towns. He reported that Concord Select Board member Terri Ackerman asked to meet to talk about the RECC and he agreed. Mr. Charter reported that there is no support by Concord in the current RECC agreement and Concord wants a “new deal.” Mr. Charter reported that Concord wants two changes: (i) a neutral site location for the proposed dispatch center, and (ii) other towns to become member participants.

¹ The Select Board chair asked the Select Board administrator for help in crafting the final actual motion language. At the time of the vote, the motion was a concept and not literally structured.

Mr. Charter reported that \$70K has been expended so far of the total \$1.7 Million granted to the RECC project. He supports keeping the RECC in place (and was a member of the original Acton public safety building committee). He does not want to increase the current projected cost of setting up and maintaining the RECC nor does he want to lose any of the state issued grant money.

Each Select Board member was asked for his/her response to the project update:

- Alissa Nicol: Ms. Nicol reported she was willing to explore Concord's offer but was confused about where an acceptable "neutral site" would be.
- David Martin: Not interesting in re-negotiating the agreement. Concerned the RECC lost two qualified executive director candidates.
- Jim Snyder-Grant: wants the RECC to succeed. Open to re-negotiating the agreement.
- Frances Arsenault: open to re-negotiating the governance agreement. Doesn't understand "neutral site" concerns by Concord. Interested in talking to Carlisle, Boxborough, and Westford.
- Dean Charter: committed to current RECC governance agreement. Concord keeps "moving the goal posts." Not interested in being 'held hostage' by Concord.

The Select Board discussed the timing of hiring an executive director during discussions with Concord about revisiting the RECC governance agreement. Town Manager Mangiaratti reported that the State knows Concord and Acton are talking about possible revisions to the RECC. He is working to preserve the funds granted to the RECC. The Board and the Town Manager discussed how the RECC consultant (who coordinated the executive director search) could research the benefits of alternate RECC sites. The Acton Town Manager relayed that it was important to him that any alternative site represent a greater benefit than the current Acton Safety Complex.

The Acton Select Board motion omitted any references to the hiring of an executive director. The Board at this point seems open to amending the RECC governance agreement but not re-negotiating it.

From the Assessors Report to the Select Board

Dated: July 24, 2023

EFFECTS OF ADOPTING THE RESIDENTIAL EXEMPTION

The following outlines the effect of the Residential Exemption with a 10%, 20%, and 30% exemption adjustment. These numbers are based on estimating that 50% of Single-Family homes, 10% of Condominiums and 5% of Multi-Family homes could potentially qualify.

10% Residential Exemption

Exemption Calculations					
Exemption Percent	Residential Exemption Amount	Potential Value Reduction in Residential Properties	New Taxable Value	Estimated New Residential Rate	2023 Residential Levy
10.00%	123,204.89	296,024,389.20	7,061,771,892.80	13.74	97,060,686

Estimated Impact on Residential Tax Bill			
Owner-Occupied Home Value	Tax Bill Without Exemption	Tax Bill With Exemption	Change in Tax Bill*
130,000.00	1,684.80	93.36	-1,591.44
470,000.00	6,091.20	4,764.96	-1,326.24
810,000.00	10,497.60	9,436.56	-1,061.04
1,150,000.00	14,904.00	14,108.16	-795.84
1,490,000.00	19,310.40	18,779.76	-530.64
1,830,000.00	23,716.80	23,451.36	-265.44
2,170,301.52	28,127.11	28,127.11	.00
2,510,000.00	32,529.60	32,794.56	264.96
2,850,000.00	36,936.00	37,466.16	530.16
3,190,000.00	41,342.40	42,137.76	795.36
3,530,000.00	45,748.80	46,809.36	1,060.56
3,870,000.00	50,155.20	51,480.96	1,325.76
4,210,000.00	54,561.60	56,152.56	1,590.96
4,550,000.00	58,968.00	60,824.16	1,856.16

RESIDENTIAL EXEMPTION
THE COMMONWEALTH OF MASSACHUSETTS

NAME OF CITY OR TOWN

APPLICATION FOR RESIDENTIAL EXEMPTION
MUST BE FILED WITHIN 3 MONTHS AFTER THE DATE THE TAX BILL WAS SENT.

