



OLD NORTH BRIDGE

TOWN OF CONCORD

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

Select Board Agenda

Monday, November 20, 2023 at 5:30 PM

Town House, Select Board Room, 22 Monument Square

Join Zoom Meeting

<https://us02web.zoom.us/j/88915641975?pwd=TEJxYmMyYmVKaG5lMml2bkZWZk54QT09>

Meeting ID: 889 1564 1975

Passcode: 752105

Dial In Toll-Free: 833 548 0282

#	Time*	Agenda Item
I.	5:30PM	Call to order. Vote to enter executive session pursuant to MGL 30A, Exemption #3, to discuss strategy with respect to litigation – per and polyfluoroalkyl substances (PFAs) settlement, to reconvene in open session at the end of the executive session.
II.	6:00 PM	Public Hearing – Fiscal Year 2024 Tax Classification Presenter: Meredith Stone, Town Assessor
III.	6:05 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.
IV.	6:20 PM	Consent Agenda <ul style="list-style-type: none"> a. Meeting Minutes: November 6, 2023 b. One Day Liquor Licenses: <ul style="list-style-type: none"> i. Open Table New Years Eve Fundraiser for All Alcoholic Beverages on Sunday, December 31, 2023 from 8:30 PM to 12:15 AM at the Scout House, 74 Walden Street ii. Concord Youth Theatre Annual Cabaret Fundraiser for Wines & Malt Beverages Only on Saturday, January 6, 2024 from 7:00 PM to 11:00 PM at Concord Youth Theatre, 53 Church Street c. Town Accountant Warrant: November 9, 2023; November 16, 2023 d. Committee Nominations: <ul style="list-style-type: none"> i. Kate James of 45 Estabrook Road to the Concord Center Cultural District Task Force for a term to expire December 31, 2024 or at the completion of the work of the task force ii. Jerry Wedge of 109 Heaths Bridge Road to the Concord Center Cultural District Task Force for a term to expire December 31,

		<p>2024 or at the completion of the work of the task force</p> <p>iii. Carole Wayland of 6 Abbott Lane, Apartment 6 to the Concord Center Cultural District Task Force for a term to expire December 31, 2024 or at the completion of the work of the task force</p> <p>iv. Ross Jacobson of 16 Belknap Court to the Economic Vitality Committee for an extended term to correctly stagger terms to expire May 31, 2027</p> <p>v. Tim Hult of 20 South Meadow Ridge to the Concord Middle School Building Committee for a term to expire at the completion of the project</p>
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	Continued Public Hearing – Fiscal Year 2024 Tax Classification Presenter: Meredith Stone, Town Assessor
IX.	7:30 PM	Consider Sponsorship of the Hanscom North Airfield Community Forum to take place on December 6, 2023 Presenter: Terri Ackerman, Select Board Member
X.	7:35 PM	Review and Approve: <ul style="list-style-type: none"> - Confirmatory Deed for 10A Attawan Road - Conveyance of Land for 162 Plainfield Road Presenter: Delia Kaye, Natural Resources Director
XI.	7:45 PM	Review and Approve Amendment to the 2024 Annual Town Meeting Calendar Presenter: Elizabeth Hughes, Town Planner
XII.	7:50 PM	Review and Approve Concord Center Cultural District Task Force Charge Presenter: Mimi Graney, Economic Vitality Manager
XIII.	8:00 PM	Consider the Removal of Parking Meters in Concord Center and West Concord Presenter: Mimi Graney, Economic Vitality Manager
XIV.	8:15 PM	Discuss and finalize comments compiled for the Mass Housing Response Letter for the Thoreau Residences 40B Application View the full 40B Application for the Thoreau Residences on the Town website on the Zoning Board of Appeals webpage here: https://concordma.gov/3442/Residences-at-Thoreau-Comp-Permit---275-

		Presenter: Henry Dane, Select Board Chair
XV.	8:35 PM	Communications and Documents of Interest for Information but Not Discussion
XVI.	8:35 PM	Adjournment

**Times are approximate and subject to change*

Upcoming Meetings:		
Monday, December 4, 2023	Monday, December 18, 2023	Tuesday, January 2, 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. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled meeting.

**Town of Concord
Select Board
Minutes
November 6, 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 November 6, 2023.

Present during roll call were: Henry Dane, Chair; Mary Hartman, Clerk; Terri Ackerman; and Mark Howell.

Call to Order

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

Ms. Hartman confirmed that the members present were Chair Dane, Ms. Ackerman, and Mr. Howell. Ms. Escobedo was not present.

Public Comment

Breht Feigh of 149 Spencer Brook Road appeared before the Select Board to comment on the residential property tax exemption.

Consent Agenda

- a. Meeting Minutes: October 23, 2023
- b. Gift Acceptance of \$30,000.00 from the Concord Free Public Library Corporation to the Archival Projects Gift Account
- c. Town Accountant Warrant: October 12, 2023; October 19, 2023; October 26, 2023; November 2, 2023

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

Committee Appointments

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to appoint Joanne Crowell of 55 Woodland Road to the Bruce Freeman Rail Trail Advisory Committee for a term to expire May 31, 2026; to appoint Bruce Button of 28 Fairhaven Road to the Financial Audit Advisory Committee as a Citizen At-Large for a term to expire May 31, 2026; and to appoint Anne Mauk of 199 Oak Hill Circle to the West Concord Cultural District Committee for an extended term to correctly stagger terms amongst the committee to expire May 31, 2025.

Town Manager's Report

Deputy Town Manager Megan Zammuto presented the Weekly Operations Reports for the weeks ending October 27, 2023 and November 3, 2023. The full Weekly Operations Reports are included in the Select Board meeting packet.

Chair's Report

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Chair Dane reported on:

- Warners Pond Community Meeting hosted by the Natural Resources Division on Wednesday, November 8, 2023 at the Town House, Public Hearing Room, 22 Monument Square and via Zoom at 7:00 PM
- 2229 Main Street Advisory Task Force Public Forum on Thursday, November 9, 2023 at the Town House, Public Hearing Room, 22 Monument Square and via Zoom
- Capital Planning Forum between the Finance Committee, School Committee, and Select Board next Tuesday, November 14, 2023 at the Town House, Public Hearing Room, 22 Monument Square and via Zoom at 7:00 PM

Select Board Liaison Reports

Ms. Hartman reported on:

- Attended a couple of meetings regarding NOVO Riverside Commons:
 - o Zoning Board of Appeals meeting held Oct 31
 - o Attended a site visit for the Zoning Board of Appeals staff
 - The developers for the proposal are experienced, but she was disappointed in the Traffic Study that had been performed by their consultant and hopes that the Town can afford to do its own study. She was pleased to hear that the developers also plan to extend the path another 220' so will connect Baker Ave to the entrance to the proposed pedestrian bridge.
- Attended the site walk for the Thoreau Residences 40B application. Developers did not seem prepared and the proposal is in very early stages.
- Bruce Freeman Rail Trail Ribbon Cutting Ceremony – Well attended and nice event.
- Concord Center Cultural District – Originally had informed the Select Board that was looking into consolidating the work of the Concord Center Cultural District Committee with the Economic Vitality Committee, but has decided that it would be more fitting to create a Concord Center Cultural District Task Force for one year to best investigate how this work can be performed in the future.
- Attended the Concord-Carlisle League of Women's Voters event "Does Town Meeting Work for You?"

Ms. Ackerman reported on:

- Upcoming December Hanscom Community Forum:
 - o Who are the other organizers/sponsors?
 - Concord-Carlisle League of Womens Voters, Annursnac Hill Organization, Save Our Heritage
 - o What is the format of the event?
 - A panel with 3 – 4 speakers: Neil Rasmussen, Senator Mike Barrett, Chuck Collins, potentially a Concord Select Board member
 - o What is entailed for the Select Board to sponsor the event?
 - Trying to cast the net wider for attendance, potentially have a panel speaker

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- Attended the Zoning Board of Appeals Public Hearing for the NOVO Riverside Commons 40B application.
- Attended the site walk for the Thoreau Residences 40B application.
- Attended the Bruce Freeman Rail Trail Ribbon Cutting Ceremony.
- Attended the site visit at Warners Pond sponsored by the Friends of Warners Pond.
- Attended the Sister City Nanae, Japan Signing Ceremony.
- Attended a site walk at the 2229 Main Street property. There will be 2229 Main Street Advisory Task Force Community Forum on Thursday, November 9, 2023 at 7:00 PM at the Town House, Public Hearing Room, 22 Monument Square and via Zoom.

Mr. Howell reported on:

- Attended several meetings in relation to Warners Pond:
 - o Site visit at Warners Pond hosted by the Friends of Warners Pond
 - o OARS Meeting at the Nashoba Brook Bakery related to Warners Pond and the impacts of dam removal
 - o Natural Resources Commission – Not planning to bring forth an article for 2024 Annual Town Meeting, but rather to commission a study task force for Warners Pond that would work through 2024 and make recommendations for 2025. Ms. Hartman commented that it may be difficult to find open-minded people to serve on the task force since well over 800 people have signed a petition sponsored by the Friends of Warners Pond that explicitly opposes dam removal.
- Concord Middle School Building Committee – Construction on the building is continuing.
- Personnel Board – Making progress on the amendments to the bylaw and the Board’s charge, in which it is anticipated the amended charge may come before the Select Board in December.
- Bruce Freeman Rail Trail Ribbon Cutting Ceremony – Well attended by legislative delegations at all levels and a nice event.
- Attended the Sister City Nanae, Japan Signing Ceremony.

Acceptance of Grant from the Commonwealth of Massachusetts Community Compact Best Practice Program

Mimi Graney, Economic Vitality Manager, presented a memorandum regarding the acceptance of a grant in the amount of \$40,000.00 from the Commonwealth of Massachusetts Community Compact Best Practice Program, which Concord is pursuing to help implement age-friendly business initiatives. The full memorandum is included in the Select Board meeting packet.

Chair Dane noted that transportation and safety of pedestrian crossings for accessing businesses is paramount for age-friendly initiatives in Town.

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to accept the grant from the Commonwealth of Massachusetts Community Compact Best Practice Program in the amount of \$40,000.00.

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Review and Approve Confirmatory Deed for 10A Attawan Road

Delia Kaye, Natural Resources Director, presented a memorandum regarding the approval of the Confirmatory Deed for 10A Attawan Road, in order to provide the parcel permanent protection from development. The full memorandum is included in the Select Board meeting packet.

Upon discussion, the Select Board tabled the vote of this item to a later meeting in order to receive further information from Town Counsel.

Review and Approve Amendments to the Tour Guide Application

Beth Williams, Tourism Manager, presented a memorandum regarding the proposed amendmets to the Tour Guide application. Ms. Williams noted that she is also working on amending the Tour Gudie Bylaw for the 2024 Annual Town Meeting, which would likely be a Select Board sponsored article. The full memorandum is included in the Select Board meeting packet.

Mr. Howell noted to correct any language from Selectmen to Select Board. Mr. Howell asked if it would be helpful to renew Tour Guide applications on a rolling basis.

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

**Diversity, Equity, and Inclusion Commission Update on the
2023 – 2024 Action Plan with progress on specific tasks**

Andrea Foncerrada and Joe Palumbo, Co-Chairs of the Diversity, Equity, and Inclusion Commission appeared before the Select Board to provide an update on the 2023 – 2024 Action Plan. The full update via PowerPoint presentation is included in the Select Board meeting packet.

Ms. Ackerman asked a question regarding internal DEI training to be offered by Andrea Foncerrada.

Ms. Foncerrada responded that for the Police Department, the Chief has requested two separate trainings: one for leadership and one for other staff, both to be held in-person. For the Chamber of Commerce, training would be virtual and voluntary.

Ms. Hartman asked a question regarding the relationship between the Commission and Town governance and if this is a similar to the relationship with the School District.

Mr. Palumbo responded that the School District is their own entity, but that in many ways the School District is ahead of the Town with their own DEI Director, initiatives, etc., but that they work in connection with the District. Mr. Palumbo continued with climate and culture initiatives

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in Town, which focus on ensuring that members of the community and visitors feel welcomed. Mr. Palumbo continued and voiced concern regarding historically inaccurate signage in Town and asked the Select Board to act in removing the signs.

Mr. Howell moved that the Select Board request that the Town Manager to direct that the three Tercentenary Commission signs be covered over as soon as possible and until a permanent disposition for these signs can be determined. And further that the Select Board ask the Historic Commission, working with the DEI Commission to jointly research and propose an appropriate disposition for these signs. The disposition could include removal, replacement with more accurate, relevant content, or incorporation into an appropriate educational exhibit at the same or other locations.

Further discussion was had before the motion was voted on.

Nancy Fresella-Lee, Historical Commission member, appeared before the Select Board and commented that she has been working very hard on a well sourced report to the Select Board regarding the historical inaccuracies of the signs.

Kristen Hagerty, Clerk of the DEI Commission, appeared before the Select Board and commented that if our greatest asset in Town is our history, these are the types of conversations and actions that should be taken to protect that history. She also asked the board to consider what kind of town we want to be now and in the future.

The vote passed 3-1-0.

Roll Call Vote:

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

**Proposed Warrant Article for Town Meeting Study Committee to be
appointed by the Town Moderator**

Carmin Reiss, Town Moderator, presented a memorandum regarding a warrant article for the 2024 Annual Town Meeting for the formation of a Town Meeting Study Committee to be appointed by herself as the Town Moderator. The full memorandum with draft charge language is included in the Select Board meeting packet.

Ms. Hartman suggested that the Study Committee report to Town Meeting since it is about the Legislative branch of our town government. Ms. Hartman then asked a question regarding the Town Meeting study performed in Andover and if this is something that the Committee should be tasked to perform.

Ms. Ackerman asked a question regarding the Committee's ability to form subcommittees.

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Ms. Hartman suggested that the warrant article be sponsored by the Town Moderator at Annual Town Meeting.

Ms. Reiss concurred and noted that during the Annual Town Meeting, she can step down and permit the Deputy Town Moderator to act as Town Moderator during the presentation of the warrant article. Ms. Reiss continued and noted of an idea to hold a second venue for Annual Town Meeting in West Concord, such as the Harvey Wheeler Center, but that she has just begun looking into the feasibility of this with Town staff. Ms. Reiss added that electronic voting is also an option for Annual Town Meeting this year if the Town wanted to try it again.

Report regarding filed Home Rule Petitions and other tracked legislation

Chris Carmody, Legislative Liaison, presented a memorandum regarding filed Home Rule Petitions. The full memorandum is included in the Select Board meeting packet.

Ms. Hartman asked a question in relation to the Fossil Fuel-Free Infrastructure Home Rule Petition.

Mr. Carmody responded that at this time, it is not clear when this program would go into effect, as it seems the legislature is still ensuring that each pilot community has submitted the necessary materials.

Ms. Ackerman noted that this is important to find out, as it came up at one of the recent 40B application site walks.

Mr. Carmody added that it is his understanding that once the program is in effect, it would permit Concord to update its Building Permit application to include the regulations of fossil fuel.

Deputy Town Manager Megan Zammuto added that the Specialized Stretch Energy Code program also goes into effect on January 1, 2024, which will impose a more stringent code than we currently have. Ms. Zammuto continued and explained that the Fossil Fuel-Free Infrastructure will imply an even more stringent code than the Specialized Stretch Energy Code, once it goes into effect, as the Specialized Stretch Energy Code will not enforce completely fossil fuel-free infrastructure.

Mr. Howell asked a question regarding Representative Simon Cataldo's work on improvements to the Route 2 rotary.

**Review and Approve Select Board Meeting Calendar through
2024 Annual Town Meeting**

Chair Dane presented a draft Select Board meeting calendar through 2024 Annual Town Meeting. The full draft calendar is included in the Select Board meeting packet. The board made on change to the draft calendar to move the Feb 5, 2024 meeting to Feb 12, 2024.

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Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the amended Select Board meeting calendar through 2024 Annual Town Meeting.

Communications and Documents of Interest for Information but not discussion

Public Comment

David Allen of 316 Heaths Bridge Road appeared before the Select Board and commented on changes to the processes of Annual Town Meeting.

Adjournment

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to adjourn the meeting at 9:03 PM.

Meeting Materials:

[Select Board Meeting Packet for November 6, 2023](#)

[Select Board Meeting Recording for November 6, 2023](#)



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: November 20, 2023

Re: One Day Liquor License for Open Table New Years Eve Fundraiser

Included in your meeting packet is an application for a One Day Liquor License for Fran Lawler on behalf of Open Table and Harvest Cove Talent Partners for the Open Table New Years Eve Fundraiser. The event is for All Alcoholic Beverages and to take place on Sunday, December 31, 2023 from 8:30 PM to 12:15 AM, for a final celebratory toast, at the Concord Scout House, 74 Walden Street. The event is expected to have more than 100 attendees.

Because of the request for the event to conclude shortly after midnight and because it is expected to have more than 100 attendees, a review of the application by the Police and Fire Departments was required. Public Safety has requested the following conditions for approval:

- A police detail on site for the full duration of the event
- A certified crowd manager on site for the full duration of the event
- No candles or open flame devices are permitted.

This application is complete with payment and TIPS Certification for one bartender. The applicant has confirmed that she has arranged for a police detail to be on site for the full duration of the event and that she has taken the online course offered by the Department of Fire Services to be certified as a crowd manager to be on site for the full duration of the event.

Please reach out to me if you have any questions.

Shannon McAndrew

From: noreply@civicplus.com
Sent: Thursday, July 6, 2023 1:43 PM
To: licensing board; Town Manager's Office; jromanul@concordma.gov
Subject: Online Form Submittal: One Day Special Liquor Licenses

One Day Special Liquor Licenses

Company or Organization	Harvest Cove Talent Partners LLC, and OPEN TABLE
Applicant Name	Frances Lawler
Email Address	lawlerfrances@gmail.com
Applicant Address	64 Bedford St
City	Concord
State	Massachusetts
Zip Code	01742
Phone Number	4104930710
Name of Event	New Years Eve Fundraiser, for the benefit of OPEN TABLE
Activity Is	Non-Profit
Event Type	Event in Town-Owned Facility
Event Date & Start Time	12/31/2023 8:30 PM
End Time	11:45 PM
Premises to be Licensed	Scout House
City	74 Walden Street, Concord
State	MA
Zip Code	01742
License is for the Sale of:	All Alcoholic Beverages
Bartenders TIPS trained?	Yes
Under 21 Attendees?	No

1st one-day license for Organization? Yes

If NO, number of years licensed? *Field not completed.*

More than 100 in attendance? Yes

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

I acknowledge and accept the above statement of liability Frances S. Lawler

APPLICATION FEE \$75.00

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

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

IMPORTANT NOTICE

Board & Committee Meeting Calendar

(Section Break)

TIPS TRAINING

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

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

UNDER 21 POLICY

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

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

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

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



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

To: Concord Select Board

From: Shannon McAndrew, Executive Assistant to the Select Board

Date: November 20, 2023

Re: One Day Liquor License for Concord Youth Theatre Annual Cabaret
Fundraiser

Included in your meeting packet is an application for a One Day Liquor License for Corrine Kinsman on behalf of the Concord Youth Theatre, Incorporated for the Annual Cabaret Fundraiser. The event is for Wines & Malt Beverages Only on Saturday, January 6, 2024 from 7:00 PM to 11:00 PM and is to take place at the Concord Youth Theatre, 53 Church Street.

This application is complete with payment and TIPS Certification for two bartenders.

Please reach out to me if you have any questions.

RECEIVED
NOV 14 2023



PAID

TOWN OF CONCORD

APPLICATION FOR ONE DAY SPECIAL LICENSE

TOWN OF CONCORD
TOWN MANAGER'S OFFICE

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) Corinne Kinsman

COMPANY or organization: Concord Youth Theatre, Inc

ADDRESS: 53 Church St Concord, Ma 01742

TELEPHONE: 978-371-1482

DATE(S) APPLIED FOR: 1/6/24

EVENT: Annual Fundraising Cabaret

HOURS OF OPERATION: 7-11 PM

PREMISES TO BE LICENSED: 53 Church St Concord, Ma 01742

ADDRESS OF PREMISE LICENSED: " "

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? approx 18-20

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: Corinne Kinsman Date: 11/14/23

Town of Concord

TOWN CLASSIFICATION PRESENTATION

FISCAL YEAR 2024

NOVEMBER 20, 2023

PRESENTED BY:

THE CONCORD BOARD OF ASSESSORS

BRENDAN O'NEILL KEMEZA, CHAIR

OFFICE STAFF

MEREDITH STONE, TOWN ASSESSOR

CAROLYN DEE, OFFICE ADMINISTRATOR

MICHAEL GIBBONS, ASSISTANT ASSESSOR

LEE PHALEN, FIELD LISTER



FY24 INTERIM YEAR



Purpose of Tax Classification Hearing

- To determine whether to distribute the tax levy equally among all classes of property.