The undersigned being aggrieved by the failure to receive a residential exemption on real estate situated at: _____ for fiscal year _____
NO. STREET
hereby applies for such an exemption.

STATEMENT OF FACTS

Name(s) of record owner(s): _____

Name of applicant: _____

Was the real estate owned and occupied by you as your principal residence on January 1, 20____?

YES NO

Date Acquired : _____ How Acquired: _____
(BY PURCHASE, INHERITANCE, FORECLOSURE, GIFT, ETC.)

List location of any other residential real estate owned by you.

Have you ever received a residential exemption in any other city or town? If so, give the address of the property and the year(s) in which the exemption was received. _____

It is hereby acknowledged that receiving the benefit of a residential exemption requires the owner to reside in the premises. Should the owner no longer reside in the premises, they must notify the Assessor's Office to avoid receiving a tax benefit to which they are not entitled. Such omission of notice while continuing to receive a reduction in tax may be actionable by the municipality.

Signing this form under the penalties of perjury has the legal effect of swearing under oath to the truthfulness of the information contained herein: All items on this form must be completed. In addition to other sanctions provided by law, intentional misrepresentation of facts in this application may result in cancellation of this exemption.

SUBSCRIBED THIS _____ day of _____, 20____ UNDER THE PENALTIES OF PERJURY.

Signature of Applicant: _____

Post Office Address: _____

THE FILING OF THIS APPLICATION DOES NOT STAY THE COLLECTION OF YOUR TAX.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IX	TAXATION
Chapter 59	ASSESSMENT OF LOCAL TAXES
Section 5C	EXEMPTIONS FOR RESIDENTIAL REAL PROPERTY IN CITIES OR TOWNS ASSESSING AT FULL AND FAIR CASH VALUATION

Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes. This exemption shall be in addition to any exemptions allowable under section five; provided, however, that in no instance shall the taxable valuation of such property after all applicable exemptions be reduced below ten per cent of its full and fair cash valuation, except through the applicability of clause Eighteenth of section five. Where, under the provisions of section five, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax

by the residential class tax rate of the city or town and multiplying the result by one thousand dollars. For purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the assessors in accordance with the deed for such property and shall include a condominium unit.

In those cities and towns in which an exemption is made available hereunder, a taxpayer aggrieved by the failure to receive such residential exemption may apply for such residential exemption to the assessors, in writing, on a form approved by the commissioner, on or before the deadline for an application for exemption under section 59.

A timely application filed hereunder shall, for the purposes of this chapter, be treated as a timely filed application pursuant to section fifty-nine.

For purposes of this section, with respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member pursuant to a proprietary lease as such member's domicile and is used as such member's principal residence for income tax purposes shall be deemed to be real property owned by such member for purposes of this section, provided that the portion of the real estate is represented by the member's share or shares of stock in the cooperative corporation and the percentage of such portion to the whole is the percentage of such member's shares in the cooperative corporation to the total outstanding stock of the corporation, including shares owned by the corporation. Such portion of such real property shall be eligible for exemption from taxation pursuant to this section if such member meets all requirements for such exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the

cooperative corporation; provided, however, that the reduction in taxes realized thereby shall be credited by the cooperative corporation against the amount of such taxes otherwise payable by or chargeable to such member. Nothing in this paragraph shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but shall apply to the land on which such manufactured home or mobile home is located if all other requirements of this paragraph are met. This paragraph shall take effect in a city or town upon its acceptance by the city or town.



Living with the Residential Exemption

Randall Gilbert – DLS Summer Fellow

Tony Rassias – Bureau of Accounts Deputy Director

What is the Residential Exemption?

Enacted 1979, the residential exemption is an option under property tax classification [MGL c. 59, sec. 5C](#) that shifts the tax burden within the residential class from owners of moderately valued residential properties to the owners of vacation homes, higher valued homes and residential properties not occupied by the owner, including apartments and vacant lands.