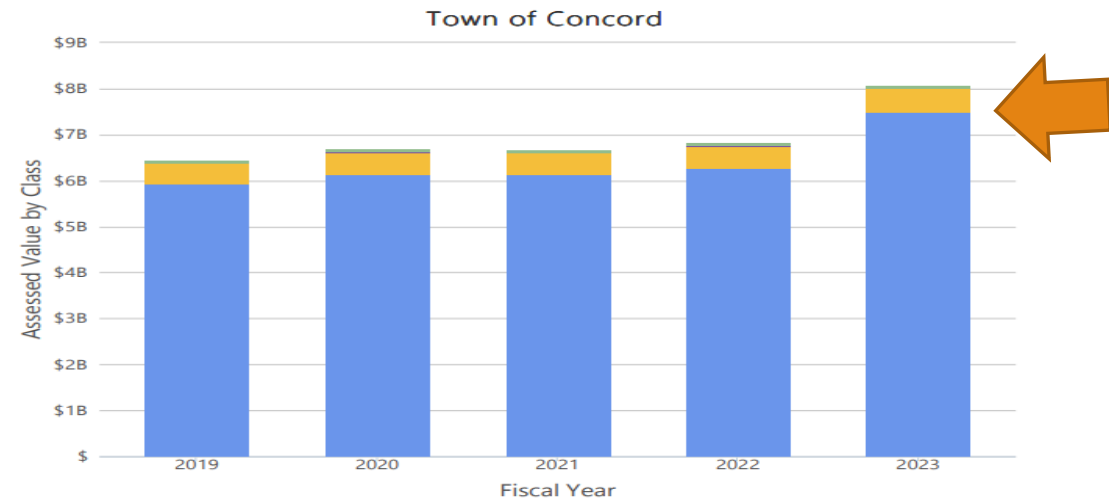
Or



- To reduce the share of the levy by the residential classes and shift some of the burden to the Commercial, Industrial and Personal Property Classes.

Class	Value	%	
Residential	8,583,989,514	93.1748	RO %
Open Space	0	0.0000	93.1748
Commercial	528,176,395	5.7331	
Industrial	29,558,604	0.3208	CIP %
Personal Property	71,056,870	0.7713	6.8252
Total	9,212,781,383	100.0000	

FY24 Residential values, (on the chart), are in the color blue showing how much difference between classes. The orange is the CIP (Commercial, Industrial, Personal Property).



CLASS	2019	2020	2021	2022	2023
Residential	5,923,488,031	6,141,398,117	6,127,758,265	6,273,795,195	7,489,250,433
Open Space	0	0	0	0	0
Commercial	448,415,526	468,225,858	466,024,405	467,433,969	503,892,992
Industrial	26,439,500	26,619,200	26,575,200	26,535,600	27,620,404
Personal Property	48,690,460	49,007,950	50,149,780	59,116,970	64,759,520
Annual Total	6,447,033,517	6,685,251,125	6,670,507,650	6,826,881,734	8,085,523,349

Historical Assessed Values By Class

CALCULATING THE SINGLE TAX RATE

FY 24 Property Tax Levy
FY 24 Town Taxable Valuation

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	4,623	7,185,189,700				
102	902	659,500,600				
MISC 103,109	54	161,726,200				
104	93	88,639,050				
105	1	1,384,700				
111-125	27	268,994,700				
130-32,106	277	54,863,012				
200-231	0		0			
300-393	322			468,626,800		
400-442	27				26,128,200	
450-452	2				3,430,404	
CH 61 LAND	4	12	0	60,981		
CH 61A LAND	26	20	0	1,119,411		
CH 61B LAND	22	8	0	9,309,210		
012-043	27	163,691,552	0	49,059,993	0	
501	122					7,077,620
502	135					20,035,060
503	0					0
504	2					31,255,340
505	3					7,925,300
506	1					3,038,500
508	3					1,725,050
550-552	0					0
TOTALS	6,713	8,583,989,514	0	528,176,395	29,558,604	71,056,870
Real and Personal Property Total Value						9,212,781,383
Exempt Parcel Count & Value						645 1,126,356,400

FY 24 Proposed Levy divided by Town's Taxable Value

112,798,243

9,212,781,383

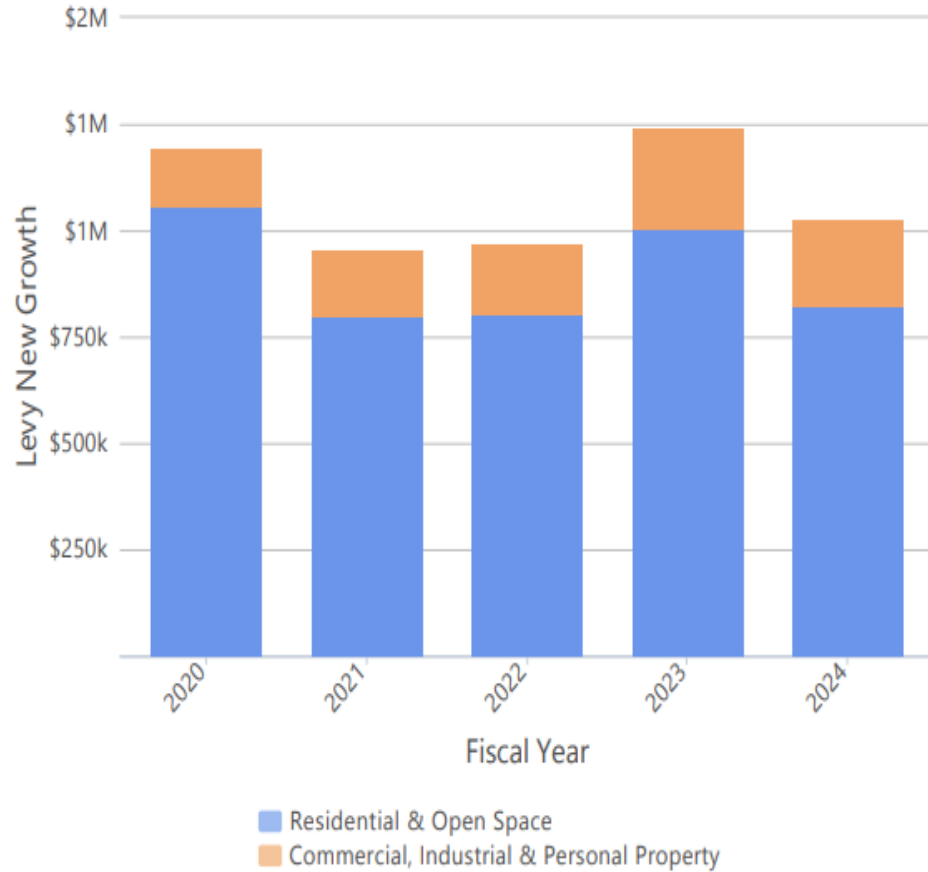
Single Tax Rate =\$12.24

PER 1,000 OF ASSESSED VALUE IF A

FACTOR OF 1 IS SELECTED (NO SHIFT)



Town of Concord



Class Group	2019	2020	2021	2022	2023
Residential & Open Space (RO)	1,049,683	1,053,567	795,392	803,333	1,005,090
Commercial, Industrial & Personal Property (CIP)	186,270	141,693	162,435	167,550	236,424
Total	1,235,953	1,195,260	957,827	970,883	1,241,514

Tax Base Levy Growth

Property Class	(A) All Prior Year Abatement No.	(B) All Prior Year Abatement Values	(C) New Growth Valuation	(D) PY Tax Rate	(E) Tax Levy Growth
RESIDENTIAL					
SINGLE FAMILY (101)	26	1,486,800	53,517,300		
CONDOMINIUM (102)	5	357,800	5,691,600		
TWO & THREE FAMILY (104 & 105)	1	17,400	1,376,900		
MULTI - FAMILY (111-125)	0	0	0		
VACANT LAND (130-132 & 106)	0	0	2,013,000		
ALL OTHERS (103, 109, 012-018)	1	54,100	798,000		
TOTAL RESIDENTIAL	33	1,916,100	63,396,800	12.96	821,623
OPEN SPACE					
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL OPEN SPACE	0	0	0	0.00	0
COMMERCIAL					
COMMERCIAL - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL COMMERCIAL	0	0	0	12.96	0
INDUSTRIAL					
INDUSTRIAL	0	0	0	12.96	0
PERSONAL PROPERTY					
PERSONAL PROPERTY	2	505,710	15,926,520	12.96	206,408
TOTAL REAL & PERSONAL	35	2,421,810	79,323,320		1,028,031

Fiscal Year

Town of Concord

Fiscal Year	Residential	Open Space	Commercial	Industrial	Personal Property
2019	14.19	0.00	14.19	14.19	14.19
2020	14.23	0.00	14.23	14.23	14.23
2021	14.72	0.00	14.72	14.72	14.72
2022	14.76	0.00	14.76	14.76	14.76
2023	12.96	0.00	12.96	12.96	12.96

Town of Concord

Fiscal Year	CIP Value	Total Value	R/O % of Total Value	CIP % of Total Value	Lowest Res Factor Allowed	Max CIP Shift Allowed	Res Factor Selected	CIP Shift
2019	523,545,486	6,447,033,517	91.8793	8.1207	0.955807	1.500000	0.999797	1.00230
2020	543,853,008	6,685,251,125	91.8649	8.1351	0.955722	1.500000	0.999903	1.00110
2021	542,749,385	6,670,507,650	91.8635	8.1365	0.955714	1.500000	0.999960	1.00045
2022	553,086,539	6,826,881,734	91.8984	8.1016	0.955921	1.500000	1.000000	1.00000
2023	596,272,916	8,085,523,349	92.6254	7.3746	0.960191	1.500000	1.000000	1.00000

MINIMUM RESIDENTIAL FACTOR:

CONCORD - 067 2024

Jurisdiction Fiscal Year

Class	Value	%	
Residential	8,583,989,514	93.1748	RO %
Open Space	0	0.0000	93.1748
Commercial	528,176,395	5.7331	
Industrial	29,558,604	0.3208	CIP %
Personal Property	71,056,870	0.7713	6.8252
Total	9,212,781,383	100.0000	

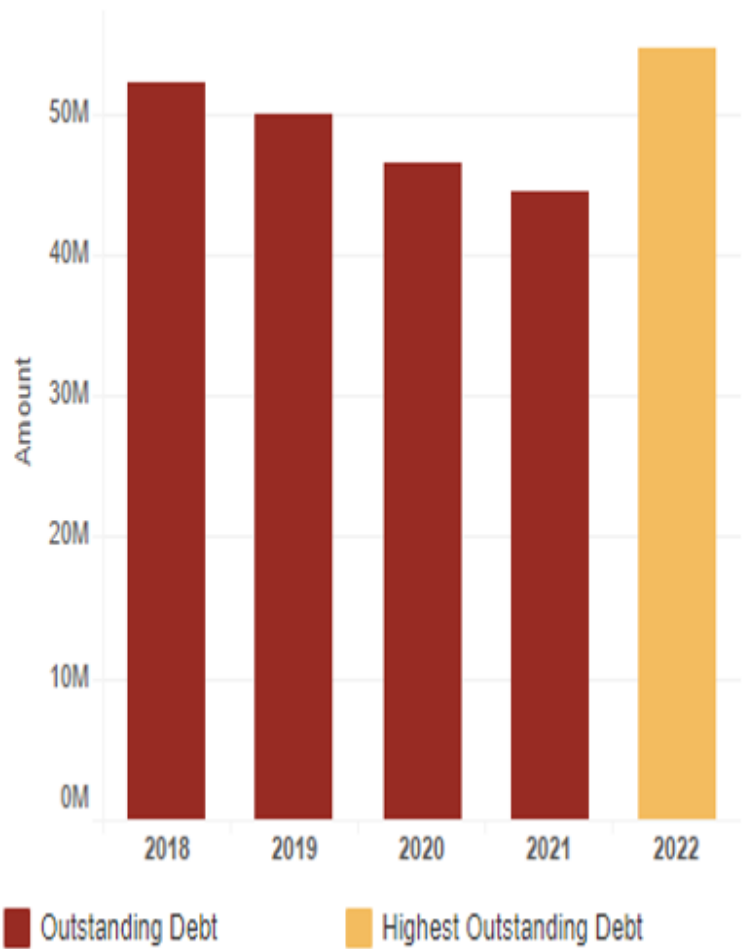
Levy	112,798,243
Single Tax Rate	12.24

I. CALCULATION OF THE MINIMUM RESIDENTIAL FACTOR - 150% Shift (formerly shown on the LA-7)

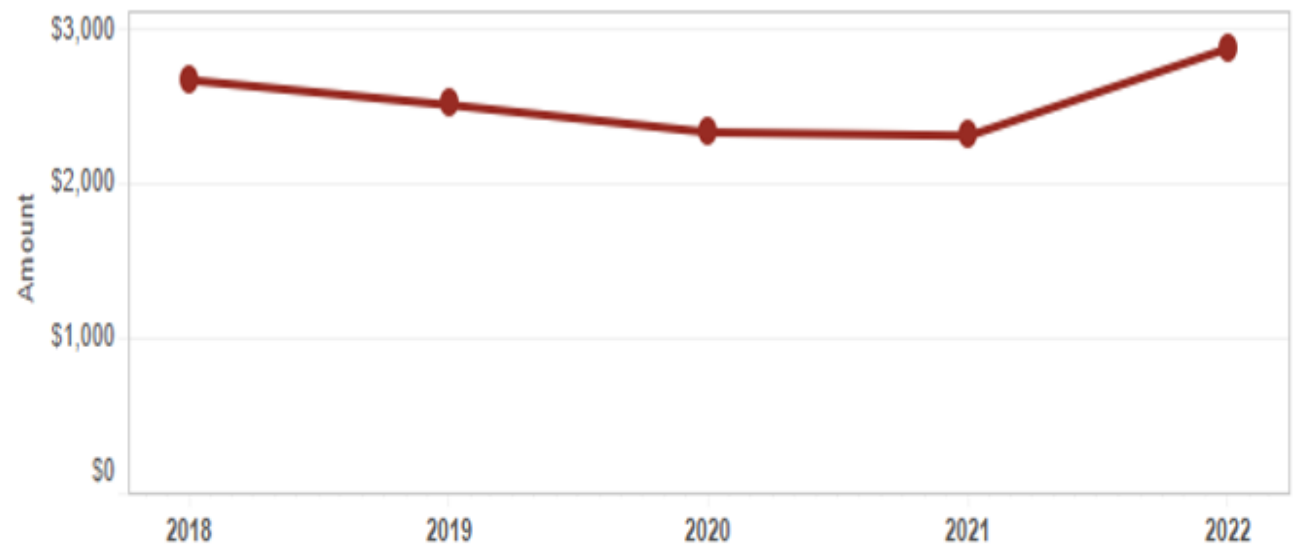
The Minimum Residential Factor is used to make sure the shift of the tax burden complies with the law ([M.G.L. c. 58, § 1A](#)). Residential and Open Space taxpayers must pay at least 65% of their full and fair cash value share of the levy. Commercial/Industrial/Personal Property taxpayers cannot pay more than 150% of their full and fair cash value share of the levy. If the calculated Minimum Residential Factor is less than 65%, a community cannot make the maximum shift and must use a Commercial/Industrial/Personal Property factor less than 150%.

Outstanding Long-Term Debt

Total Outstanding Long-Term Debt Over Time



Total Outstanding Long-Term Debt Per Capita



Total Outstanding Long-Term Debt & EQV Over Time

	2018	2019	2020	2021	2022
Equalized Valuation (EQV)	\$6,238,214,600	\$6,238,214,600	\$6,572,447,900	\$6,572,447,900	\$7,134,203,400
Outstanding Debt as % of EQV	0.84%	0.80%	0.71%	0.68%	0.76%
Total Outstanding Debt	\$52,215,726	\$49,891,642	\$46,382,643	\$44,518,620	\$55,514,284

III. TO CALCULATE THE FY 2024 MAXIMUM ALLOWABLE LEVY

A. FY 2024 Levy Limit from II.	106,213,177
B. FY 2024 Debt Exclusion(s)	10,290,484
C. FY 2024 Capital Expenditure Exclusion(s)	0
D. FY 2024 Stabilization Fund Override	0
E. FY 2024 Other Adjustment <input type="text"/>	<input type="text" value="0"/>
F. FY 2024 Water/Sewer	<input type="text" value="0"/>
G. FY 2024 Maximum Allowable Levy	\$ 116,503,661

Tax Rate Calculation

Recommended FY24 Tax Rate is \$12.24/\$1,000

**\$12.24 per thousand
dollars of assessed value**

FY2024 Property Tax Levy	\$112,798,243
Town Taxable Valuation	9,212,781,383

	<u>FY23</u>	<u>RE Taxes</u>	<u>FY24</u>	<u>RE Taxes</u>
Average Assessed Value 101-Single Family:	\$ 1,358,866	\$ 17,610.90	\$ 1,554,227.00	\$ 19,023.74
Median Assessed Value 101-Single Family	\$ 1,169,500	\$ 15,156.72	\$ 1,303,250.00	\$ 15,951.78
Average Assessed Value 102-Condominium	\$ 687,601	\$ 8,911.31	\$ 731,154.00	\$ 8,949.32
Median Assessed Value 102-Condominium	\$ 529,850	\$ 6,866.86	\$ 629,950.00	\$ 7,710.59

What is a Split Tax Rate?

COMMUNITIES DECIDE TO TAX RESIDENTIAL AND COMMERCIAL, INDUSTRIAL & PERSONAL PROPERTY (CIP) DIFFERENTLY.

STATUTE ALLOWS AN INCREASE IN CIP'S SHARE OF THE TAX LEVY UP TO 50% HIGHER THAN RESIDENTIAL

DOES NOT GENERATE NEW REVENUE; REALLOCATES LEVY BURDEN

CONCORD HAS USED A UNIFORM TAX RATE SINCE 1998. A TAX RATE SPLIT HAS BEEN ADOPTED IN THE TOWN OF CONCORD BEFORE.

Tax Single and Split Rates

ACTON-SINGLE

BEDFORD-SPLIT

CARLISLE-SINGLE

CONCORD-SINGLE

LEXINGTON-SPLIT

CIP SPLIT RATE SHIFTS A
LARGE BURDEN OF THE
LEVY

DOR Code	Municipality	Fiscal Year	Residential	Open Space	Commercial	Industrial	Personal Property
002	Acton	2021	20.23	0.00	20.23	20.23	20.23
002	Acton	2022	19.45	0.00	19.45	19.45	19.45
002	Acton	2023	17.56	0.00	17.56	17.56	17.56
002	Acton	2024					
023	Bedford	2021	13.53	0.00	29.72	29.72	29.72
023	Bedford	2022	13.58	0.00	29.93	29.93	29.93
023	Bedford	2023	12.48	0.00	28.16	28.16	28.16
023	Bedford	2024					
051	Carlisle	2021	16.28	0.00	16.28	16.28	16.28
051	Carlisle	2022	16.50	0.00	16.50	16.50	16.50
051	Carlisle	2023	14.15	0.00	14.15	14.15	14.15
051	Carlisle	2024					
067	Concord	2021	14.72	0.00	14.72	14.72	14.72
067	Concord	2022	14.76	0.00	14.76	14.76	14.76
067	Concord	2023	12.96	0.00	12.96	12.96	12.96
067	Concord	2024					
155	Lexington	2021	14.39	0.00	27.97	27.97	27.97
155	Lexington	2022	13.80	0.00	27.18	27.18	27.18
155	Lexington	2023	13.00	0.00	25.72	25.72	25.72
155	Lexington	2024					

SHIFTING THE TAX RATE: OPTIONS

		Share Percentages						Levy Amounts						Estimated Tax Rates				
CIP Shift	Res Factor	Res SP	OS SP	Comm SP	Ind SP	PP SP	Total SP	Res LA	OS LA	Comm LA	Ind LA	PP LA	Total LA	Res ET	OS ET	Comm ET	Ind ET	PP ET
1.0000	1.0000	93.1748	0.0000	5.7331	0.3208	0.7713	100.0000	105,099,537		6,466,836	361,857	870,013	112,798,243	12.24	0.00	12.24	12.24	12.24
1.0990	0.9927	92.4991	0.0000	6.3007	0.3526	0.8477	100.0000	104,337,364		7,107,053	397,681	956,144	112,798,242	12.15	0.00	13.46	13.46	13.46
1.2090	0.9847	91.7483	0.0000	6.9313	0.3878	0.9325	100.0000	103,490,505		7,818,405	437,485	1,051,846	112,798,240	12.06	0.00	14.80	14.80	14.80
1.3080	0.9774	91.0726	0.0000	7.4989	0.4196	1.0089	100.0000	102,728,331		8,458,622	473,309	1,137,977	112,798,238	11.97	0.00	16.01	16.01	16.01
1.4070	0.9702	90.3969	0.0000	8.0665	0.4514	1.0852	100.0000	101,966,158		9,098,838	509,132	1,224,108	112,798,237	11.88	0.00	17.23	17.23	17.23
1.4950	0.9637	89.7963	0.0000	8.5710	0.4796	1.1531	100.0000	101,288,671		9,667,920	540,976	1,300,669	112,798,236	11.80	0.00	18.30	18.30	18.30

Community Comparison - FY2023 Assessed Values by Class

DOR Code	Municipality	County	Assessed Value Residential	Assessed Value Open Space	Assessed Value Commercial	Assessed Value Industrial	Assessed Value Pers Prop	Total Assessed Value	R/O % of Total Value	CIP % of Total Value
002	Acton	MIDDLESEX	5,278,116,616	0	367,887,292	107,279,600	110,059,954	5,863,343,462	90.02	09.98
023	Bedford	MIDDLESEX	3,641,337,089	0	552,102,826	406,313,400	132,317,200	4,732,070,515	76.95	23.05
051	Carlisle	MIDDLESEX	2,070,622,004	0	11,141,398	1,483,500	25,803,200	2,109,050,102	98.18	01.82
067	Concord	MIDDLESEX	7,489,250,433	0	503,892,992	27,620,404	64,759,520	8,085,523,349	92.63	07.37
155	Lexington	MIDDLESEX	13,645,487,139	0	820,961,430	943,857,000	334,881,170	15,745,186,739	86.66	13.34

OPEN SPACE DISCOUNT

During the State mandated Classification Hearing, the Select Board must vote on the following in order to establish a tax rate:

OPEN SPACE DISCOUNT:

Open space is land maintained in an open or natural condition which contributes significantly to the benefit and enjoyment of the public and which is not

Subject to a permanent conservation restriction;

Held for the production of income;

Taxable under the provisions of

- Chapter 61 (forest land)
- Chapter 61A (farm land)
- Chapter 61B (recreation land).

The Select Board may discount up to 25% of the Open Space share of taxes.

MGL c.59, sec. 5C

What Is It?

Enacted in 1979, the **Residential Tax 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 land.

Residential Exemption

- The Residential Exemption applied is 1% up to 35% of the total **average** residential parcel value.
 - The property must be the "primary domicile" of the owner as used for income tax purposes.
 - This option exempts value **only within** the Residential Class of taxpayers & **does not** change the levy amount itself or impact Commercial Industrial or Personal (CIP) property owners

- The Select Board can authorize up to a 35% residential exemption
- 17 communities, out of 351 in MA, chose to adopt in FY23-FY24.
- Concord has 4000 qualified properties for FY24 and the result of the adoption would be a higher tax rate for all residential properties.

NOTE: Not all residents who make a Concord property their primary domicile elect to apply and receive the exemption.

Community	Percentage
Barnstable	20
Boston	35
Brookline	20
Cambridge	30
Chelsea	35
Concord (NEW)	10
Everett	25
Malden	30
Mashpee (New FY23)	5
Nantucket	25
Oaks Bluffs	8
Provincetown	35
Somerville	35
Tisbury	22
Truro	25
Waltham	35
Watertown	33
Wellfleet	25

How Is It Calculated?

A = Total Residential Value = \$8,583,989,514.00

B = Total Residential Parcel Count = 6004

C = Average Residential Value = \$1,429,712

D = Selected Residential Exemption % = 10%

E = Residential Exemption = \$142,971

F = Number of qualifying Residential Parcels = 4,000

G = Total Residential Exemption Value = \$571,884,000

H = Total Residential Value - Exemption = \$8,012,105,514

Valuation	FY23 Tax Liability	FY24 Tax Liability w/out Exemption	FY24 Tax Liability w/10% Exemption	Difference	FY24 Tax Liability w/10% Exemption UNQUALIFIED	Difference	# of Parcels
\$ 500,000	\$ 6,480	\$ 6,120.00	\$ 4,684.22	\$ (1,435.78)	\$ 6,560.00	\$ 440.00	515
\$ 700,000	\$ 9,072	\$ 8,568.00	\$ 7,308.22	\$ (1,259.78)	\$ 9,184.00	\$ 616.00	356
\$ 900,000	\$ 11,664	\$ 11,016.00	\$ 9,932.22	\$ (1,083.78)	\$ 11,808.00	\$ 792.00	735
\$ 1,100,000	\$ 14,256	\$ 13,464.00	\$ 12,556.22	\$ (907.78)	\$ 14,432.00	\$ 968.00	1011
\$ 1,300,000	\$ 16,848	\$ 15,912.00	\$ 15,180.22	\$ (731.78)	\$ 17,056.00	\$1,144.00	859
\$ 1,500,000	\$ 19,440	\$ 18,360.00	\$ 17,804.22	\$ (555.78)	\$ 19,680.00	\$1,320.00	682
\$ 1,700,000	\$ 22,032	\$ 20,808.00	\$ 20,428.22	\$ (379.78)	\$ 22,304.00	\$1,496.00	407
\$ 1,900,000	\$ 24,624	\$ 23,256.00	\$ 23,052.22	\$ (203.78)	\$ 24,928.00	\$1,672.00	284
\$ 2,100,000	\$ 27,216	\$ 25,704.00	\$ 25,676.22	\$ (27.78)	\$ 27,552.00	\$1,848.00	255
\$ 2,300,000	\$ 29,808	\$ 28,152.00	\$ 28,300.22	\$ 148.22	\$ 30,176.00	\$2,024.00	200
\$ 2,500,000	\$ 32,400	\$ 30,600.00	\$ 30,924.22	\$ 324.22	\$ 32,800.00	\$2,200.00	143
\$ 2,700,000	\$ 34,992	\$ 33,048.00	\$ 33,548.22	\$ 500.22	\$ 35,424.00	\$2,376.00	88
\$ 2,900,000	\$ 37,584	\$ 35,496.00	\$ 36,172.22	\$ 676.22	\$ 38,048.00	\$2,552.00	101
\$ 3,100,000	\$ 40,176	\$ 37,944.00	\$ 38,796.22	\$ 852.22	\$ 40,672.00	\$2,728.00	67
\$ 3,300,000	\$ 42,768	\$ 40,392.00	\$ 41,420.22	\$ 1,028.22	\$ 43,296.00	\$2,904.00	57
\$ 3,500,000	\$ 45,360	\$ 42,840.00	\$ 44,044.22	\$ 1,204.22	\$ 45,920.00	\$3,080.00	39
\$ 3,700,000	\$ 47,952	\$ 45,288.00	\$ 46,668.22	\$ 1,380.22	\$ 48,544.00	\$3,256.00	31
\$ 3,900,000	\$ 50,544	\$ 47,736.00	\$ 49,292.22	\$ 1,556.22	\$ 51,168.00	\$3,432.00	25
\$ 4,100,000	\$ 53,136	\$ 50,184.00	\$ 51,916.22	\$ 1,732.22	\$ 53,792.00	\$3,608.00	28
\$ 4,300,000	\$ 55,728	\$ 52,632.00	\$ 54,540.22	\$ 1,908.22	\$ 56,416.00	\$3,784.00	22
\$ 4,500,000	\$ 58,320	\$ 55,080.00	\$ 57,164.22	\$ 2,084.22	\$ 59,040.00	\$3,960.00	12
\$ 4,700,000	\$ 60,912	\$ 57,528.00	\$ 59,788.22	\$ 2,260.22	\$ 61,664.00	\$4,136.00	11
\$ 4,900,000	\$ 63,504	\$ 59,976.00	\$ 62,412.22	\$ 2,436.22	\$ 64,288.00	\$4,312.00	11
\$ 5,100,000	\$ 66,096	\$ 62,424.00	\$ 65,036.22	\$ 2,612.22	\$ 66,912.00	\$4,488.00	8
\$ 5,300,000	\$ 68,688	\$ 64,872.00	\$ 67,660.22	\$ 2,788.22	\$ 69,536.00	\$4,664.00	6
\$ 5,500,000	\$ 71,280	\$ 67,320.00	\$ 70,284.22	\$ 2,964.22	\$ 72,160.00	\$4,840.00	5
\$ 5,700,000	\$ 73,872	\$ 69,768.00	\$ 72,908.22	\$ 3,140.22	\$ 74,784.00	\$5,016.00	8
\$ 5,900,000	\$ 76,464	\$ 72,216.00	\$ 75,532.22	\$ 3,316.22	\$ 77,408.00	\$5,192.00	5
\$ 6,100,000	\$ 79,056	\$ 74,664.00	\$ 78,156.22	\$ 3,492.22	\$ 80,032.00	\$5,368.00	1
\$ 6,300,000	\$ 81,648	\$ 77,112.00	\$ 80,780.22	\$ 3,668.22	\$ 82,656.00	\$5,544.00	0
\$ 6,500,000	\$ 84,240	\$ 79,560.00	\$ 83,404.22	\$ 3,844.22	\$ 85,280.00	\$5,720.00	4
\$ 6,700,000	\$ 86,832	\$ 82,008.00	\$ 86,028.22	\$ 4,020.22	\$ 87,904.00	\$5,896.00	1
\$ 6,900,000	\$ 89,424	\$ 84,456.00	\$ 88,652.22	\$ 4,196.22	\$ 90,528.00	\$6,072.00	2
\$ 7,100,000	\$ 92,016	\$ 86,904.00	\$ 91,276.22	\$ 4,372.22	\$ 93,152.00	\$6,248.00	13

***The figures detailed in this spreadsheet do not take into account changes in a parcels assessed value from Fiscal Year to Fiscal Year. This is for the purpose of showing only the impacts of the Residential Exemption at given assessed values. Town wide, assessed values will be increasing approximately 15%, on average.**

Residential Exemption: What if Scenarios

	FY2023 Assessed Value	FY2024 Assessed Value		
Property #1	\$ 590,800.00	\$ 650,700.00		
CONDO				
	FY2023	FY2024 w/out Exemption	FY2024 w/Exemption	FY2024 w/Exemption (Ineligible)
Rate	\$ 12.96	\$ 12.24	\$ 13.12	\$ 13.12
Exemption (10%)	\$ -	\$ -	\$ 142,971.00	\$ -
Liability	\$ 7,656.77	\$ 7,964.57	\$ 6,661.40	\$ 8,537.18



	FY2023 Assessed Value	FY2024 Assessed Value		
Property #2	\$ 848,300.00	\$ 978,400.00		
CAPE				
	FY2023	FY2024 w/out Exemption	FY2024 w/Exemption	FY2024 w/Exemption (Ineligible)
Rate	\$ 12.96	\$ 12.24	\$ 13.12	\$ 13.12
Exemption (10%)	\$ -	\$ -	\$ 142,971.00	\$ -
Liability	\$ 10,993.97	\$ 11,975.62	\$ 10,960.83	\$ 12,836.61



	FY2023 Assessed Value	FY2024 Assessed Value		
Property #3	\$ 1,656,900.00	\$ 1,999,100.00		
Colonial				
	FY2023	FY2024 w/out Exemption	FY2024 w/Exemption	FY2024 w/Exemption (Ineligible)
Rate	\$ 12.96	\$ 12.24	\$ 13.12	\$ 13.12
Exemption (10%)	\$ -	\$ -	\$ 142,971.00	\$ -
Liability	\$ 21,473.42	\$ 24,468.98	\$ 24,352.41	\$ 26,228.19



	FY2023 Assessed Value	FY2024 Assessed Value		
Property #4	\$ 4,749,000.00	\$ 5,724,700.00		
Custom				
	FY2023	FY2024 w/out Exemption	FY2024 w/Exemption	FY2024 w/Exemption (Ineligible)
Rate	\$ 12.96	\$ 12.24	\$ 13.12	\$ 13.12
Exemption (10%)	\$ -	\$ -	\$ 142,971.00	\$ -
Liability	\$ 61,547.04	\$ 70,070.33	\$ 73,232.28	\$ 75,108.06

Who Benefits?

For Owner-Occupied Properties:

Eligible Properties- WITHOUT Residential Exemption Program						
	Property #1	Property #2	Property #3	Property #4	Property #5	Property #6
Assessed Value	\$400,000.00	\$1,303,250	\$1,554,227	\$2,145,997	\$2,500,000	\$5,500,000
Tax Bill With No Program Tax Rate \$12.24	\$4,896	\$15,952	\$19,024	\$26,275	\$30,600	\$67,320
Eligible Properties- WITH Residential Exemption Program						
	Property #1	Property #2	Property #3	Property #4	Property #5	Property #6
	Below Break Even	Median Value	Average Value	Break Even Point	Above Break Even	Well Above Break Even
Assessed Value	\$400,000.00	\$1,303,250	\$1,554,227	\$2,145,997	\$2,500,000	\$5,500,000
Exemption	\$142,971	\$142,971	\$142,971	\$142,971	\$142,971	\$142,971
Net Value	\$257,029	\$1,160,279	\$1,411,256	\$2,003,026	\$2,357,029	\$5,357,029
Tax Bill with 10% Exemption Tax Rate \$13.12	\$3,372	\$15,223	\$18,516	\$26,279	\$30,924	\$70,284
Actual Savings with Exemption	\$1,524	\$729	\$508	\$4 or break even point		
Extra Cost of Exemption				0	\$324	\$2,964

Exemption 1% to 35% of the Average Residential Value

A.	Total Residential Value	\$ 8,583,989,514.00
B.	Total Residential Parcels	6004
C	Average Residential Value	\$ 1,429,711.78
D	Exemption %	10%
E	Exemption Amount	\$ 142,971.18
F	Number of Eligible (est)	4000
G	Total Exemption Value	\$ 571,884,711.13
H	Residential Value- Exemption	\$ 8,012,104,802.87
I	Break Even	\$ 2,145,997.38

5%	* \$1,429,712 = \$71,486	Tax Rate \$12.67
10%	* \$1,429,712 = \$142,971	Tax Rate \$13.12
15%	* \$1,429,712 = \$214,457	Tax Rate \$13.60
20%	* \$1,429,712 = \$285,942	Tax Rate \$14.13
25%	* \$1,429,712 = \$357,428	Tax Rate \$14.69
30%	* \$1,429,712 = \$428,914	Tax Rate \$15.30
35%	* \$1,429,712 = \$500,399	Tax Rate \$15.97

Options for Residential Exemption
Example Calculation of 10%

SMALL COMMERCIAL EXEMPTION

- The Select Board could adopt an exemption that reduces the taxable valuation by up to 10% of eligible Commercial parcels only.
- Eligible businesses must have an average annual employment of **not more than 10 people** during the previous calendar year.
- Assessed value of the parcel occupied by eligible business must be **\$1 million or less.**
- For a commercial parcel to qualify, every business occupying the parcel must also qualify for the exemption.
- This exemption shifts the tax burden within the CIP Classes from small commercial properties to larger commercial and industrial parcels.
- Increases the Commercial/Industrial/Personal Property Tax Rate.
- The exemption goes to the building owner, not the business owner, so depending on lease agreements, a small business owner may or may not benefit.

Concord has not historically adopted this exemption

Select Board's Role

Selection of a
Minimum
Residential
Single or Split
Rate

Selection of
an Open
Space
Discount, or
not

Adopting of a
Residential
Exemption, or
not

Adopting of a
Small
Commercial
Exemption, or
not

The Select Board will hold a public hearing to **determine the percentage of the Town's property tax levy to be borne by each major property class.**

CLASSIFICATION HEARING TERMS

CIP - Commercial, Industrial, and Personal Property Classes

Levy - the revenue a community can raise through real and personal property taxes.

Levy Limit - The maximum amount a community can levy in a given year; equal to last year's levy plus 2.5% plus new growth plus debt exclusion / override if applicable.

Levy Ceiling - Equal to 2.5% of the total full and fair cash value of all taxable real and personal property in the community.

New Growth - Increase in the tax base due to new construction, parcel subdivisions, condo conversions and property renovations, but not due to revaluation. It is calculated by dividing the resulting increased assessed value by \$1,000 and multiplying by the prior year's tax rate for the property class.

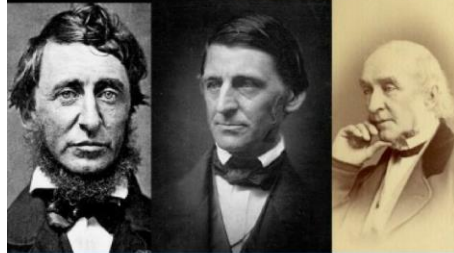
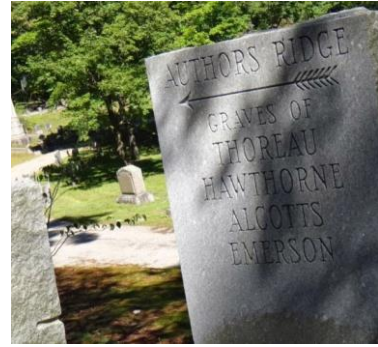
Override - A permanent increase to a community's levy limit.

Override Capacity - The difference between the levy ceiling and the levy limit. It is the maximum amount by which a community may override its levy limit.

Debt Exclusion - A temporary increase to the levy limit for the payment of a specific debt service item over a specified period of time.

Capital Outlay Expenditure - A temporary exclusion for the purpose of raising funds for capital projects.

Excess Levy Capacity - The difference between the actual levy and the levy limit.



HISTORY OF MASSACHUSETTS BLOG

THE CONCORD WRITERS

WWW.HISTORYOFMASSACHUSETTS.ORG



Town of Concord Massachusetts

Classification Hearing

FY24 Interim

Board of Assessors

Brendan O'Neill Kemeza ,Chair

Mera Krishnan Tilley, Vice-Chair

David Karr

Yanni Tsitsas

Arry Charles

Office Staff

Meredith Stone, Town Assessor

Carolyn Dee, Office Administrator

Michael Gibbons, Assistant Assessor

Lee Phalen, Field Lister

11-20-2023

Residential Exemption Correspondence

- I. Melissa Saalfield
- II. Michael Mahoney
- III. Jill Colpak
- IV. Carol Gordon
- V. David Balsom
- VI. Patrick West

Melissa Carey Saalfield
7 Concord Greene #7
Concord, Massachusetts 01742

November 14, 2023

Select Board
Town House
Concord, MA 01742

Dear Members of the Select Board of Concord,

I write as a longtime resident of Concord to urge your support of the property tax exemption proposed earlier this fall. Real estate taxes are a regressive tax in that they take a larger portion of the taxes from those least likely to afford them. Progressive taxes, like the federal income tax, require those with greater income to pay a larger portion of that income in taxes, which helps fund government operations. It seems appropriate to apply similar reasoning to the collection of property taxes here in Concord.

Sincerely,

Melissa C. Saalfield

Shannon McAndrew

From: Michael Mahoney <mike_a_mahoney@yahoo.com>
Sent: Tuesday, November 14, 2023 7:08 PM
To: Shannon McAndrew
Subject: Residential Tax Exemption

You don't often get email from mike_a_mahoney@yahoo.com. [Learn why this is important](#)

14, 2023

Nov.

Dear Town of Concord Select Board,

I am writing to express my support for the Residential Tax Exemption as proposed, and instituted by, the Town of Concord Select Board.

I am a realtor and fully understand the pressures that people face who are looking to remain in, or move to, Concord. The housing costs in Concord are sky high and anything that can be done to make it a tiny bit easier to afford housing in Concord is extremely important. It may not seem like much but, for those on the cusp of qualifying for a mortgage due to debt-to-income ratios on top of higher interest rates, it could mean the difference of being able to qualify for the mortgage or not. Too often our town is viewed by many as favoring the residents in the higher priced neighborhoods and shortchanging others. This exemption is fair to all and is appreciated by so many.