How It Works

Communities may authorize a residential exemption to all [Class One, Residential](#) properties that are principal residences of taxpayers. Prior to the Municipal Modernization Act, the exemption could not top 20% of the average assessed valuation of residential parcels. Now, exemptions cannot exceed 35% of the average assessed value of all Class One, Residential properties.

Adopting a residential exemption increases the residential tax rate. The amount of the tax levy paid by the residential class remains the same, but because of the exempted residential valuation, the levy is distributed over less assessed value. This higher rate creates a shift within the class that reduces the taxes paid by homeowners with moderately valued properties. Those taxes are then paid by owners of rental properties, vacation homes and higher valued homes.

Residential Exemption Calculation

The following steps can be used by a community to calculate the residential exemption and its impacts.

In this issue:

- [Living with the Residential Exemption](#)
- [Ask DLS: Other Post-Employment Benefits Trust Fund - Part 1](#)
- [Data Highlight of the Month: Residential Exemption](#)

Important Dates & Information

Save the Date: "What's New in Municipal Law" Seminar

The Division of Local Services legal staff will offer its annual "What's New in Municipal Law" seminar for local officials

on Thursday, October 3, 2019 at the Log Cabin Banquet & Meeting House in Holyoke and Thursday, October 10, 2019 at The Lantana in Randolph.

The general session in the morning will review new legislation and recent court decisions pertaining to local government. The afternoon session will consist of three concurrent workshops that will discuss current and recurring issues of interest related to municipal finance law.

Please stay tuned for more information in future editions of *City & Town* and through DLS Alerts.

FY2020 Cherry Sheet Estimates

The Division of Local Services has posted on its website cherry sheet estimates based on the final budget signed by Governor Baker today.

[Municipal estimated receipts and charges](#)
[Regional school estimated receipts and charges](#)

Staff from the Data Analytics and Resources Bureau are available to

A = Total Residential Value
B = Total Residential Parcel Count
C = Average Residential Value
D = Selected Residential Exemption %
E = Residential Exemption
F = Number of Eligible Residential Parcels
G = Total Residential Exemption Value
H = Total Residential Value minus Exemption

The Total Residential Value (A) is divided by the Total Residential Parcel Count (B) to reach the Average Residential Value (C).

$$A / B = C$$

The Average Residential Value (C) is then multiplied by the Selected Residential Exemption % (D) to get the Residential Exemption (E).

$$C * D = E$$

The Residential Exemption (E) is then multiplied by the Number of Eligible Residential Parcels (F) resulting in the Total Residential Exemption Value (G).

$$E * F = G$$

The Total Residential Value (A) is then reduced by the Total Residential Exemption Value (G) to determine the Total Residential Value minus Exemption (H).

$$A - G = H$$

This value (H) is used to calculate the residential class tax rate. Because of the Total Residential Exemption Value (G), the residential class tax rate increases. The total tax levy for the residential class will remain the same and the property tax burden shifts.

The Division of Local Services provides an online calculator that allows communities to estimate the impacts of adopting the residential exemption. To view this resource, please [click here](#).

The Break-Even Point & the Tax Bill

answer questions or provide additional information at databank@dor.state.ma.us or (617) 626-2384.

New Local Finance Opinion: Timeliness of Property Tax Abatement Applications filed with the Local Board of Assessors

The Division of Local Services has posted on its [website](#) the following Local Finance Opinion (LFO):

[LFO-2019-2:Timeliness of Property Tax Abatement Applications filed with the Local Board of Assessors](#)

IG: Boards and Commissions - Know Your Responsibilities Training

The Office of the Inspector General will be presenting its Boards and Commissions: Know Your Responsibilities training in Littleton on August 7, 2019.

This three-hour training is essential for every member of a public governing board, as well as for public officials who regularly interact with public boards. Topics covered include:

The break-even point is the point at which the assessed valuation of a parcel without any exemption is benefit neutral. In effect, a residential property at this valuation point would pay the same amount regardless of the community’s adoption of the exemption.

The Break-Even Point (I) is calculated as the Total Residential Value (A), divided by the Number of Eligible Residential Parcels (F).

$$A / F = I$$

Once the DLS Bureau of Accounts certifies the tax rate, the exemption is applied to all eligible residential parcels. Municipalities are required to display the exemption amount on all tax bills and indicate the abatement application deadline. If a taxpayer does not receive a residential exemption, an abatement application can be submitted to the Board of Assessors within three months of the date the tax bill was mailed.