While this exemption will, in effect, lower taxes on a significant number of moderately priced (relatively speaking) homes in town it will also provide those same benefits to homes with higher assessed values up to the threshold amount. As you know it is only the amount above that value that will be taxed at a higher amount. I understand that those in higher priced homes may also have heavy financial demands but, in general, those that own homes assessed for millions of dollars are high income households and the negligible increase that would be due is of much less consequence. On the other hand, the exemption is significant for those that are able to take advantage of it.

As a Concord homeowner and realtor who sells in the Greater Boston area I have sold homes in a number of cities and towns which have the residential exemption. Some of these towns include Boston, Brookline, Cambridge, Somerville, Waltham and Watertown. I can tell you, based on firsthand experience, that having this exemption in these areas makes a huge difference, and it is not only for those directly receiving it. The exemption also increases the attractiveness of owning in these towns/cities by making taxes more affordable while simultaneously encouraging owner occupancy. The residential tax exemption makes Concord properties more affordable to a wider base of individuals and adds to the appeal of purchasing and living in Concord.

Inasmuch as the Select Board has the authority to adopt a residential tax exemption through a simple vote (and has done so) I, for one, would like to thank the Board for supporting those in town (or looking to move to town) that need it most. Many won't understand that this does make a difference for those who own and live in homes that are valued around or below the threshold. It also makes a difference for others in town as it encourages owner occupancy and makes Concord a little bit more affordable. Again, thank you!

Mahoney

Michael

Greene

29-6 Concord

Mike Mahoney
mike.mahoney@yahoo.com

Shannon McAndrew

From: Jill Colpak <jc9092@verizon.net>
Sent: Tuesday, November 14, 2023 5:25 PM
To: Shannon McAndrew
Subject: Letter to the Concord Select Board

You don't often get email from jc9092@verizon.net. [Learn why this is important](#)

Greetings, Select Board,

I have heard that you will be taking a final vote on the abatement of taxes. I had been under the impression that it was already finalized.

PLEASE VOTE TO KEEP THIS ABATEMENT!!!! It is a life saver for many of us in the more modest end of Concord residency.

PLEASE!!!!

Thank you,
Jill Colpak
20 Concord Greene

Shannon McAndrew

From: CAROL GORDON <cgordon4@comcast.net>
Sent: Wednesday, November 15, 2023 7:06 PM
To: Shannon McAndrew
Subject: Support for Tax Exemption

You don't often get email from cgordon4@comcast.net. [Learn why this is important](#)

I want to express to everyone on the Select Board that I support the tax exemption. I hope that the Select Board approves this tax exemption.

I live in Concord Greene. I own my condo and am a long-time resident of the Greene. I have already submitted my application for the tax exemption.

Thank you.

Carol Gordon, 6-8
cgordon4@comcast.net

Shannon McAndrew

From: David Balsom <davidpbalsom@icloud.com>
Sent: Wednesday, November 15, 2023 6:58 PM
To: Shannon McAndrew
Subject: The residential tax exemption program

You don't often get email from davidpbalsom@icloud.com. [Learn why this is important](#)

To The Concord Select Board-

I am writing in support of the proposed residential tax exemption under consideration.

The residential tax rate in Concord is among the highest in Greater Boston. It has always struck me (as a former realtor) as surprising, given that many of the more desirable communities offer such a residential exemption.

This is particularly beneficial to the seniors in the community and others on fixed income.

I hope that the Board approves this measure at its next meeting.

Thank you for your prompt attention in this matter,

David Balsom
davidpbalsom@icloud.com
617.510.2316
www.davidbalsom.blogspot.com

Shannon McAndrew

From: Patrick West <iagpat@rcn.com>
Sent: Friday, November 10, 2023 3:42 PM
To: Henry Dane; Terri Ackerman; Linda Escobedo; Mary Hartman; Mark Howell; Shannon McAndrew
Subject: Tax Modifications

You don't often get email from iagpat@rcn.com. [Learn why this is important](#)

Good morning:

I am writing with regard to the Select Board's move to "shift some of the burden of the \$110 million middle school bond to those who can better afford it."

To begin with, setting aside the fact that there is the appearance that this was passed in the middle of the summer holiday with minimal (no?) public hearing, there is the fact is there were many formal and informal hearings and communications regarding the tax implications related to the Middle School when it was going through the approval process. [This Finance Committee Report](#) on the project is but one. The proposal for the middle school was put forth to the voters on the basis that the tax burden would be spread across the community in a specific manner and would have a certain impact on each tax payer. The Board's move at best has the appearance of bait and switch.

Further, this is bad for the community:

- 1) It will drive up rental prices in town at a time when there is a desperate need for affordable rentals.
- 2) It creates an us Vs them dynamic at a time when no community needs it. As I understand it, this mechanism is typically used in resort communities where those "from away" have properties that are income generating. To use this approach in this community will be toxic.
- 3) Related to point 2, many of those in the homes this plan targets to overburden are the ones that have residents that give their time, money and commitment to the community. For me it has been CCYS, CCYW, the public library, the Concord Museum, Umbrella, and more. I can speak for myself and a number of others that I have discussed this with - if the town chooses this path, it will make it clear that we are not part of the community, but are only seen as a resource only and will act accordingly. (Law of unintended consequences.)

As you are likely well aware, many of the homes that are above the increased taxation threshold with this plan already bear a meaningfully disproportionate tax burden. At the risk of being too personal, no one gave me this home. I have nearly killed (literally) myself to be able to own it. You have no idea of my financial situation. To make cavalier statements like "can better afford it" is infuriating particularly when the town (thought it) knew the the burden would be spread evenly when it overwhelmingly voted to approve the middle school. These strike me as the words of an elitist and an attempt at ham-handed wealth redistribution at its worst. Harumph!

Finally, your math is wrong. Double check it and be intellectually honest about it for if this is enacted, it is almost certain that you will need to be able to defend it.

I would love to be at the meeting on the 20th to make these arguments, and more, in person, but it has once again been scheduled during a holiday week (?!) so I will be unable to attend. I must implore you then here in writing to stand by the funding approach put forth to the community for the middle school when it was approved and to make the right decision for this community.

Respectfully,

Patrick West
+1.207.651.1334

The Climate Impact of Private Jet Expansion: A Concord Community Forum

**December 6, 2023, 6:00 p.m. Goodwin Forum, Concord
Free Public Library, 129 Main Street, Concord, and by Zoom
(register at lwwcc.org)**

Massport is planning a massive hangar build-out for private jets at Hanscom Field (not Hanscom Air Force Base), which is the largest single development in Hanscom's history. This will impact our community by increasing greenhouse gas emissions levels and more. Come join us for this insightful program.

Panelists:

Senator Mike Barrett, *Third Middlesex District*

Alex Chatfield, *St. Anne's Climate Justice Committee*

Neil Rasmussen, *Save Our Heritage*

Chuck Collins, *Institute for Policy Studies*

Michael MacDonald, *Town of Concord Climate Action Committee*

Moderator:

Diane Proctor, *League of Women Voters – Concord Carlisle*

Sponsors:

**STOP PRIVATE
JET EXPANSION**
at Hanscom or Anywhere



**Concord Democratic Town
Committee**





TOWN OF CONCORD
DIVISION OF NATURAL RESOURCES
141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
TEL. (978) 318-3285 FAX (978) 318-3291

Delia R. J. Kaye
Natural Resources Director

November 16, 2023

Henry Dane, Chair
Concord Select Board
22 Monument Square
Concord, MA 01742

Re: Affidavit, 10A Attawan Road

Dear Mr. Dane:

In response to questions raised at the Select Board's November 6, 2023 meeting, Town Counsel has prepared the attached affidavit in accordance with M.G.L. c.183 §5B to clarify Town's intent to place the 3 acres of land known as Attawan Triangle or Wheeler Field under the care and custody of the Natural Resources Commission. This will ensure that the land is afforded permanent protection in accordance with Article 97 of the Amendments to the Massachusetts Constitution, consistent with the donor's intention that the land be "kept as a park".

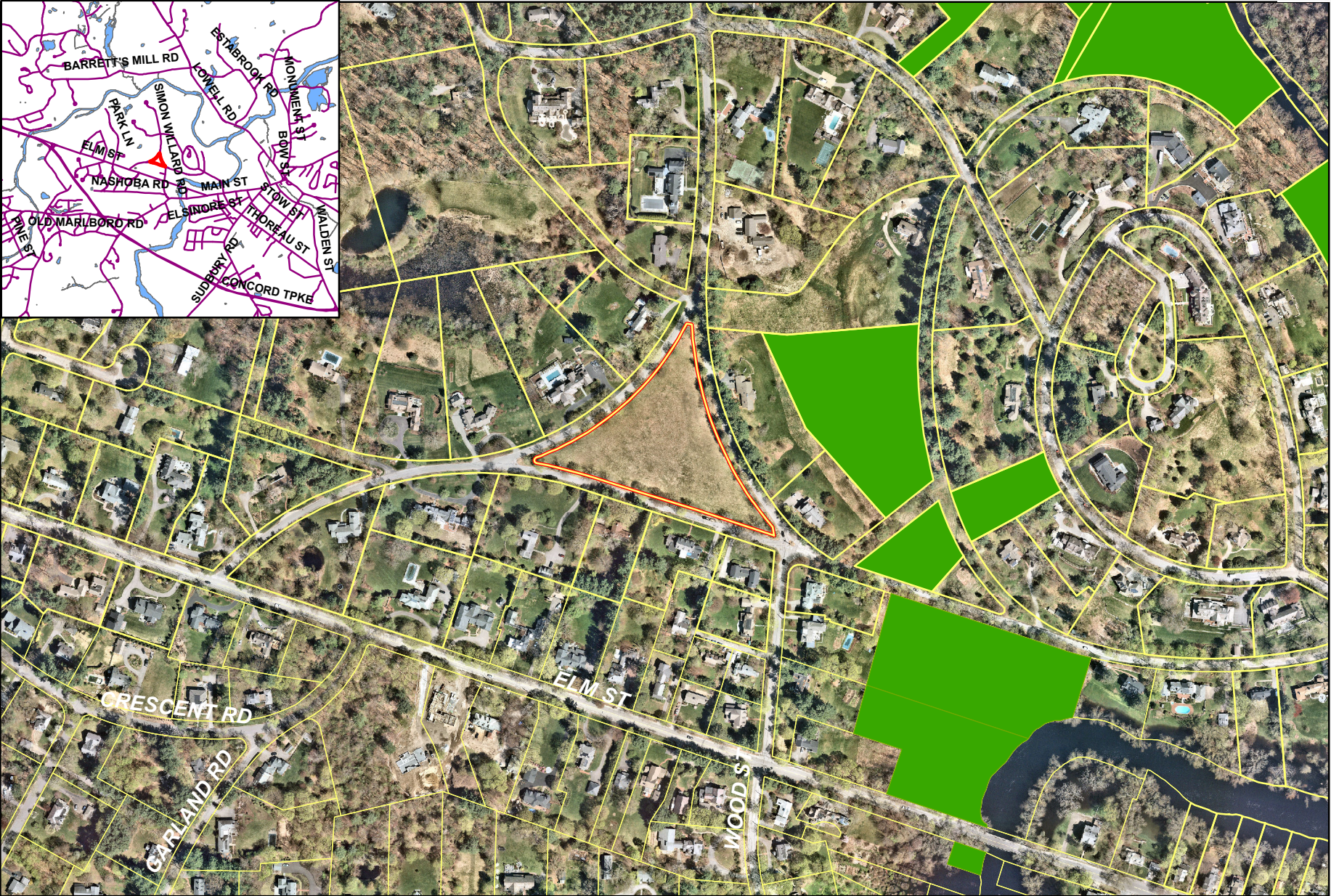
I look forward to discussing this with the Board at the November 20, 2023 meeting.

Sincerely,




Delia Kaye
Natural Resources Director

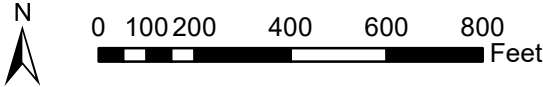
cc: Kerry Lafleur, Town Manager
Tom Falwell, Esq.

Attawan Triangle (10A Attawan Road)



Legend

-  Attawan Triangle
-  Parcel Boundaries
-  Concord Land Trust Conservation Lands



AFFIDAVIT UNDER G.L. C. 183, § 5B

PROPERTY: 10A Attawan Road (also known as Attawan Triangle, Musketaquid Triangle, and Wheeler Field)
Concord, Middlesex County, Massachusetts

OWNER: The Town of Concord, a municipal corporation, by and through its Natural Resources Commission, as its Conservation Commission

I, Kaari Mai Tari, hereby certify that I am the Town Clerk for the Town of Concord, Massachusetts, a municipal corporation having a mailing address of Town House, 22 Monument Square, Concord, Massachusetts 01742, and through research and reliance on the Town of Concord's records I have personal knowledge of the following facts:

1. On June 20, 1946, Berkely Wheeler, in his capacity as co-trustee of the Fannie Eleanor Wheeler Trust, notified the Town of Concord that he would like to donate the Property to the Town of Concord to be "kept as a park". A copy of said letter was included in the Town of Concord Town Report in 1946, a copy of which is attached hereto as Exhibit A.
2. By unanimous vote taken at the Town of Concord Annual Town Meeting on March 3, 1947, the Town voted to accept the donation of the Property. See Certified Copy of Article 27 of the 1947 Annual Town Meeting attached hereto as Exhibit B.
3. By Deed dated May 1, 1947 and recorded with Middlesex South Registry of Deeds at Book 7129, Page 415, Berkeley Wheeler and Vernon B. Hitchins, as Trustees of the Fannie Eleanor Wheeler Trust, conveyed the Property to the Inhabitants of the Town of Concord.
4. By unanimous Vote on November 13, 2001, the Town of Concord Board of Selectmen voted that the Property (i) be deemed to be under the care and custody of the Town's Natural Resources Commission pursuant to the Vote referenced in Paragraph 2 above, and (ii) has been protected open space since its acceptance by the Town of Concord in 1946, under the Provisions of Article 97 of the Amendments to the Massachusetts Constitution preserving public open spaces. See Certified Copy of the Vote attached as Exhibit C.

5. In an effort to clarify the intention of the Town of Concord relative to the intended use of the Property, it is necessary to record this Affidavit and votes referenced herein to ***confirm that the Property is deemed to be under the care and custody of the Town of Concord's Natural Resources Commission.***
6. The facts herein are relevant to the title to the Property and will be of benefit and assistance in clarifying the chain of title thereto.

Signed under the penalties of perjury this _____ day of _____, 2023.

Kaari Mai Tari, Town Clerk

COUNTY OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared Kaari Mai Tari, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Notary Public:
My Commission Expires:

CERTIFICATE

I, Mina S. Makarious, Town Counsel for the Town of Concord, Massachusetts, hereby certify that I am an attorney at law with offices at Anderson & Kreiger LLP, 50 Milk Street, 21st Floor, Boston, Massachusetts 02109, and the facts stated in the foregoing affidavit are relevant to the title to the Property therein described and will be of benefit and assistance in clarifying the chain of title thereto.

Mina S. Makarious

Gift of Berkeley Wheeler

The Board received the following letter from Mr. Berkeley Wheeler of Simon Willard Road:

Concord, Mass.
June 20, 1946

Board of Selectmen,
Gentlemen:

If acceptable to the Town of Concord, I should like to give that lot of land described on tax bill as "Simon Willard Rd. triangle enclosed by drives S.W. of barn—#14 on plan," to the Town, to be kept as a park.

This land came from William Wheeler to his wife, Fannie E. Wheeler, thence to Vernon B. Hitchins (of State Street Trust Co., Boston) and myself, who set up a real estate Trust for some 12 or more of Mrs. Wheeler's beneficiaries.

This subject has been considered by Mr. Hitchins and approved by him.

Yours very truly,

BERKELEY WHEELER."

A formal vote of the Town accepting such gift being necessary, an appropriate article has been placed in the warrant in respect to the same.

Printing of Town By-Laws

Progress has been made in bringing up to date and preparing for reprinting all of the by-laws, departmental rules and regulations and related information of the Town. Mr. Eugene G. Kraetzsch, Jr. has been assisting the Selectmen in this project. Because of the possibility that the Town may make further changes in the zoning by-law and other by-laws at the annual meeting in 1947, with possible resulting changes in rules and regulations, no effort has been made to complete this project until after such meeting.

Town Buildings and Land

The Old High School building on Stow Street, having been used by the Concord Chapter of the American Red Cross as its headquarters during the war years, was returned to the Town

VN REPORT

t capacity to hold all, or a large study.

terans Services

eting the Town voted against authorizing the establishment of departments and of districts for as of World War II, or other

first towns in the Common for advice and assistance of organization had functioned efficiently as the Concord Veterans Ad-ter, however, the Legislature, 1946, made the establishment of strict obligatory on the Town ed: Lt. Col. John K. Damon as f Veterans' Services. The de- facilities of the Veterans Ad- visory Board was appointed department were moved to in the Old High School build-

e a debt of gratitude to Mr. ted the Volunteer Committee beginning, gave without stint development of the Veterans in-

using

l on July 1, 1946, and at on 1946, the Town appointed a Vet- opriated a total of \$100,000 -family homes for veterans mpletion at the end of 1946 rt of the Veterans Housing his Town Report, as to the

pted the provisions of Chas- g an Act to facilitate dur- ring the present emergency Board of Appeals is given : with respect to particu- : zoning by-laws.



Town of Concord
Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742

Annual Town Meeting
March 3, 1947

CERTIFICATE OF VOTE

ARTICLE 27. Upon a motion duly made and seconded, it was

VOTED: That the offer of Berkeley Wheeler to give to the Town the triangular parcel of land bounded by Musketaquid Road, Attawan Road and Simon Willard Road be and hereby is accepted.

Unanimous vote
March 3, 1947

A true copy. ATTEST:

Kauri Mai Tari, Town Clerk

ment, and if the context requires, the words Mortgagor and Mortgagee and the pronouns referring to them shall be construed as plural, neuter or feminine. In case this loan is paid in full within one year from the date hereof, the Bank reserves the right to charge interest thereon for sixty days beyond the date of repayment. I, Robert E. Woodbine husband of said mortgagor Doris J. Woodbine release to the mortgagee all rights of tenancy by the CURTESY and other interests in the mortgaged premises. WITNESS our hands and seals this Seventh day of May 1947 Doris J. Woodbine & Robert E. Woodbine & THE COMMONWEALTH OF MASSACHUSETTS Middlesex ss. Arlington, May 7, 1947 Then personally appeared the above-named Doris J. Woodbine and acknowledged the foregoing instrument to be her free act and deed, before me, John G. Brackett Justice of the Peace My commission expires September 26, 1952. - - - - - Middlesex ss. May 8, 1947. 10h. 24m. A.M. Rec'd & Recorded.

KNOW ALL MEN BY THESE PRESENTS That We, Berkeley Wheeler and Vernon B. Hitchins, Trustees of the Fannie Eleanor Wheeler Real Estate Trust dated November 20, 1942 recorded with Middlesex South District Deeds, Book 6660, page 41, by the power conferred by said Declaration of Trust and every other power, for consideration paid, grant to the Inhabitants of the Town of Concord, a municipal corporation the land in said CONCORD containing about 3.31 acres bounded Southerly by Musketaquid Road Northwesterly by Attawan Road, and Easterly by Simon Willard Road The premises are the seventh parcel in deeds of Hilda Tompkins et al. to us recorded with said Middlesex Deeds Book 6660 page 48 et seq. and are subject to an easement for a water main granted to the Town by deed recorded Book 1616 page 292 and to taxes for the year 1947. No revenue stamps are required hereon. This instrument is intended to take effect as a sealed instrument this 1 day of May 1947. Berkeley Wheeler & Vernon B. Hitchins & Trustees as Aforesaid COMMONWEALTH OF MASSACHUSETTS Suffolk ss. May 1 1947. Then personally appeared the above named Vernon B. Hitchins and acknowledged the foregoing instrument to be his free act and deed, as trustee as aforesaid before me. Roger D. Swaim Notary Public. My commission expires 2/26/48. - - - - - Middlesex ss. May 8, 1947. 10h. 34m. A.M. Rec'd & Recorded.

FANNIE ELEANOR WHEELER REAL ESTATE TRUST'S Trs.
to
TOWN OF CONCORD

KNOW ALL MEN BY THESE PRESENTS That We, Francis E. Hughes and Blanche I. Hughes, husband and wife as tenants by the entirety, both of Natick, Middlesex County, Massachusetts, (hereinafter with our heirs, ex-

HUGHES et ux to BOSTON FIVE CENTS SAVS. BANK



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742

CERTIFICATION OF VOTE

At a duly posted meeting held on November 13, 2001, the Select Board took the following action:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: That the Board of Selectmen confirms that the parcel of land commonly referred to as the "Musketaquid Triangle" located at 10A Attawan Road and shown on the Assessors maps as parcel #1777, is deemed to be under the care and custody of the Town's Natural Resources Commission, pursuant to the vote of the 1946 Annual Town Meeting under Article 27, and further pursuant to the intention of the donor as expressed by Berkeley Wheeler, in a letter dated June 20, 1946. It is the Selectmen's findings that this parcel of land has been protected open space since its acceptance by the Town in 1946, under the provisions of Article 97 of the Amendments to the Massachusetts Constitution preserving public open spaces.

A true copy. ATTEST:

Kaali Mai Tari, Town Clerk



TOWN OF CONCORD
DIVISION OF NATURAL RESOURCES
141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
TEL. (978) 318-3285 FAX (978) 318-3291

Delia R. J. Kaye
Natural Resources Director

November 6, 2023

Henry Dane, Chair
Concord Select Board
22 Monument Square
Concord, MA 01742

Re: Parcel B Conveyance, 162 Plainfield Road

Dear Mr. Dane:

When the Town acquired the White Pond beach and agricultural parcels in 2018, a portion of the driveway, fencing, and landscaping from 162 Plainfield Road encroached upon the property gifted to the Town, specifically, on one of the two parcels deeded to the Natural Resources Commission (14Y Plainfield Road). The landowners at 162 Plainfield Road have made a claim of adverse possession against the former landowner, the White Pond Associates, and have demonstrated that this encroachment occurred for 20 years prior to the Town's ownership.

Earlier this year, Annual Town Meeting approved the conveyance of 258 square feet of land from the Town conservation parcel at 14Y Plainfield Road to the 162 Plainfield Road landowners. An Approval Not Required Plan for the conveyance of 258 square feet (Parcel B) from 14Y Plainfield Road (Lot C) to 162 Plainfield Road (Lot A) was endorsed by the Planning Board on October 10, 2023.

I have attached the draft deed conveying Parcel B, along with a Memorandum of Understanding between the NRC and the 162 Plainfield Road landowners, which will be reviewed by the Natural Resources Commission at their November 15, 2023 meeting. On behalf of the NRC, pending their acceptance of the MOU and deed, I respectfully request that the Select Board vote to declare Parcel B available in accordance with MGL c. 40, §15A, and vote to approve and authorize execution of the deed.

I look forward to discussing this with the Select Board at the November 20, 2023 meeting.

Sincerely,





Delia Kaye
Natural Resources Director

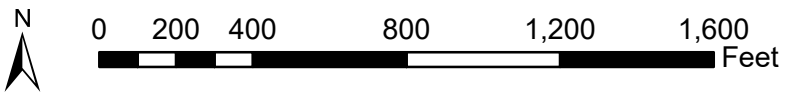
cc: NRC
Kerry Lafleur, Town Manager
Erin Boisvert, Esq.

162 Plainfield Road Conveyance



Legend

-  White Pond Parcels
-  162 Plainfield Road
-  Town Conservation Lands
-  Municipal Parcels



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Agreement”) is entered into as of this _____ day of _____ 2023, by and among James E. Nugent and Virginia N. Lee (together, the “Owners”) on the one hand, and the Town of Concord, acting by and through its Natural Resources Commission (the “Town”) on the other hand together collectively referred to herein as the (“Parties”).

WHEREAS, the Owners are the residents and owners of the real property at 162 Plainfield Road, Concord, MA identified as “Lot A” on that certain so-called Approval Not Required Plan entitled “Plan of Land, 162 Plainfield Road, Concord, Massachusetts” prepared by Scott M. Cerrato, Professional Land Surveyor, dated October 4, 2023, and recorded with the Middlesex South District Registry of Deeds as Plan No. 698 of 2023 (hereinafter the “Plan” and a copy of which is attached hereto as Exhibit A);

WHEREAS, the Town is the record owner of “Lot C” and “Parcel B” as identified on the Plan; and

WHEREAS, Article 30 of the Town of Concord 2023 Annual Town Meeting was approved on May 1, 2023, which authorizes the conveyance of a fee simple interest in Parcel B from the Town to the Owners, as further described therein.

NOW THEREFORE, the Parties agree and acknowledge as follows:

1. The Town shall request that: (1) the Town of Concord Select Board vote: (i) to declare “Parcel B” available for disposition, pursuant to M.G.L. c. 40 sec. 15A, and (ii) to approve the deed conveying “Parcel B” to the Owners, substantially in the form attached hereto as Exhibit B (the “Deed” and such votes together, the “Select Board Votes”); and (2) the Town of Concord Natural Resources Commission vote to approve the Deed (the “NRC Vote”).
2. Within ten (10) business days after the approval of the later of the Select Board Votes and the NRC Vote (the “Closing Date”), (i) the Town shall execute and deliver the Deed to the Owners, and (ii) in consideration of the conveyance of “Parcel B”, the Owners shall pay the sum of \$300.00 to the Town.
3. The Owners shall be responsible for recording the Deed, the Select Board Votes, and the NRC Vote with the Middlesex South District Registry at the Owner’s sole cost and expense.
4. In further consideration of the conveyance of “Parcel B,” on the Closing Date, the Owners shall pay the sum of the \$500.00 to the Town as a contribution to the cost of preparing a future survey of certain property owned by the Town, including “Lot C” as shown on the Plan.

5. The Owners, at their sole cost and expense, have installed two granite boundary markers along the driveway of "Parcel B," one located at the northeastern corner which abuts Plainfield Road and which is flush to the ground, and the other at the northwestern corner which extends six inches above the ground level.
6. On the Closing Date, the Parties shall execute and deliver a settlement statement (the initial draft of which to be prepared by the Town at its expense) reflecting the payments herein described, and the Owners shall execute and deliver to the Town a Disclosure Statement for Transaction with a Public Agency Concerning Real Property pursuant to M.G.L. c. 7C sec. 38 (which the Town shall file with the Division of Capital Asset Management of Massachusetts within one (1) business day after the Closing Date), and a Certificate of Tax Compliance pursuant to M.G.L. c. 62C Sec. 49A.
7. Notwithstanding anything set forth herein to the contrary, the Town's obligations hereunder are expressly subject to and contingent upon the Town obtaining all municipal approvals and completing all legally required steps that are required for the conveyance of "Parcel B."
8. This Agreement contains the entire understanding and agreement of the Parties and supersedes all prior representations, understandings and agreements of the Parties. Notwithstanding any course of dealing to the contrary, this Agreement may not be modified or terminated, nor may any of its provisions be waived, except by written instrument signed by both Parties.
9. The Parties acknowledge that the consideration it has given and received hereunder is fair and adequate consideration for the payments, covenants, undertakings, forbearances, promises, and releases contained herein.
10. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall nonetheless remain in full force and effect, and in the place of such invalid or unenforceable provision there shall be substituted a like, but valid and enforceable provision, which comports to the findings of the aforesaid court and most nearly accomplishes the original intention of the parties.
11. This Agreement may be executed by electronic signatures, each of which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. This Agreement may be executed in multiple counterparts, which shall together constitute a single document.

[Signature Pages to follow]

In witness whereof, the parties hereto affix their hands and seals as of the date first set forth above.

OWNERS:

James E. Nugent

Virginia N. Lee

TOWN OF CONCORD
NATURAL RESOURCES COMMISSION:

By: _____
Name: Edward Nardi
Title: Chair, duly authorized

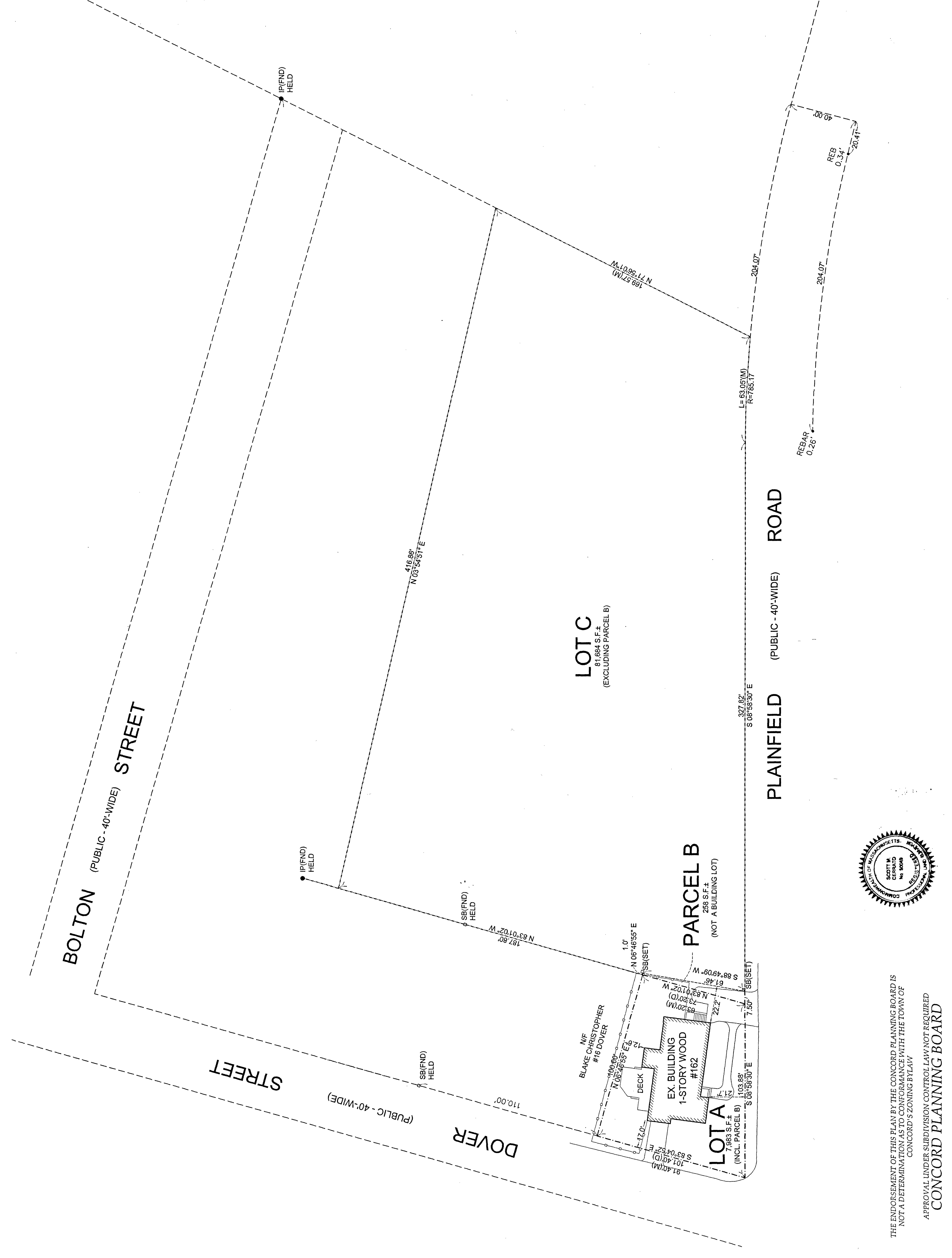
EXHIBIT A

PLAN

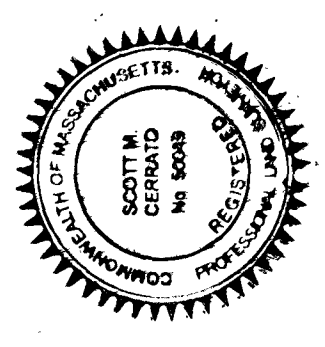
[See Attached]

Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 678 of 2023
Rec'd 10-11-20
at 10H 49M A M
Attest
Register
FOR REGISTRY USE ONLY

SCOTT M. CERRATO
Professional Land Surveyor
24 Pleasant View Drive • Exeter, NH 03833 • 781-775-9274
PLAN OF LAND
162 PLAINFIELD ROAD
CONCORD, MASSACHUSETTS
SCALE 1"=30'
OCTOBER 04, 2023



NOTES:
1) THE PURPOSE OF THIS PLAN IS TO SHOW THE CONVEYANCE OF PARCEL B FROM LOT C TO LOT A. THIS CONVEYANCE WAS APPROVED BY THE NATURAL RESOURCES COMMISSION ON MAY 01, 2023 "PASSED BY WELL MORE THAN TWO-THIRDS MAJORITY." THE QUESTION BEING STATED "TO DETERMINE WHETHER THE TOWN WILL VOTE TO AUTHORIZE THE SELECT BOARD AND NATURAL RESOURCES COMMISSION TO GRANT OR DEED FEE TITLE, EASEMENTS, OR OTHER PROPERTY INTERESTS IN OR OVER LAND OWNED BY THE TOWN ABUTTING 162 PLAINFIELD ROAD, WHICH LANDS ARE OWNED BY THE TOWN OF CONCORD, MASSACHUSETTS." THE TOWN OF CONCORD CONTAINS 258 SQUARE FEET MORE OF EASEMENT THAN SHOWN AS PARCEL B. THE PLAN OF LAND PREPARED BY SCOTT M. CERRATO DATED NOVEMBER 14, 2022, ON FILE WITH THE TOWN CLERK, UNDER SUCH TERMS AND CONDITIONS AS THE SELECT BOARD AND NATURAL RESOURCES COMMISSION DETERMINE, OR TAKE ANY OTHER ACTION RELATIVE THERETO."
2) "PARCEL B" IS NOT A LEGAL BUILDING LOT. IT IS SHOWN FOR LOT CONVEYANCE PURPOSES ONLY



THE ENDORSEMENT OF THIS PLAN BY THE CONCORD PLANNING BOARD IS NOT A DETERMINATION AS TO CONFORMANCE WITH THE TOWN OF CONCORD'S ZONING BYLAW
APPROVAL UNDER SUBDIVISION CONTROL LAWS NOT REQUIRED
CONCORD PLANNING BOARD

Elizabeth Hughes
10/10/2023

LOT A:
PARCEL ID: 103039
ZONING DISTRICT: ZONE A

EXISTING	USE
SNGL FAMILY	
LOT SIZE	7,983 S.F. ±
FRONTAGE	103.88'
FRONT YARD	12.6'
SIDE YARD(NORTH)	22.2'
SIDE YARD(SOUTH)	17.0'
REAR YARD	12.6'

RECORD OWNER LOT A:
NUGENT JAMES E. & LEE VIRGINIA N
BOOK 19294 PAGE 283

LOT C:
PARCEL ID: 103039
ZONING DISTRICT: ZONE A

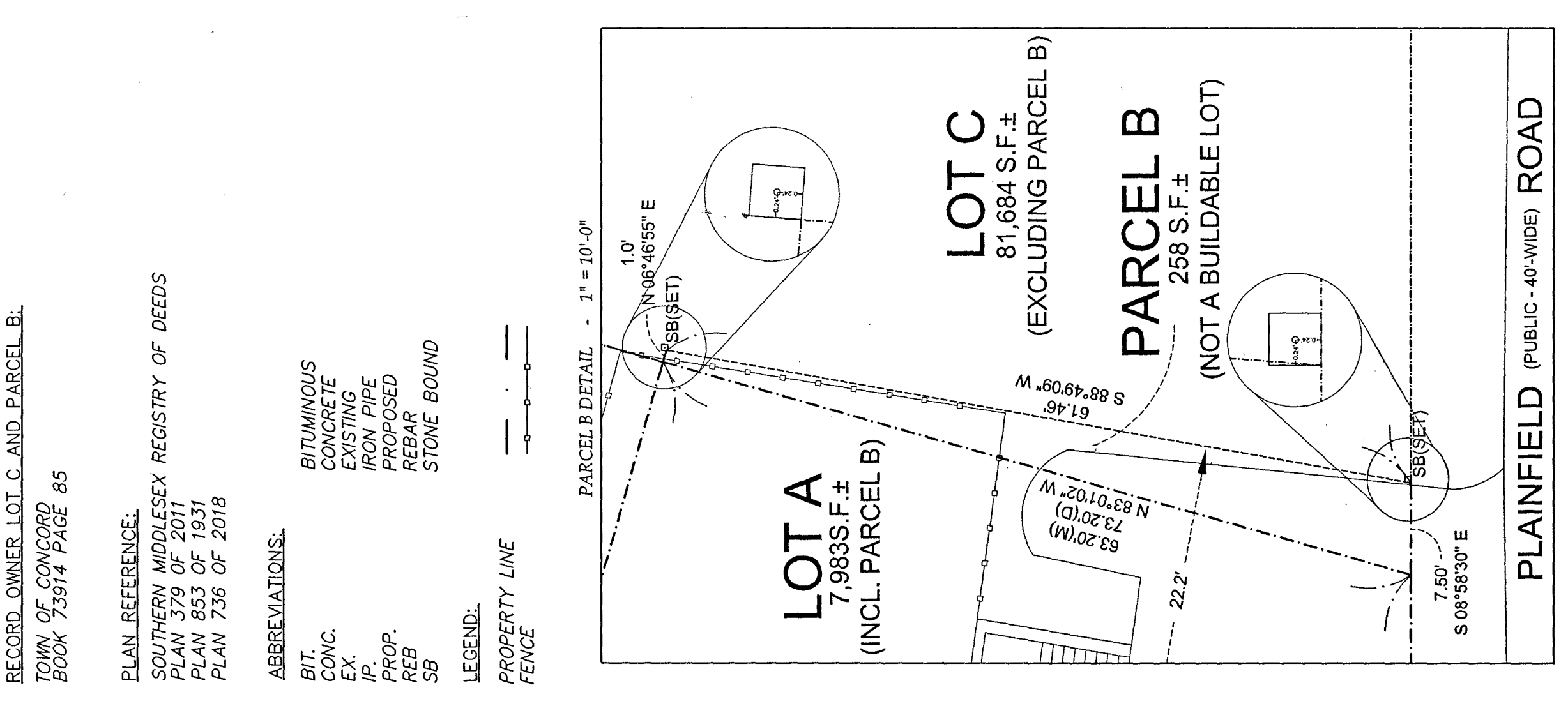
EXISTING	USE
CONSERVATION	
LOT SIZE	81,684 S.F. ±
FRONTAGE	398.37'

RECORD OWNER LOT C AND PARCEL B:
TOWN OF CONCORD
BOOK 73914 PAGE 65

PLAN REFERENCE:
SOUTHERN MIDDLESEX REGISTRY OF DEEDS
PLAN 379 OF 2011
PLAN 853 OF 1931
PLAN 736 OF 2018

ABBREVIATIONS:
BIT BITUMINOUS
CONC CONCRETE
EX EXISTING
IP IRON PIPE
PROP PROPOSED
REB REBAR
SB STONE BOUND

LEGEND:
PROPERTY LINE
FENCE



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL INSTRUMENT SURVEY MADE ON THE GROUND IN JULY 2021 AND THE STRUCTURES DEPICTED HEREON ARE LOCATED AS SHOWN
I HEREBY CERTIFY THAT THIS PLAN DOES SHOW NEW LINES OR WAYS
I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS

10-4-23
DATE

SMC
SIGNATURE

698 of 2023

EXHIBIT B
FORM OF DEED

[See Attached]

Property Address: Parcel B, Plainfield Road, Concord,

QUITCLAIM DEED

The Town of Concord, a Massachusetts municipal corporation, by and through its Natural Resources Commission, as its Conservation Commission, with an address of 141 Keyes Road, Concord, Massachusetts 01742,

for consideration paid and in full of **Three Hundred and 00/100 Dollars (\$300.00)**,

Grants to James E. Nugent and Virginia N. Lee, husband and wife, as tenants by the entirety, of 162 Plainfield Road, Concord, Middlesex County, Massachusetts,

with quitclaim covenants

The land situated in said Concord being shown as “Parcel B” on a plan entitled “Plan of Land, 162 Plainfield Road, Concord, Massachusetts” prepared by Scott M. Cerrato, Professional Land Surveyor, dated October 4, 2023, and recorded with the Middlesex South District Registry of Deeds as Plan No. 698 of 2023.

Containing, according to said plan, 258 square feet, more or less.