For an example of how the residential exemption impacts various properties, please see below.

<u>Without the Residential Exemption</u>				
	Property #1	Property #2	Property #3	Property #4
Assessed Value	\$600,000	\$746,733	\$800,000	\$700,000
Tax Rate	\$11.32	\$11.32	\$11.32	\$11.32
Tax Bill	\$6,792	\$8,453	\$9,056	\$7,924
<u>With the Residential Exemption</u>				
	Property #1 (below break-even)	Property #2 (break-even)	Property #3 (above break-even)	Property #4 (nonresident)
Assessed Value	\$600,000	\$746,733	\$800,000	\$700,000
Exemption	\$99,740	\$99,740	\$99,740	\$0
Net Value	\$500,260	\$646,993	\$700,260	\$700,000
Tax Rate	\$13.06	\$13.06	\$13.06	\$13.06
Tax Bill	\$6,533	\$8,450	\$9,145	\$9,142
Savings with the Exemption	\$259	\$3	\$89	\$1,218
Cost with the Exemption				

Residential Exemption Communities

Residential exemptions are voted annually. Communities that choose to adopt the exemption often have the following characteristics:

- Large cities or towns with many nonowner-occupied properties like apartment buildings

- Fiduciary duties and responsibilities
- Preventing and detecting fraud, waste and abuse
- Ethics requirements for members of boards and commissions
- Fraud Awareness Public Records Law
- Tools for effective oversight
- Open Meeting Law

If you are interested in attending, please download, complete and email the registration form to the MCPPO training email at MA-IGO-Training@state.ma.us. The registration form link can be found at <https://www.mass.gov/how-to/register-for-an-mcppo-class>.

If you have any questions, please contact MA-IGO-Training@state.ma.us. We hope to see you in class.

- Resort communities with many seasonal residents

Below is a list of municipalities with the residential exemption and the dollar impact of the exemption.

Community	Residential Exemption Percentage	Exemption \$		Community	Residential Exemption Percentage	Exemption \$	
		Amount Based on FY19 Avg. Assessed Value	Amount Based on FY19 Avg. Assessed Value			Amount Based on FY19 Avg. Assessed Value	Amount Based on FY19 Avg. Assessed Value
Barnstable	20%	\$934		Provincetown	25%	\$1,147	
Boston	35%	\$2,719		Somerset	10%	\$508	
Brookline	21%	\$2,593		Somerville	35%	\$3,105	
Cambridge	30%	\$2,232		Tisbury	18%	\$1,511	
Chelsea	30%	\$1,897		Truro	20%	\$952	
Everett	25%	\$1,468		Waltham	35%	\$2,384	
Malden	30%	\$2,158		Watertown	23%	\$1,907	
Nantucket	25%	\$1,741		Wellfleet	20%	\$833	

Many municipalities provide additional information regarding their reasons for adopting the exemption on their websites.

- Boston – *The residential exemption reduces your tax bill by excluding a portion of your residential property’s value from taxation. Last fiscal year, the residential exemption saved qualified Boston homeowners up to \$2,719.09 on their tax bill.*
- Brookline – *The intent of the exemption is to promote owner occupancy and is designed to provide a proportionately greater benefit to lower valued homes.*
- Cambridge – *The residential exemption serves to reduce the effective tax rate on lower valued properties while raising it on higher valued properties. Since the same amount is deducted from every value, its impact is greatest on the lower valued properties.*
- Malden – *The Malden City Council and the Office of the Mayor adopted the Residential Exemption which is intended to lessen the tax burden on eligible homeowners. The Residential Exemption establishes a "graduated tax", reducing the taxes of lower valued properties while increasing the taxes of higher valued properties and non-owner-occupied residential properties.*