No Massachusetts documentary stamps are affixed hereto as none are required by law because the Grantor is a municipal corporation established under the laws of the Commonwealth of Massachusetts.

For authority for this conveyance, see Article 30 of the Town of Concord 2023 Annual Town Meeting, as voted and passed on May 1, 2023, a certified copy of which is recorded herewith. See also votes of the Town of Concord Natural Resources Commission and Town of Concord Select Board, certified copies of which are recorded herewith.

Being a portion of the premises conveyed to the Grantor by White Pond Associates, Inc. by deed dated December 11, 2019 and recorded with said Deeds in Book 73914, Page 85.

[Signature Page Follows]

EXECUTED under seal this _____ day of _____, 2023.

**TOWN OF CONCORD
NATURAL RESOURCES
COMMISSION:**

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, _____, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

2024 Annual Town Meeting and Town Election Calendar

Town Election Schedule

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

Annual Town Meeting Schedule

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

Thursday, March 21, 2024, 7PM (Snow Date: Tuesday, March 26)	Public Hearing #5 (hybrid): Finance Committee – Enterprise Funds
Friday, March 29, 2024	Deadline for SB and FinCom Recommendations on Articles
Monday, April 1, 2024	Select Board Meeting: SB input on draft Consent Calendar to Moderator
Monday, April 1, 2024	Deadline for FinCom Completion of Finance Committee Report
Friday, April 5, 2024, 5PM	Deadline for Draft Motions (submit to TMSubmissions@concordma.gov)
Thursday, April 11, 2024, 4PM	Motions Review Meeting with Town Counsel
Friday, April 12, 2024	FinCom Report mailed to households
Friday, April 12, 2024, 9AM	Moderator’s Town Meeting Coordination Meeting (All Article Sponsors and Town Meeting Coordinator)
Thursday, April 18, 2024, 5PM	Deadline to submit PowerPoint Presentations and Paper Handouts for review and approval (submit to TMSubmissions@concordma.gov)
Friday, April 19, 2024	Voter Registration Deadline for Annual Town Meeting
Wednesday, April 24, 2024	Moderator’s Staff Meeting (location, format and time TBD)
Monday, April 29, 2024 at 7PM	Annual Town Meeting at Concord Carlisle High School
Tuesday, April 30 to Wednesday, May 1, 2024 at 7PM	Subsequent Additional Days as needed to conclude Annual Town Meeting

Relevant Holidays

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

**Town of Concord
Concord Center Cultural District Task Force
Charge**

Background and Purpose

The Concord Center Cultural District was created by the Massachusetts Cultural Council in January of 2016. The cultural district is intended to heighten public awareness of the unique cultural features and resources of the district. Concord Center is the town's civic center and primary neighborhood shopping area with a wealth of historical points of interest and other cultural resources. Creation of the district will boost visits to the district, promote commerce and support local artists.

To consolidate entities working on overlapping efforts, this Task Force is established on a temporary basis with a one-year term (January through December 2024) to oversee the administration of grant resources specific to the district and to recommend an existing entity that can facilitate the Concord Center Cultural District on a permanent basis.

Membership

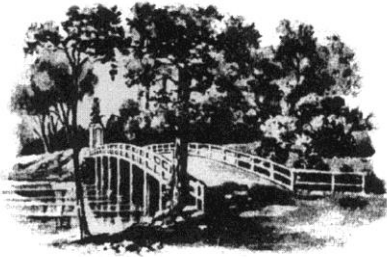
The members of the Concord Center Cultural District Task Force shall be appointed by the Select Board for a one-year term. The Task Force will be comprised of three members who represent cultural institutions in the district.

Duties and Responsibilities

1. Administer the Massachusetts Cultural Council's Cultural District grant by soliciting and selecting appropriate projects that meet the funder's goal of stimulating new arts and culture activity and attracting creative businesses. Ensure compliance with funder requirements.
2. Recommend no later than August 2024 to the Select Board a complementary entity such as within an existing town committee, a non-profit or other group, that can be granted a permanent charge to oversee the Concord Center Cultural District.

Other Considerations

The Concord Center Cultural District Task Force is responsible for conducting its activities in a manner that complies with all relevant State and local laws and regulations, including but not limited to, the Open Meeting Law, Public Records Law and Conflict of Interest Law. The Committee shall consult with the Town Manager concerning the allocation of town staff or financial resources toward this effort.



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Henry Dane, Chair, Concord Select Board
From: Mimi Graney, Economic Vitality Manager
Date: November 9, 2023
Re: Considerations for removal of parking meters

Meter Conditions:

- As per a 2016 signed quote between the Town and contractor IPS, there are 194 meter poles across the town mounting 339 individual meters.
- With the pause in the meter program the contract with IPS was terminated.
- DPW reports that while they handle repairs when an individual meter pole is damaged, they are not presently prepared to remove meters.
- Cost of removal of the poles is presently unknown. Installation of the poles in 2016 cost \$175 per pole.

Revenue and Enforcement

- There are two paid public parking programs in play in Concord – ones within MBTA lots and those elsewhere across the town.
 - Per MBTA contract requirements the Town must maintain paid lots near the stations.
 - Between July and October, a total of \$9,295 was collected from the PayBy Phone program plus additional from the purchase of permits. The Town keeps 60% of these funds and is responsible for the cost of the PaybyPhone contract.
 - For all non-MBTA parking the meters have been labeled as no longer in service and the pay-by-phone app is no longer functional.
 - For parking outside of the MBTA lots, even after the paid parking program was suspended some revenue still trickles in. A total of \$7,727 was collected from July-October which includes from the PayByPhone (deactivated in early July) and coins in meters. (All meters are labeled but people still add coins.)
- Without allocated funds there has been no consistent parking enforcement with few tickets issued, particularly for meter violations (over 3 hours). Between July-October town-wide there was a total of \$3,375 in ticket revenue.
- Ron Holsinger of Concord Police Department reports: “CPD does receive parking complaints on a daily basis, but very rarely related to downtown businesses. The one exception would be the occasional complaint about trucks making deliveries.”
- Businesses have a mixed response to the termination of the meter program. While it is appreciated by their customers, some merchants complain that other business owners & staff

regularly use prime curbside meter spaces, limiting access for customers and negatively impacting the district.

- A spot study I conducted recording license plates of vehicles along Walden Street across multiple days showed abuse is not widespread with just one repeat offender.

Issues on Removal

- Police: From Ron Holsinger, CPD: “From my perspective, removing the meters would generally be safer. They make snow removal difficult, creating snowbanks. This causes people to walk in the street or possibly fall. Cars crash into them on occasions, but they would not act as a bollard to stop a fast-moving vehicle. People put stickers or deface the meters, use them as bike storage (blocking the sidewalk), and I’ve even seen folks staring at their phone walk into them.”
- Public Works: Alan Cathart and Aaron Miklosko of DPW report that without clarity on the request or time to investigate they are not able to respond to considerations of meter pole removal at this time.
- Previous conversations from DPW regarding meters elicited these relevant considerations:
 - Removal of poles creates a cleaner, more pleasant streetscape with fewer obstacles to impede snow removal and other maintenance.
 - The meter poles in West Concord were not replaced as part of the recent roadway improvements. This was decided based on two factors both pointing to obsolescence: at present the meters are not active, and in the future, should the town restart paid parking, the likely option would be centralized kiosks and pay-by-app which do not require meter poles.

Coordination and Authority

- The Town Manager’s Office appears to have management authority under the direction of the Select Board on Parking Meters:
 - Traffic Management Committee: Alan Cathart of Public Works who is a member of the group made up of Town staff reports they are not responsible for meters.
 - Meters Group: There had been an ad hoc group of staff convened when the new meters were installed several years ago but that has since disbanded.
 - Transportation Advisory Committee: Parking meters are not delineated within their charge.

From Concord Traffic, Parking and Pedestrian Rules & Regulation
 approved by the Select Board through 8/28/2023

On Street Parking Meters					
Location	Side	From	To	Rate	Time Restriction
Church St	S	Commonwea lth Ave	200' W of Commonwea lth Ave	\$1.00/hr	3 Hr
Commonwea lth Avenue	Both	Main Street	Law Brook Road	\$1.00/hr	3 Hr
Hubbard Street	SE	Walden St Parking Lot Driveway	Walden St	\$0.50/hr	3 Hr
Main Street	Both	Monument Sq	Sudbury Rd	\$1.00/hr	3 Hr
Main St	Both	Sudbury Rd	Academy Ln	\$1.00/hr	3 Hr
Main St	Both	Academy Ln	Thoreau St	\$0.50/hr	
Main St Traffic Island	NW & S	Both sides of island along main St		\$1.00/hr	3 Hr
Monument Sq (E leg of Square)	E side of Roadway	Bedford St	Monument St	\$0.50/hr	3 Hr
Monument Sq (E leg of Square)	W side of Roadway	Bedford St	Monument St	\$0.50/hr	3 Hr
Monument Sq (S End of Square)	N side of Roadway	20' E of W side of Monument Sq	E side of Monument Sq	\$0.50/hr	3 Hr
Monument Sq (W leg of Square)	W side of Roadway	Lowell St	Main St	\$0.50/hr	3 Hr
Monument St	W	Monument Sq	50' N of Court Ln	\$0.50/hr	3 Hr

Thoreau St	W	80' S of Main St	Belknap St	\$0.50/hr	3 Hr
Thoreau St	E	200' S of Main St	Belknap St	\$0.50/hr	3 Hr
Thoreau Street	Both	Sudbury Road	Belknap Street	\$0.50/hr	3 Hr
Walden Street	Both	Main Street	Hubbard St	\$1.00/hr	3 Hr
Walden Street	SW	Hubbard St	125' S of Hubbard St	\$0.50/hr	3 Hr

Parking Meters in Parking Lots			
Parking Lot	Location	Rate	Time Restriction
Commonwealth Avenue MBTA Park & Ride Lot	The first 30 parking spaces adjacent to the station platform closest to the Commonwealth Avenue entrance to the lot.		
Keyes Rd East Lot	All Spaces except 8 Visitor Parking Spaces closest to Visitor Center		
Walden Street Lot (behind 14 to 26 Walden Street)			

As per Colleen Rhinhart, Deput Treasurer, report of November 8, 2023

Ticket Revenue July-October

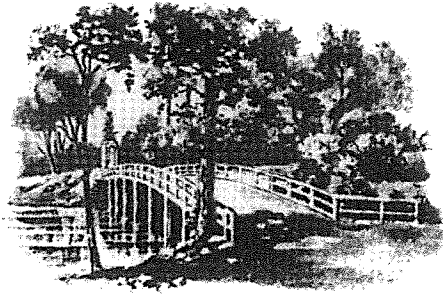
July	\$830.00
August	\$1,020.00
September	\$800.00
October	\$725.00
	\$3,375.00

Meter Revenue

PayByPhone	\$1,381.45	deactivated in mid-July because people were still paying
Meter Collections 6/28	\$1,143.95	
Meter Collections 7/19	\$4,192.86	
Meter Collections 8/2	\$1,009.13	coins collected by the police dept, deposited between July-Oct
	<hr/> \$7,727.39 <hr/>	

MBTA Revenue

PayByPhone	\$9,295.00	does not include revenue from the purchase of permits
	<hr/> \$9,295.00 <hr/>	
Total	<hr/> \$20,397.39 <hr/> <hr/>	



OLD NORTH BRIDGE

TOWN OF CONCORD

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

November 20, 2023

Ms. Kat Miller
Planning & Programs Specialist
Massachusetts Housing Finance Agency
One Beacon Street
Boston, Massachusetts 02108

Re: Proposed 40B -The Residences at Thoreau, Concord, Massachusetts
MH ID No. 1206

Dear Ms. Miller,

This letter is in response to yours dated October 24 requesting comments on the Proposed 40B Application of Thoreau Residences, LLC for the construction of 216 units of rental housing on approximately 13.08 acres of land located at 275 Forest Ridge Road in Concord (the "Project"). You have requested our assistance in evaluating the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies.

In an attempt to provide the broadest possible response, we have referred your request to our local housing agencies and gathered comments from Town departments involved in the approval process or impacted by the Project. In order to assist you in evaluating the Project, we attach the following letters and memoranda:

1. Letter dated November 14, 2023 from Frank Feeley, President of the Concord Housing Foundation, Inc.;
2. A compilation of comments dated November 8, 2023 headed "Residences at Thoreau Staff Project Review;"
3. A Memorandum dated November 15, 2023 from Planning Board Members and Elizabeth Hughes, Concord Town Planner;

Ms. Kat Miller
Planning & Programs Specialist
November 20, 2023
Page 2

4. A Memo dated November 9, 2023 entitled “Comments on Thoreau Residences, LLC’s application to MassHousing for site approval for a proposed 40B at 275 Forest Ridge Road” from Keith Bergman, Chair of the Concord Municipal Affordable Housing Trust; and
5. A Memo dated November 14, 2023 re: “Building Codes and Multifamily/Affordable Housing (Chapter 40B)” from Eric Simms, the Town’s Sustainability Director.

To summarize, these letters suggest that many aspects of the project are contrary to established or developing affordable housing policies in Concord for a number of reasons including that, because of its location a substantial distance from business and transit centers, it is not a Smart Growth, transit oriented development because the “additional traffic generated by cars travelling along Route 62 from the site [the 2.7 mi.] to West Concord will have obvious effects on travel times and vehicle pollution,” and the application shows no commitment to fossil-free or other sustainable principles. The Town is working to comply with the MBTA Communities Act and we do not believe the location of the Project to be consistent with the assumptions underlying the MBTA mandate.

Another concern is potential groundwater pollution because the very extensive septic system needed to serve a project of this size (it will not be served by the municipal sewer system) is adjacent to a local Groundwater Conservancy District (public water supply). In addition, the configuration of the buildings limits Fire Department access and the project lacks water main redundancy.

It is the unanimous opinion of the Planning Board “that the site is not suitable for the type of development that is being proposed for the following reasons:

1. The proposal is for three large buildings with a ring of surface parking completely surrounding the buildings, as well as parking between the buildings. This design does not take into consideration the existing topography and features of the site. The change in topography on the site in some locations is almost 40 feet. The flat and level design will require the removal of almost all of the existing woodland, and

significant cut and fill grading of almost the entire 13 acres to create a completely level site.


2. The site is partially located in the Town's Groundwater Conservancy District for a public water supply. The design proposes an extensive amount of impervious coverage and pavement in this resource area. Additionally, the proposal requires the relocation of the existing onsite sewage disposal leach field currently serving private recreational facilities from outside the Groundwater Conservancy District into the District, and proposes an additional large onsite sewage disposal leach field in the District.
3. The location of the proposed driveway does not take into consideration the location of existing driveways and the design capacity of the private roadway and small rotary, which was not designed or constructed to accommodate the level of vehicular or pedestrian traffic that will be generated from this type of development.

The Project's proposed location is not listed in the FY 2023-28 Housing Production Plan as a potential location for a 40B development in Concord. By contrast, the pending NOVO Riverside Commons, LLC's site [a 201 unit 40B project now before the Zoning Board of Appeals] is specifically identified in Production Plan Strategy #3. The NOVO project, which will satisfy the Town's SHI requirement (at 12.77%) is sustainability based, on public sewer and is within walking distance of the MBTA West Concord station and retail center.

For the reasons stated above and the attached comments, the Select Board has serious concerns with regard to the location of the Project, the physical characteristics of the site and the commitment of the sponsor to sustainability. An additional concern is the ability of the Town to integrate a second project of this size into its existing community infrastructure and the costs which might be imposed on the Town as a result.

Very truly yours,

Henry Dane, Chair
Concord Select Board



Concord Housing Foundation, Inc.

Working to Preserve Concord's Housing Diversity

Nov. 14, 2023

Katherine Miller
40B Planning and Programs Specialist
Mass Housing
One Beacon St., 7th Floor
Boston MA 02108

40B Application
Residences at Thoreau Camp
275 Forest Ridge Road
Concord MA

Dear Ms Miller

The Concord Housing Foundation has reviewed the materials submitted to the Town of Concord by the applicant. Many aspects of the project seem contrary to established or developing affordable housing policies in Concord and Massachusetts. The Concord Housing Foundation continues to support the creation of more affordable housing in Concord, including through the "40B" process. Please note our previous letter supporting in principle the NOVO Riverside Commons project. Based on our review of the documents and the site visit on November 2, and for the reasons outlined below, we do not believe the "Residences at Thoreau Camp" proposal should be declared eligible to proceed under Section 40B.

First and most importantly, this is NOT a Smart Growth transit oriented-development. It is not possible to walk to the nearest MBTA station in a reasonable period of time. The walk is more than 2.5 miles from the site into West Concord. If residents of this development take the train, they must drive to the train station and park in West Concord. Even those wanting to take the one hour walk into West Concord must first cross busy Rte 62 to reach a sidewalk. Although there is a shopping center on Rte 62 near the corner of Forest Ridge Rd, it is a walk of nearly a mile down from the site to the stores, and a steep uphill walk back up Forest Ridge Road. Not many residents will choose to walk this route with a bag of groceries.

Only a short distance up the hill (although not connected by road) is the largest multi-family development in Concord, the Prescott, with 350 units. 250 more units at the Thoreau Club site would shift the locus of population even further from our Town centers, the opposite of transit oriented development.

P.O. Box 751, Concord, MA 01742

Concord takes its responsibility to comply with the new "MBTA zoning law" seriously. The zones under consideration are all far closer to village centers and MBTA stations than the proposed project. Most of the area to be designated is within walking distance to the train and villages, and thus are far preferable as sites for multi-family housing. In developing the MBTA zoning plan, our Planning Board has worked hard to balance the amount of land so zoned in Concord and West Concord. In addition to existing multifamily housing and the proposed MBTA zones in West Concord, we note that the former Best Western Motel is now an emergency housing site, further increasing the number of multifamily units in West Concord. The Best Western site is included in the proposed MBTA zone. Should the need for emergency shelter end, it can then be redeveloped as multi family housing. With a pedestrian bridge over Rte 2, this could provide pedestrian access to the large office park on Baker Ave and to West Concord center. If the Thoreau Camp project is approved, it would impose even more of a burden on West Concord, potentially making it difficult to maintain the delicate balance in our MBTA proposal and assure passage at Town meeting.

The additional traffic generated by cars travelling along Rte 62 from the site to West Concord and Rte 2 will have obvious effects on travel times and vehicle pollution. But this is not the only way in which the project fails to respect environmental needs. Concord has passed an ordinance banning fossil fuel use in new construction and is awaiting State approval to implement it. The Riverside Commons project has indicated the intent to build without fossil fuels, including the use an innovative ground source heat pump. We see no such commitment to sustainability principles in the plan for Thoreau Camp.

Because this project moves Concord (and the State) further away from the smart growth, low pollution transit-oriented development that the State seeks, we request that you reject this application.

Frank Feeley
President
Concord Housing Foundation
347 Lexington Road
Concord MA 01742

Cc: Select Board, Town of Concord
Linda Miller, Chair, Concord Planning Board
Theo Kindermans, Chair, Concord Zoning Board of Appeals
Kerry LaFleur, Town Manager
Megan Zamutto, Deputy Town Manager
Elizabeth Hughes, Town Planner

P.O. Box 751, Concord, MA 01742

Residences at Thoreau

Staff Project Review

November 8, 2023

Site suitability concerns

- The project as presented will require a significant amount of grading and tree removal resulting in a major change in topography and loss of forested habitat, inconsistent with adjacent developments.
- Height of the buildings inconsistent with the adjacent neighborhood
- Significant concerns about contamination within and just outside the local Groundwater Conservancy District. Contamination could come from proposed leaching fields, snow storage and stormwater runoff.
- Concord Municipal Light Plant: The proposed location lies within an underground distribution area. This area does not have the provisions for this proposed expansion. A significant line extension will need to be designed, constructed, and commissioned, at the Owner's expense.
- Concord Municipal Light Plant has safety and security concerns with the additional pedestrian traffic through and around the electrical substation property. The proposed location is only a short walking distance from one of the CMLP substations. Staff makes several trips to the substation property a day, and additional safety and security concerns will have to be addressed.
- Concerns about the fill proposed for the site and how it would impact infiltration opportunities and potential impacts to adjacent Town lands.

Project layout concerns

- Identified concern with the proposed parking between the buildings and courtyards. Safety concern for pedestrians navigating the site.
- Width of all roads must be a minimum of 20 feet wide without a median for Fire Department access.
- The configuration of the buildings limits the access to Fire Department ladder access.
- The project doesn't include any water main redundancy, which would be critical in a project this scale.
- Insufficient detail has been presented regarding the wastewater disposal system.
- Staff emphasized that solid waste, recycling and composting should be planned for and identified at the beginning of the project.

Traffic

- Forest Ridge is one of the busiest private roads in Concord.
- Concerns about the grading into Route 62, especially in winter conditions.
- There have been three reported accidents at this location since 2020.



TOWN OF CONCORD

Planning Board

141 Keyes Road, Concord, MA 01742

(978) 318-3290

MEMORANDUM

To: Select Board Members

From: Planning Board Members
Elizabeth Hughes, Town Planner

Date: November 15, 2023

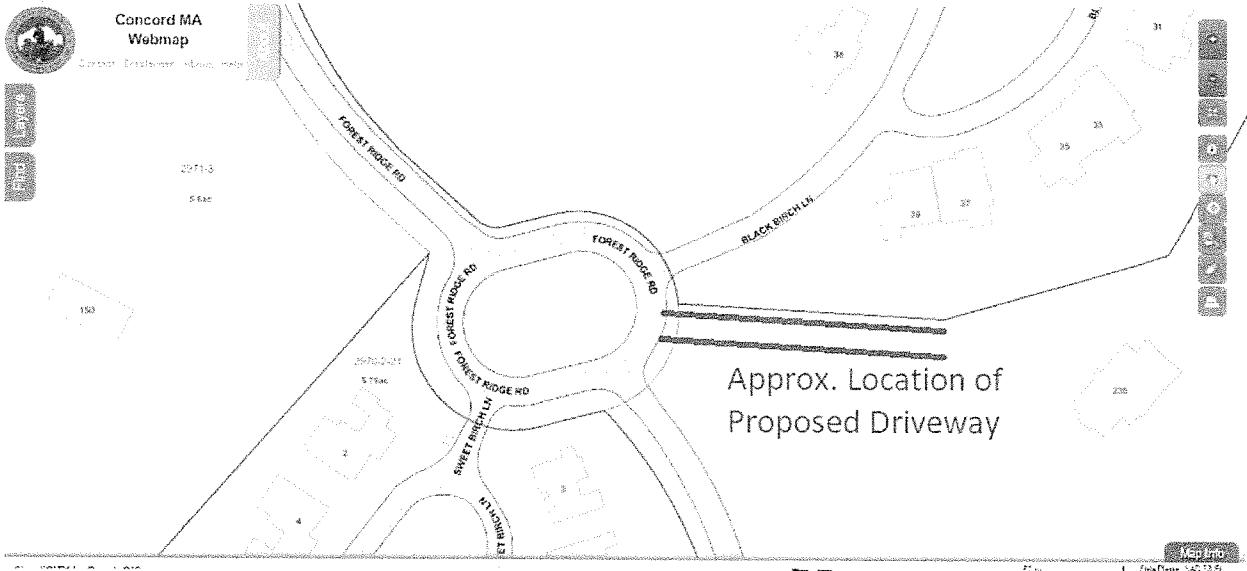
Re: 275 Forest Ridge Rd: Residences at Thoreau 40B – MassHousing Application

At the November 14, 2023 meeting, the Planning Board discussed the proposed 40B Comprehensive Permit application proposal submitted to MassHousing and the MassHousing site visit on November 2nd where the Applicant's engineer went over the aspects of the proposed project as it relates to the site.

The Planning Board is unanimous in its opinion that the site is not suitable for the type of development that is being proposed for the following reasons:

1. The proposal is for 3 large buildings with a ring of surface parking completely surrounding the buildings, as well as parking between the buildings. This design does not take into consideration the existing topography and features of the site. The change in topography on the site in some locations is almost 40 feet. The flat and level design will require the removal of almost all of the existing woodland, and significant cut and fill grading of almost the entire 13 acres to create a completely level site.
2. The site is partially located in the Town's Groundwater Conservancy District for a public water supply. The design proposes extensive amount of impervious coverage and pavement in this resource area. Additionally, the proposal includes the relocation the existing onsite sewage disposal leach field for the existing private recreational facilities from outside the Groundwater Conservancy District into the District and proposes an additional large onsite sewage disposal leach field in the District.

3. The location of the proposed driveway does not take into consideration the location of existing driveways and the design capacity of the private roadway and small rotary, which was not designed and constructed to accommodate the level of traffic or pedestrians generated from this type of develop.

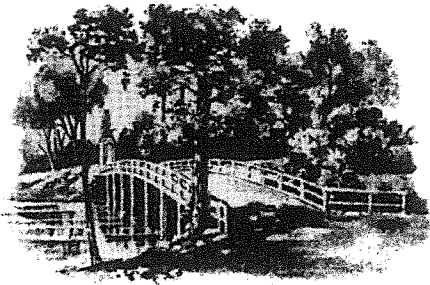


The Planning Board believes these issues represent significant safety concerns and recommends that the Select Board incorporate these comments into the Town’s response letter to MassHousing.

On behalf of the Planning Board, thank you for your consideration of these comments.

Sincerely,

Linda Miller, Chair
Concord Planning Board



OLD NORTH BRIDGE

TOWN OF CONCORD

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

To: Concord Select Board
From: Concord Municipal Affordable Housing Trust c/o chair Keith Bergman
CC: Housing Roundtable c/o chairs, ZBA c/o chair, Town staff
Date: November 9, 2023
SUBJ: Comments on Thoreau Residences, LLC's application to MassHousing for site approval for a proposed 40B at 275 Forest Ridge Road

Please know that, at its meeting on November 7, 2023, the Concord Municipal Affordable Housing Trust voted unanimously (4-0)¹ to authorize the Trust's chair to send a letter to the Select Board with comments on Thoreau Residences, LLC's application to MassHousing for site approval for a proposed 40B development on 13.08 acres at 275 Forest Ridge Road, as follows:

Subsidized Housing Inventory. Thoreau Residences, LLC proposes to construct 216 rental units of which 25%-- 54 units-- would be deed restricted as affordable at 80% of AMI.

- The Town of Concord's Subsidized Housing Inventory (SHI) is currently 715 units, or 9.97% of the Town's 7,121 year-round housing units, based on the 2020 U.S. Census. As such, the Town is 3 units below its 10% goal of 717.2 SHI units per the 2020 U.S. Census.
 - *Of the 715 units currently on the SHI, only 357 units (4.98% of 7,121 total year-round housing units) are deed restricted at or below 80% of AMI.*
 - *The remaining 358 are market rate units countable on the SHI as part of a rental development in which at least 25% of the units are deed restricted at 80% of AMI.*
- NOVO Riverside Commons, LLC had earlier filed a comprehensive permit application with the Town Clerk on August 21, 2023 for 201 rental units, of which 51 would be affordable at 80% of AMI. Were the Concord Zoning Board of Appeals to issue that comprehensive permit, the Town's SHI would then increase by 201 units to a total of 916 units, or 12.77%.
 - *Of the 916 units then countable on the SHI, only 408 units (5.69%) would be deed restricted at or below 80% of AMI.*
- If MassHousing were to approve Thoreau Residences, LLC's application for site approval, and if the Zoning Board of Appeals were to subsequently approve a comprehensive permit for that project, the Town's SHI would then increase by another 216 units, to a total of 1,132 units, or 15.78%.
 - *Of the 1,132 units then countable on the SHI, only 462 units (6.44%) would be deed restricted at or below 80% of AMI.*

Housing Production Plan. This project's proposed location *is not listed* in the FY 2023-2028 Housing Production Plan as a potential location for a 40B development in Concord. By contrast, NOVO Riverside Commons, LLC's proposed site is specifically identified in HPP Strategy #3.²

¹ Linda Escobedo, Mike Lawson, Rich Feeley and Keith Bergman voted in favor; Kerry Lafleur was not present.

² "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 . . ." – HPP p. 32.

MBTA Commuter rail. Unlike the NOVO Riverside Commons, LLC's 40B project, Thoreau Residences, LLC's proposed site is not located within one-half mile of any MBTA commuter rail station. The proposed site is 2.7 miles from West Concord station, 3.1 miles from South Acton station, and 5.5 miles from Concord station. The Town and the developer should explore transportation demand management solutions, including on-demand shuttles, to connect this remote location with transportation hubs and employment centers.

Fossil Fuel Free development - The proposed development does not appear to comply with Concord's fossil fuel free development standards.

Housing Choice Designation. This 216-unit project, together with NOVO Riverside Commons, LLC's 201 units-- would qualify the Town of Concord for Housing Choice Designation by producing a 5% increase in new year-round housing units over the last 5 years. For Concord, 5% would be met by 359 units; the two projects together would produce 417 units. Housing Choice designation provides access to Housing Choice Community Grants and preferential treatment for many state grant and capital funding programs.

MHP 40B Technical Assistance for ZBA. Should MassHousing approve the developer's application for site approval, the Trust urges the Town to obtain grant funding-- referenced in MassHousing's October 24, 2023 letter to the Select Board-- through the Massachusetts Housing Partnership (MHP)'s Chapter 40B Technical Assistance Program, to engage a qualified third-party consultant to work with the Concord Zoning Board of Appeals in reviewing the comprehensive permit application then filed by the developer.

Please let us know what questions you have about any of this. Thanks very much.



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Date: November 14, 2023

To: Concord Select Board

From: Eric Simms, Sustainability Director

Re: Building Codes and Multifamily / Affordable Housing (Chapter 40B)

This memo serves to address recent questions surrounding the capacity of the Town to require or encourage fossil fuel-free building construction for multi-unit housing projects. In particular, the questions have been raised in the context of the newly proposed Chapter 40B building project 'Residences at Thoreau' (275 Forest Ridge Rd.), and more broadly for any developments that include affordable housing.

Background

Concord's ability to regulate building construction rests in the local adoption of our building codes. The Town is currently in a unique position where our building codes are expected to undergo several changes in a relatively short period of time. The following outlines the current state of Concord's evolving building codes:

1. Updated Stretch Code (currently effective)

The Town currently operates under the MA Updated Stretch Energy building codes, which the Town adopted years ago and has been effective since that time. The Updated Stretch Code includes more rigorous energy efficiency requirements than the standard MA Base building codes— it was last updated by the State in 2022, and it became effective in January 1, 2023.

2. Specialized Stretch Code (effective in Concord on January 1, 2024)

At 2023 Town Meeting, Concord citizens voted to adopt the new MA Specialized Stretch Code for residential and commercial buildings. This enhanced code applies to new construction only - it is designed to promote the construction of all-electric and highly energy efficient new buildings, and to support the 2050 Net Zero greenhouse gas emissions limit outlined in the [MA Clean Energy and Climate Plan for 2050](#). The code does include a 'Mixed Fuel' pathway that allows the use of fossil fuels, but that pathway also requires that such buildings 1) achieve higher energy efficiency standards, 2) be fully pre-wired for future all-electric operation, and 3) in some circumstances, include solar energy generation.

According to our Planning Division, 40B projects do not automatically get exemptions to our local building codes. However, the developer of a 40B can request a waiver from the Zoning Board of Appeals, the same as any other developer. The ZBA can reject the requested waiver. If the developer

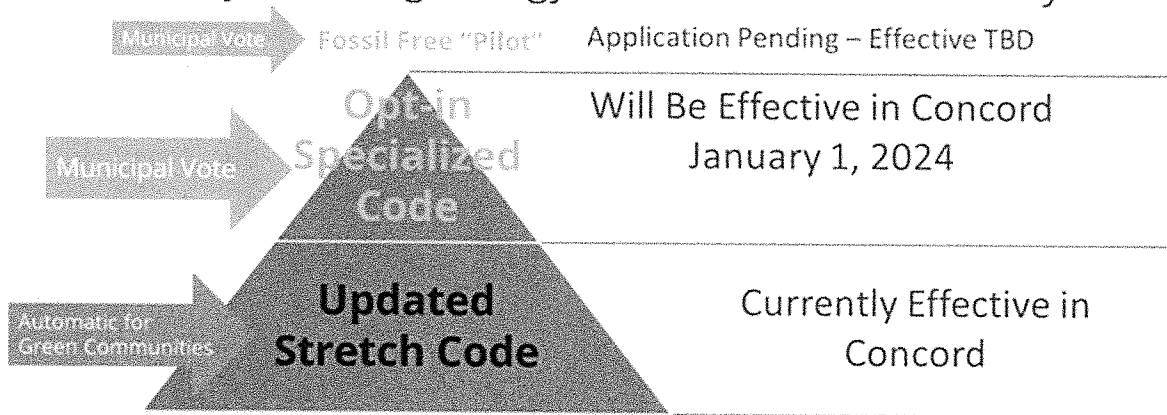
comes back to say that by not granting the waiver it would make the project economically infeasible, then the developer would have to provide the financial evidence of this for review by the Board.

3. Fossil Fuel Free Building Demonstration Program

Based on a home rule petition and bylaw passed locally in 2021 (and again in Jan. 2023), Concord is positioned to be one of only ten MA municipalities to participate in the Fossil Fuel Free Building Demonstration Program managed by the MA Dept. of Energy Resources (DOER). Participation in this program will allow Concord to prohibit the use of fossil fuels in new construction only, with a few notable exceptions. Concord's application to participate in the program is currently under review by DOER, with a decision anticipated within the next few months. If approved, the effective date would be 90 days after notification by DOER.

Additional information about the Updated Stretch Code and Opt-In Specialized Building Code can be found [here](#). The following graphic depicts how the MA opt-in building codes 'build successively' upon one another to achieve the highest energy efficiencies and the elimination of fossil fuels.

MA "overlay" building energy codes "build successively"



The Challenge Presented by 40B Projects and Affordable Housing

1. Any building permit applications submitted *prior* to Dec. 31, 2023 will be subject to the **Stretch Energy code** currently in effect, which allows for fossil fuel use.
2. Any building permit applications submitted *on or after* Jan. 1, 2024 will be subject to the new **Specialized Stretch Energy code**. As noted above, this code also allows fossil fuel use in new buildings with increased efficiency requirements, including multi-family housing. Presumably, any of the currently proposed 40B projects will fall into this category, assuming their building permit applications will not be submitted until after the start of 2024.
3. As the bylaw is currently written, the fossil-fuel prohibitions included in the **Fossil Fuel Free Building Demonstration Program** will **NOT** apply to building projects that include affordable housing. Concord's bylaw specifically states an exemption for affordable housing:

“3.2 The provisions of this bylaw shall not apply to (i) the development of new affordable housing, as defined in Mass. Gen. Laws c. 184, § 26; (ii) to cooking stoves and ovens used in restaurants or commercial kitchens; (iii) any fossil fuel infrastructure the exclusive purpose of which is to fuel backup electrical generators; (iv) public utilities, their operations, or installations other than in the Buildings constructed by others; or (v) research laboratories for scientific or medical research, or to hospitals or medical offices regulated by the department of public health as a health care facility.”

My understanding of the central reasoning behind Concord’s exemption of affordable housing from the Fossil Fuel Free Building Demonstration Program bylaw was to ensure that requiring all-electric and high energy efficiency building construction did not add prohibitive cost premiums to affordable housing projects. Although this argument may have been justified even only a few years ago, mounting evidence suggests that the costs of highly efficient, fossil fuel-free, new multifamily building construction has approached parity with that of traditional new construction. This parity is often realized without the inclusion of generous financial rebates/incentives, reduced operation and maintenance costs over the lifetime of the building, and the improved quality of indoor environmental health conditions associated with fossil fuel-free new building construction. Several resources that provide supporting data include:

[MA Dept. of Energy Resources - Summary of Stretch Code Study Energy Efficiency Analysis](#)

[Built Environment Plus – Massachusetts is Ready for Net Zero](#) (“Affordable Housing makes up 44% of all residential Net Zero and Net Zero Ready square footage.”)

[Passive House Network Releases a Report on the Low Costs and Improved Occupant Health of Multifamily Projects](#)

[Rocky Mountain Institute - The Economics of Electrifying Buildings: Residential New Construction](#)

Unlike Concord, several other towns participating in the Fossil Fuel Free Building Demonstration Program did not include specific language exempting affordable housing. Lexington and Acton, for example, included language in the waiver section of their bylaws that says “in considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party’s status as a non-profit or government-sponsored affordable housing entity.” The assumed intent of this language was to allow discretion in case there a large enough cost premium to develop affordable housing could be argued, but as the evidence referenced above shows, such an argument is becoming less sound.

Future Considerations

The most direct pathway to encouraging 40B multifamily housing developers to build without including fossil fuels in new construction would be to amend our current bylaw related to the Fossil Fuel Free Building Demonstration Program to remove the explicit exemption for affordable housing. An alternative would be to instead include language to suggest that developers of affordable housing can request a waiver to the bylaw, which is the approach that has been taken by Lexington and Acton.

It should be noted that Concord’s application to the MA Dept. of Energy Resources (DOER) to participate in the Fossil Fuel Free Building Demonstration Program is currently under review (as are the applications from the other nine pilot towns), including a review of our associated bylaw. Applications are being

reviewed on a rolling basis and it is not known exactly when DOER will make notifications, but decisions are not necessarily expected prior to the end of the 2023 calendar year. If, and when, Concord's application is approved, the bylaw will take effect 90 days after the official notification.

Communications & Documents of Interest but not for Discussion

- I. Warners Pond Task Force – DRAFT Charge
- II. Memorandum from Christopher Eliot regarding emissions at Hanscom North Airfield
- III. Correspondence on Tercentenary Markers
 - a. Gordon and Joy Shaw
 - b. Dinos Gonatas
 - c. Richard Frese
 - d. Beth Van Duzer
 - e. Greg Creamer
- IV. Memorandum from Nancy Fresella-Lee regarding Tercentenary Markers

**Town of Concord
Warner's Pond Task Force
Charge**

Background

Warner's Pond is in an advanced state of eutrophication which has resulted in a number of undesirable conditions including decreased water depths, widespread growths of aquatic invasive plants, and impaired recreational opportunities.

The Natural Resources Commission, spurred by community concerns, has explored alternatives to improve the ecological health and recreational capacity of Warner's Pond since the 1990s. Efforts to remove aquatic invasives and address sediment build-up have been ongoing since that time. The Town has received state and local grant funding to study the problem and implement solutions, all of which have had limited effectiveness, and the eutrophication of the pond has steadily continued.

Efforts have shifted from managing aquatic invasive plants (hand harvesting, hydroraking, herbicide treatment) to addressing the nutrient and sediment build-up (dredging) to dam removal. The 2012 Warner's Pond Watershed Management Plan identified limited dredging (6 acres of the 54-acre pond, or 35,000 cubic yards) as an effective, long-term solution to improve the ecological health and recreational capacity of the Warner's Pond system. The 2012 Plan estimated that limited hydraulic dredging would cost on the order of \$1 million, and the required studies, sampling, design, and permitting were undertaken. As part of the Dredging Feasibility Study completed in 2018, the estimated cost was upped to \$2 million. After federal, state, and local permits were obtained in 2022, the revised cost dredging estimate was \$3 million. The project was bid in 2022, and came in at over \$9 million, more than three times the allocated funding secured for the project.

In response to the cost-prohibitive dredging bid, the Division explored an additional three options: (i) a modified dredging approach that moved sediment within the pond rather than trucking it offsite, (ii) dam removal, and (iii) no action. Dam removal was identified in May 2023 as the preferred alternative based on an evaluation of which of the three options would best improve ecological health and recreational opportunities within the Warner's Pond system.

Purpose

Dam removal is a change in strategy to what the Commission has worked towards for several years and has been identified by some in the community as a cause for concern. The Natural Resources Commission seeks to engage in a structured decision-making process, working with a facilitator, that includes robust community input. The purpose of the task force is to become familiar with all alternatives that have been considered to date and recommend a course of action to the Natural Resources Commission.

Duties and Responsibilities

1. To become familiar with Warner's Pond, its three public access points, and the general environs;

2. To review prior reports, plans, and other documentation evaluating and implementing alternatives over the last few decades;
3. To explore and evaluate current and potential recreational opportunities with the Town's consultant
4. To review the issues and concerns related to dam removal raised by the community;
5. To solicit input from the community through a variety of methods, including at least one public hearing early in the process;
6. To consider whether there are measures which might be taken to improve ecological health and recreational opportunities that would require additional planning and/or more time to implement;
7. To submit a final report to the Natural Resources Commission recommending a course of action to address ecological health and recreational opportunities for the Town by December 1, 2024;
8. To perform such other duties as the Natural Resources Commission may request.