FY23 Concord Town Manager Evaluation Composite – Prepared for August 7, 2023

A. Achievement of 2022-2023 Town Manager Goals		Completed beyond expectations	Completed satisfactorily	Incomplete due to extenuating	In process, but not completed	Completed unsatisfactorily	Not begun	Addressed in Written Comments
Organizational Resilience	1. Undertake non-union classification and compensation study	XXX	XX					
	2. Develop compensation strategy aligned with FY24 budget planning process and future years		XXXX		X			
	3. Analyze employee benefits package to attract and retain qualified personnel		XXX		XX			
	4. Review Personal Task Force Report to make recommendations and list next steps	X		X	XXXXX			
	5. Develop a compensation and benefits databank of comparable communities		XXXX		X			X
	6. Fill staff vacancies and review organizational structure to optimize alignment	X		X	XXXX			
	7. Review management reporting structure...	X		X	XXX			
	8. Develop a long-term plan for training, professional development, and succession planning				XXXX			X
	9. Provide regular in-house training opportunities for employees				XXXX			X
	10. Develop a formal "Remote Work Policy"		XX		XX			X
DEIB	11. Review 2021 Leadership Assessment to outline next steps (needs assessment, etc.)		XX	XX	X			
	12. Conduct a review of internal policies and practices to improve DEI efforts		XX	X	XX			
	13. Administer the biannual Town Survey with a focus on DEIB objectives		XXXX	X				
	14. Develop a DEIB Strategy, including stakeholders, to guide the Town's future efforts			X	XXX			X
	15. Work with DEI Commission to research and implement DEI practices for Town operations			X	XXX			X
Governance	16. Evaluate automated agenda management and identify resources to support Town volunteers				XXXXX			
	17. Collect department updates and operations status reports to ensure timely TM Reports	XXX	XX					
	18. Coordinate a review of the website to ensure accuracy and meets our needs				XXXXX			
	19. Coordinate a review of Town information to confirm committee information is up to date				XXXXX			
	20. Review liaison assignments, member terms, and vacancies to ensure accuracy with database		X		XXXX			
	21. Review board and committee operations; ensure each has a staff liaison; recommend changes				XXX		X	X
Finance	22. Plan and allocate FY23 ARPA funds; Include FY24 funds as a budget/capital planning resource	XXX	XX					
	23. Develop 5-year Capital Plan	XX	XXX		X			
	24. Review and monitor expenses for legal services and professional consulting	XXX	XX					X
	25. Develop a Town-wide risk assessment strategy and establish Risk Management Committee	X	XX		XX			X
	26. Conduct a review of the Beede Center	XXX	XX					
Regio	27. Identify and negotiate revisions to the Regional Dispatch Center Agreement	X		X	XXX			
	28. Attend meetings and provide quarterly updates on the Regional Dispatch Center	X	X	X	XX			
Econ	29. Research and report on the potential acquisition of 2229 Main St			X	XX		X	X
	30. Research strategies, innovations, and staffing models to streamline permitting and regulation			X	XXX			X
TOTALS		20	41	13	70	0	2	11