Deliverables

Prepare a draft report that recommends a prioritized list of actions to improve the ecological health and recreational opportunities within the Warner's Pond system. Present the draft report at a public hearing to solicit feedback from the community. Following the public hearing, a final report outlining a course of action will be submitted to the Natural Resources Commission no later than December 1, 2024.

Membership

The Task Force shall be comprised of eleven members appointed by the Natural Resources Commission with representation as follows:

- Upstream abutter
- Downstream abutter
- Select Board member or his/her designee
- Natural Resources Commission member
- Recreation Commission member
- Boy Scouts of America representative
- Nipmuc Indian tribal member
- OARS representative
- Ex Officio staff members
 - Public Works Director or his designee
 - Natural Resources Director or her designee
 - Senior Planner (representing historical interests)

Each member will serve until the task force completes its work and submits a written report to the NRC. When staffing the task force, preference will be given to people with experience, knowledge, and/or professional training in ecological restoration; recreation; civil engineering;

cultural and historical expertise; climate resiliency; local, state, and federal wetland permitting laws and regulations; and a strong connection with the community. The task force will determine the frequency of meetings and will be led by a chair elected by the members.

Other Considerations

The task force will conduct its business in full conformance with the Open Meeting Law, Public Records Law, Conflict of Interest Law and other state and local rules encouraging openness and transparency in governance.

Christopher Eliot Ph.D.

November 9, 2023

Concord Board of Select

Dear Neighbors,

Hanscom airport is one of the largest sources of airborne emissions in this area but information about those contaminants is almost exclusively the result of predictive models rather than measured data. The models use historical operations data and standard emissions models for aircraft types to predict the concentrations produced by aviation operations. The models may be good but do not account for local terrain, weather or other factors so it is important to obtain real measured data, Figure 1. This is especially true as the types of operations out of Hanscom Field have been changing with fewer piston operations and significantly increased jet operations. The proposed North Airfield hangar project could dramatically increase the jet operations in the next few years so it is vital to obtain good baseline data for comparison.

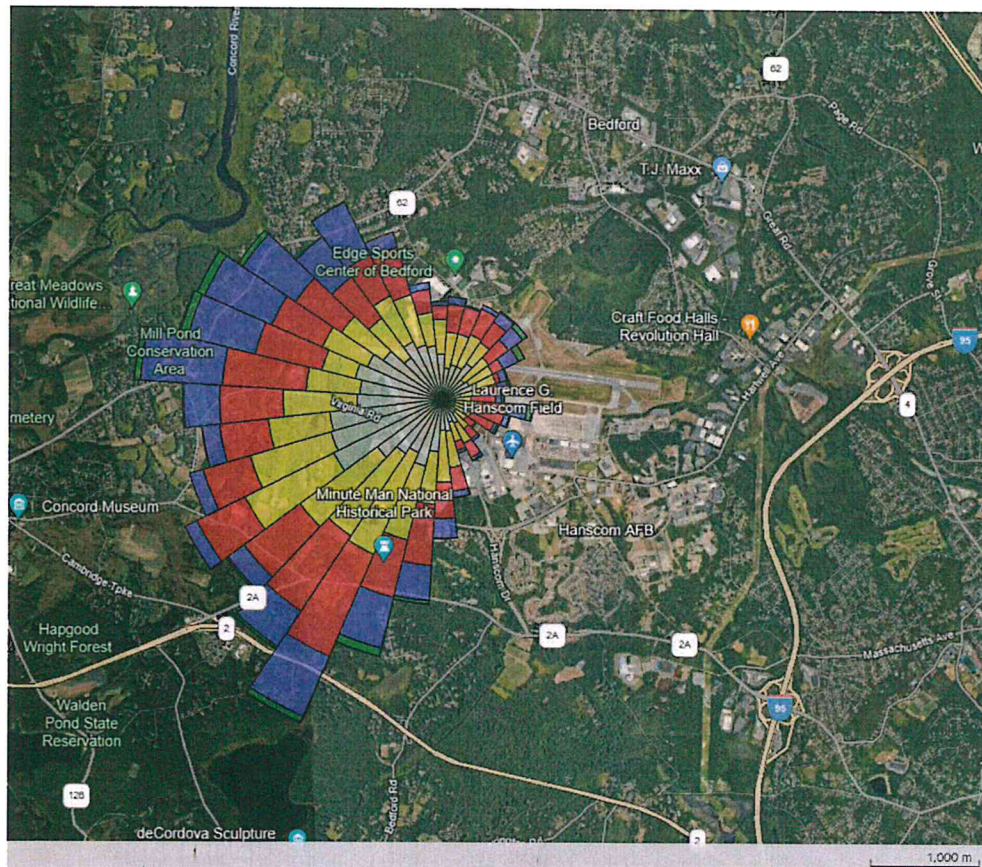


Figure 1. Windrose showing historical wind patterns near Hanscom Airport.

Tufts professor Neelakshi Hudda is an expert in conducting this kind of research and happens to be a resident of Lexington. Her team is prepared to study emissions near

Hanscom Field over the next year, producing data that has never been produced by Massport. It is urgent that this study begin quickly because the results might impact the North airfield development project.

Professor Hudda recently did a presentation to the Hanscom Field Advisory Commission and the commission immediately expressed a desire to have such a study done. Following this meeting, the Massport CAC contacted me and suggested they can contribute \$25,000 to this research. Massport CAC is in the process of finalizing this expenditure. I have asked the towns of Lincoln, Lexington, Concord and Bedford to contribute the remaining \$25,000 which amounts to \$6,250 per town. Lincoln has allocated this amount and the study can proceed if the other three towns agree.

We don't know what the results of the study will be, but since previous data is modeled, not measured, there is a good chance of discovering previous unknown issues which would possibly require a response from the North Airfield developers.

I have asked Mark Giddings and Ira Goldman to present this funding to the Town of Concord in hope that you can support his project. I believe it will provide information of use to future town planning efforts and contribute to the discussion of the North Airfield Hangar project in a useful way, if the results are available in time.

Sincerely,

Christopher Eliot, Ph.D.
Hanscom Field Advisory Commission, Chair

Henry Dane

From: Shannon McAndrew
Sent: Thursday, November 16, 2023 10:38 AM
To: Henry Dane; Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell
Cc: Kerry Lafleur; Megan Zammuto
Subject: Message from Residents

Good morning Select Board,

I spoke with Joy Shaw on the phone on behalf of herself and partner, Gordon, regarding their disapproval for covering the Tercentenary Markers. They asked that this message be shared on record with the Select Board. Thank you!



Shannon McAndrew (she/her/hers)

Executive Assistant to the Select Board
Town Manager's Office/Select Board

Email: smcandrew@concordma.gov

Phone: 978-318-3003

22 Monument Square
Concord, MA 01742
www.concordma.gov

Henry Dane

From: Dinos Gonatas <dinos.gonatas@gmail.com>
Sent: Sunday, November 12, 2023 10:44 AM
To: Henry Dane
Subject: town historical marker removal

You don't often get email from dinos.gonatas@gmail.com. [Learn why this is important](#)

Henry,

I'm writing to commend you for your appropriate vote on the town marker issue- that it should have been referred to expert historians to assess the context.

I think it's reasonable to object to the term 'indian' in 2 of the 3 signs but that whether that alone is enough to justify removing the sign given the original intention in the 1930's requires more in-depth thought than a snap select board vote. The 3rd sign only mentions early colonization but if that is objectionable, the Thanksgiving holiday is also and having the town cancel its observance of it should be the logical conclusion.

There's an appropriate balance of sensitivity to indigenous & minority populations with preserving historical context (not met for example by keeping Confederate statues put up in the 1920's).

Best regards,

--

Dinos Gonatas

+1 978 985 4309

dinos.gonatas@gmail.com

<http://www.linkedin.com/in/dinosgonatas>

Henry Dane

From: Frese, Richard <RFRESE@bentley.edu>
Sent: Saturday, November 11, 2023 11:33 AM
To: Henry Dane
Subject: Town's Tercentenary Markers

Good morning, Henry.

Regarding the Select Board's decision to cover up the nearly 100 -year-old Tercentenary markers, I am in complete agreement with your objection to this decision. Let's open it up to community discussion and seek guidance from Native American consultants with the possibility of appointing a Special Town Committee to research the issue and propose recommendations.

Covering up the three signs presupposes that the markers are indeed "*offensive and inaccurate.*" We should not accept that this statement is true before it has been proved that the markers are both offensive and inaccurate. In addition, covering up the signs during this review process prevents Concordians from visiting these three markers and forming their own impressions and opinions.

With all good wishes and in full support of your service as Chair of the Select Board,

Rick

Henry Dane

From: Beth van Duzer <bethvanduzer@gmail.com>
Sent: Friday, November 3, 2023 9:57 AM
To: Henry Dane
Subject: Re: WHAT DO YOU THINK

How's this?

From a historical point of view, I think a different approach to the research would fulfill what the Select Board is looking for regarding the fate of the Tercentenary signage in Concord. *Most importantly, I would have contacted a Native American advisor.* The Town of Concord should not do anything with the signage without input from a Native American advisor.

I would suggest researching the Tercentenary signs and providing a brief history of its purpose. Then, I would investigate if other communities had taken down signs. If they had been, I would contact the communities to find out why and include that in a report.

For the Tercentenary signs in town, I would poll the community in some fashion (social media, newspaper, in-person polls, etc) to see what they knew about the Tercentenary signs and how they felt about additional signage, replacing the signs, or taking the signs down.

In all honesty, the Jethro's tree story is not historically accurate. But - if we take that sign down, I think we would have to take the plaque off of the boulder further down the road, past the Colonial Inn on your way to Liberty Street, which also tells an untrue story about the same purchase of land. Once you start taking down signage - where does it stop? Is it better to have additional signage? Do the signs need to be replaced? Do we want to tell a new story instead of reinterpreting an old tale? Who is funding new signs?

These are questions that need to be answered by a larger group than a single committee. Most importantly, a decision cannot be made without a Native American advisor. Their input on current and future signage is vital.

On Fri, Nov 3, 2023 at 8:49 AM Henry Dane <hdane@danelaw.com> wrote:

Thanks, I am happy to wait, and have it be totally yours. Good luck with the car dealer. I spent a good part of yesterday bringing my car and truck back from the grave.

HJD

From: Beth van Duzer <bethvanduzer@gmail.com>
Sent: Friday, November 3, 2023 8:37 AM

Shannon McAndrew

From: gcreamer1971@gmail.com
Sent: Wednesday, November 15, 2023 5:20 PM
To: Shannon McAndrew
Cc: Greg Creamer
Subject: feedback for Select Board

You don't often get email from gcreamer1971@gmail.com. [Learn why this is important](#)

Dear Members of the Select Board,

I am writing to express my strong disapproval regarding the recent “covering up” of the three historical markers in Concord, as reported in the November 7th edition of The Concord Bridge.

Before you take any permanent action, I encourage you to publicly share the “at least one complaint” that has been made regarding these markers. Let’s have a public discussion regarding who the markers are actually harming, and how exactly they are being harmed.

You must not simply acquiesce to the recommendations of a committee, who like all committees, wants to demonstrate that they are actually accomplishing something.

DEI initiatives are important. I obviously don’t know the exact numbers, but I’m assuming that our citizens are already committing well over \$100k of our tax dollars each year to support these initiatives in our schools and town. (Perhaps this is even more when you take into account employee benefits.)

But covering up these historical markers simply doesn’t accomplish anything, other than virtue signaling. You, as our elected leaders, have the authority to stop this overreach. Don’t simply cave into pressure.

I would much rather see our DEI tax dollar being used to fund, for example, a forum discussing the recent rise of Anti-Semitism. That too would be a controversial topic, but at least it would be timely and meaningful. The committee should have the courage to confront these types of current issues, rather than questioning the language of historical signs that have stood uncontested in our town center for almost 100 years.

In considering how to proceed on this issue, please examine your own personal motives. Are you removing the signs simply to avoid confronting the committee recommendation? Are you afraid of appearing to be anti-progressive? Or do you truly believe you will be spending our tax dollars in a fiscally responsible and meaningful manner?

I urge you to take a careful and thoughtful approach before you take any rash actions on this matter.

Thank you in advance for your consideration.

Greg Creamer
233 Elm Street

CONCORD'S TERCENTENARY MARKERS

A condensed summary of a report by Nancy Fresella-Lee, art historian and member of the Concord Historical Commission.

What are the Tercentenary Markers?

In 1930, to celebrate the 300th anniversary of the Massachusetts Bay Colony, the Boston-based Massachusetts Bay Colony Tercentenary Commission distributed 275 cast iron historical markers across the state to highlight pre-1750 sites and events. With identical texts on both sides, they were designed to be easily readable along roadsides at a time when automobile travel and tourism were rapidly evolving. In the same year Concord opened its first visitor booth.

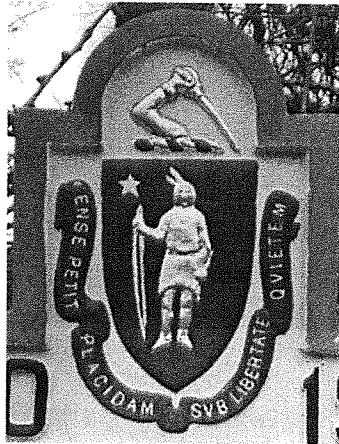
In 1926-7 Virginia was the first state in the country to inaugurate a roadside marker program, and it is still ongoing. Most other states have similar signage in similar formats, and continue to add signs as history unfolds. In 2021 the Pennsylvania Historical and Museum Commission reviewed their large number of markers, and several that were deemed no longer appropriate were taken down. (This could be a model for all the tercentenary markers in the Commonwealth, and not just those in Concord.) Massachusetts was one of the earliest states to make roadside markers, following in Virginia's footsteps. But the tercentenary markers are different than others around the country - all were made in one year, by one small group of people, and none have ever been changed or added. They only tell stories about the colonial period, with a focus on the foundation of the Bay Colony.

How many Tercentenary Markers are in Concord, and where are they?

Concord had four markers, though one has long been missing. Two (*Jethro's Tree* and *The Milldam*) are located at the rounded corner of Main Street and Lexington Road in Monument Square, where they are highly visible to both residents and Concord's many visitors. A third (*The First Settlement - 1635*) is along Lexington Road, near *The Wayside* and *Orchard House*, the latter of which is the most visited historical site in our town. The missing marker (*Musketaquid - Concord*) was along Rt. 2 at the Concord-Lincoln border.

The Massachusetts coat of arms at the top of every tercentenary marker: offensive imagery and a proposed statewide change briefly explained

Painted in gold, a raised arm threateningly wields a sword above the head of a Native American man who stands at rest holding a bow and arrow at his side. The 5-pointed star within the blue shield symbolizes that Massachusetts was one of the original thirteen states. The motto (in Latin) on the banner can be translated as "By the sword we seek peace, but peace only under liberty." Whose liberty, we now ask?



In 2021 the *Special Commission on the Official Seal and Motto of the Commonwealth* was created to review the blatantly offensive state seal and flag, which incorporates the coat of arms and motto. It has since voted in favor of replacing this imagery, but so far there has been no agreement on a new design. The Commission's extended deadline is now set for November 21, 2023.

Regardless of what the messages are on individual tercentenary markers, this inappropriate feature stands out and should trouble anyone who looks closely at it. It is especially offensive to Native Americans who live in Massachusetts. Once the state seal and motto are changed, wherever this imagery appears it should be replaced with the new design.

What information is conveyed on Concord's markers, and what is problematic about them?

Notably, all four focus on the earliest history of the colonial town of Concord, which was founded in 1635.

1. *Musketaquid - Concord: the missing marker*

MUSKETAQUID - CONCORD
"IT IS ORDERED, THAT THERE SHALBE
A PLANTACION ATT MUSKETAQUID,...
& THE NAME OF THE PLACE IS CHANGED,
& HEREAFTER TO BE CALLED CONCORD."
ORDER OF THE GENERAL COURT SEP-
TEMBER 12, 1635. THIS PLANTATION
WAS THE FIRST INLAND SETTLEMENT IN
NEW ENGLAND.

The title on the missing marker refers to a dramatic change that occurred in 1635, when land that for more than 10,000 years was occupied by Indigenous people who called it Musketaquid was renamed Concord by English immigrants. The text in quotations, as explained on the marker itself, comes from the 17th century records of the General Court in Boston. September 12th is regularly remembered by the town as its birthday anniversary. The last sentence on the

marker emphasizes an often repeated, unique fact about Concord, namely that it was the first inland town established by English colonists.

While factually correct, this sign celebrates the achievement of the English newcomers while ignoring Native American history. How many readers would understand that Musketaquid was the name of a Native American homeland, or take the time to consider what happened to its Indigenous occupants after the English claimed ownership? The town of Concord has only been in existence for 388 years - Indigenous people lived on the land under our feet for over 10,000 years, and yet there are very few public places in Concord where their history is honored.

2. *Jethro's Tree* - Monument Square

JETHRO'S TREE
NEAR THIS SPOT STOOD THE ANCIENT
OAK KNOWN AS JETHRO'S TREE
BENEATH WHICH MAJOR SIMON
WILLARD AND HIS ASSOCIATES
BOUGHT FROM THE INDIANS THE
"6 MYLES OF LAND SQUARE"
ORDERED BY THE GENERAL COURT
FOR THE PLANTATION OF CONCORD
SEPTEMBER 12, 1635

The title of this marker is intriguing as well as problematic. Who was Jethro? Why was an oak tree thought to be associated with him? Did the consequential land negotiation between the Indians and Simon Willard and his "associates" really take place under a tree? What did the concept of selling land mean to Native Americans in 1635?

The inscription conceals rather than reveals the fact that Jethro was the given English name of a documented Native American whose birthname was Tantamous. Confusingly, his son Hantomush was also sometimes called Jethro. Tantamous, and possibly his son, was among a group of Native Americans who agreed to transfer "6 myles of land square" to Puritan leaders not far from where the tercentenary sign that tells this story stands. Shockingly, during King Philip's War many members of Tantamous' family were forcibly taken to Deer Island, an internment camp off the coast of Boston, and subsequently sold into slavery. In 1676 Tantamous's life came to a tragic end when he was unjustly hung in Boston. Major Simon Willard, the only other individual named on this marker, died the same year as Jethro. While Jethro's life story is mostly unknown, Willard has been celebrated ever since in the annals of Concord history (and on several markers!).

3. *The Milldam*

THE MILLDAM
THIS SHORT STRETCH OF
STREET STILL KNOWN AS THE
MILLDAM WAS THE SITE OF AN
INDIAN FISHING WEIR AND WAS
LAID OUT ALONG THE DAM BUILT
SOON AFTER THE SETTLEMENT
OF THE TOWN IN 1635.

Only some of the information on this marker is accurate. An existing record from August, 1637, is evidence that there was a Native American weir somewhere in the rivers in Musketaquid, but where it was is unknown. The English colonists did build a dam, extensively altering the landscape to meet their own needs - something that is against the grain of Native Americans who view themselves as stewards of the land, not owners. This marker could give readers the false impression that local Indigenous history ended here in 1635. Christine DeLucia's article "An 'Indian Fishing Weir' at Musketaquid: Marking Northeastern Indigenous Homelands and Colonial Memoryscapes," is essential reading for an understanding of the complex issues embodied in this problematic marker (cited in the full report bibliography).

4. The First Settlement - 1635

THE FIRST SETTLEMENT - 1635
WESTWARD TO THE MEETINGHOUSE
ALONG THE SUNNY SLOPE OF THIS
RIDGE THE SETTLERS OF CONCORD
BUILT THEIR FIRST DWELLINGS.

Contrary to what this marker proclaims, Concord was not the first settlement of the land under our feet. As explained above, Native Americans were here for over 10,000 years before the English colonists arrived. This is another example of how Native American history was marginalized on many of the 1930 tercentenary marker project, including this one.

Conclusion

The offensive tercentenary signs dishonor all Native Americans, but especially those who live in Massachusetts. Concord's tercentenary markers convey inaccurate information, they are offensive, and do not serve an educational function. The issues raised by them are complex, but bringing them into the public arena provides a valuable opportunity to discuss how Indigenous history can be better presented in our public spaces. Concord is looking forward to commemorating the launch of democracy that the Battle of the North Bridge symbolizes. The unifying theme will be "Still Heard Round the World." Let's be the first town in the state to take these offensive markers down. Hopefully other towns will follow.

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