FY23 Concord Town Manager Evaluation Composite – Prepared for August 7, 2023

B. General leadership, governance, communications, financial, and management skills		Consistently exceeds expectations	Consistently meets or exceeds expectations	Meets expectations	Needs improvement	Does not meet expectations	Cannot evaluate
Board	1. Interprets, supports, and implements Board policies and directives	XX	XX	X			
	2. Keeps the Board informed on issues, needs, and operation of Town departments	XX	XXX				
	3. Fully informs the Board of the implications of major personnel and program changes		XXX	XX			
	4. Advises the Board about the potential impact of government regulations and legislation		X	XXXX			
	5. Maintains a professional working relationship with the board based on mutual respect and trust	XXXX	X				
Leadership	6. Effectively implements Board policies and relevant Town Meeting decisions	XX		XXX			
	7. Responds quickly and decisively to unexpected circumstances	X	XXX	X			
	8. Identifies innovative solutions and builds consensus while allowing for diverse opinions	XXX	XX				
	9. Promotes a positive culture, civil discourse, and professional decorum	XXXX	X				
Mgmt	10. Manages Town affairs in an open, diplomatic, and transparent manner	XXXX	X				
	11. Develops good staff morale and loyalty to the organization	XX	XX				
	12. Maintains positive working relationships with SMT and staff; coaches and mentors as needed	XX	XX				X
Finance	13. Uses best management practices and leverages IT innovations for local government excellence		XX	XXX			
	14. Presents budgets to the Select Board in a manner which promotes their full understanding	XX		XX	X		
	15. Considers input from town officials and constituents when formulating budgets and plans		XXXX		X		
	16. Demonstrates thoughtful, creative financial budget management and strategic capital planning	XXX	XX				
Communications	17. Provides creative management of available resources to increase productivity and economy	XXX		X	X		
	18. Maintains confidence of the residents in quality and value of service in relation to taxes paid		X	XX	XX		
	19. Demonstrates strong public speaking and presentation skills	XX		XX	X		
	20. Communicates the mission and accomplishments of the Town to staff and community		X	XXX	X		
	21. Understands the needs and aspirations of the community		XX	XX	X		
	22. Empowers local government to provide the highest level of service and professional results		XXX	XX			
Personal	23. Encourages community involvement of an active, engaged, knowledgeable, and diverse citizenry		XXX	XX			
	24. Earns the respect and confidence of the community	X	XX	X	X		
	25. Maintains high standards of ethics, honesty, and integrity in personal and professional matters	XXX	XX				
	26. Approachable leader; encourages open communication with staff, the public, and Select Board	XXXX	X				
TOTALS	27. Pays attention to detail and follows through on plans and decisions	X	X	XX	X		
	28. Demonstrates passion, energy, commitment to excellence, and a "can-do" attitude to guide Concord into the next decade		XX	XX	X		
TOTALS		45	47	35	11	0	1

KERRY LAFLEUR
SUMMARY OF SELECT BOARD NARRATIVE COMMENTS
TOWN MANAGER EVALUATION
FISCAL YEAR 2023

Kerry excels at communicating with the Select Board and maintaining professional relationships with individual Select Board Members. Her honesty and integrity are never in question. Her management style is calm and centered which enables others to remain grounded while responding to frequent crises. She is a good listener and instills confidence in staff.

Kerry is a capable executive who knows how to work within the limits of a governmental and political structure. She is dedicated, honest, open and responsive. She puts challenges of the moment in perspective and deals with crisis with maturity and judgment. She is easy to work with, listens to people who are willing to speak honestly with her because she is fair and trustworthy.

Kerry consistently exceeds expectations on her working relationship with the board based on mutual respect and trust; she identifies innovative solutions and builds consensus while allowing for diverse opinions. She promotes a positive culture, civil discourse, and professional decorum and demonstrates thoughtful, creative management of available resources to increase productivity and economy.

Kerry's experience really shines in financial planning and budgeting. More importantly, her guiding principles are well aligned with the town's values.

Her competencies meet-to-exceed my expectations on most fronts. Her broad experience translates to resourceful, fair-minded, and creative problem solving. Her transparency also builds trust. Staff morale has significantly improved,

Kerry has provided steady and motivating leadership for the Town offering much needed support and encouragement for employees while continuing to address citizen concerns and expectations for quality service. Simultaneously, she has effectively advanced Town goals working both with her senior management team and the Select Board.

During this time, significant employee vacancies including some key senior management positions have been met with creative recruitment and placement strategies, while simultaneously encouraging collaboration and mutual assistance across positions. An overall improved and more productive employer/employee relationship is evident under Kerry's leadership, albeit she admits that building these relationships and a stronger infrastructure is still very much a work in progress.

As evidenced by the successful 2023 Annual Town Meeting and FY'22 and FY'23 fiscal management, Kerry has demonstrated her leadership and ability to both move the Town's goals forward while thoughtfully responding to other legal and ongoing unplanned operational challenges.

The Town is fortunate to have Kerry Lafleur as our Town Manager who is both mindful of the need for fiscal planning and the importance of supporting Town employees while delivering the quality of Town services expected by its citizens. We thank her for all she has done for the Town this challenging year and look forward to working with her in the coming year.

Kerry is a straight-shooter who's easy to work with.

Comments edited and compiled by
Henry J. Dane, Chair.
August 1, 2023