



OLD NORTH BRIDGE

# TOWN OF CONCORD

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

## Select Board Agenda

Monday, March 4, 2024 at 5:00 PM

Town House, Public Hearing Room, 22 Monument Square

### Join Zoom Meeting

<https://us02web.zoom.us/j/81084118272?pwd=YnNTQWVNLN3FMdWFZUzNtMjUraU9GUT09>

Meeting ID: 810 8411 8272

Passcode: 786805

Dial n Toll-Free: 833 928 4610

#	Time*	Agenda Item
I.	5:00 PM	<u>Executive Session</u> under G.L. c. 30A, § 21(6) to consider the purchase, exchange, lease or value of real property (the MCI Concord facility), the Chair having declared that an open meeting may have a detrimental effect on the negotiating position of the Town
II.	6:00 PM	Consent Agenda  <ul style="list-style-type: none"> <li>a. Town Accountant Warrants: February 28, 2024</li> <li>b. Approve LOHA Letter of Support regarding H. 4138 – Housing Bond Bill</li> <li>c. Approve Comment Letter regarding MassDOT Route 2 Corridor Study Public Meetings</li> <li>d. Approve Letter of Support regarding the Municipal Empowerment Act</li> </ul>
III.	6:00 PM	Appointments  <ul style="list-style-type: none"> <li>a. Committee Appointments <ul style="list-style-type: none"> <li>i. Gregory Dorothy of 188 Border Road as an Associate Member to the West Concord Advisory Committee for a term to expire May 31, 2027</li> <li>ii. Joshua Fay of 44 Powers Road to the Personnel Board to complete an unexpired term to expire on May 31, 2026</li> </ul> </li> <li>b. Election Workers – Eight (8) Election Workers as outlined in the Select Board meeting packet by the Town Clerk on behalf of the Board of Registrars</li> </ul>
IV.	6:05 PM	Town Manager’s Report

V.	6:15 PM	Chair's Report
VI.	6:20 PM	Select Board Liaison Reports
VII.	6:30 PM	Discussion regarding future of MCI Concord property with State Representatives  Presenter: Henry Dane, Select Board Chair
VIII.	7:00 PM	Continued Select Board Annual Town Meeting Public Hearing on the following articles:  <ul style="list-style-type: none"> <li>- Article 41 – Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic Districts Commission and Historical Commission</li> <li>- Article 42 – Tourist Bylaw Amendments</li> </ul>
IX.		Public Hearing for a Grant of Location Request for Comcast for Pole Petitions at: <ul style="list-style-type: none"> <li>- 56 Winthrop Street</li> <li>- 835 Old Marlboro Road</li> </ul> Presenter: Cathy Maloney, Senior Manager of Government and Regulatory Affairs for Comcast
X.		Public Hearing for a Grant of Location Request for National Grid for a Gas Main Petition at 47 Davis Court  Presenter: Mary Mulrone, Permit Representative for National Grid
XI.		Public Hearing for a Community Cable Needs Assessment in relation to the Comcast Franchise Contract Renewal  Presenter: Jason Bulger, Chief Technology Officer and Sue Buske, Consultant for the Buske Group
XII.		Discuss Recommendations on Annual Town Meeting Warrant Articles  Presenter: Henry Dane, Select Board Chair
XIII.		Adjournment

*\*Times are approximate and subject to change*

<b>Upcoming Meetings:</b>
Monday, March 18, 2024      Monday, March 25, 2024      Monday, April 1, 2024



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 Jessica Porter at [jporter@concordma.gov](mailto:jporter@concordma.gov) or at 978-318-3028. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled meeting.

February XX, 2024

The Honorable James Arciero  
Chair, Joint Committee on Housing  
State House, Room 146  
Boston, MA 02133

The Honorable Lydia Edwards  
Chair, Joint Committee on Housing  
State House, Room 413-C  
Boston, MA 02133

Re: H.4138 *The Affordable Homes Act*

Dear Chairs Arciero and Edwards:

We write to you as municipal officials and staff who work each day to provide livable and affordable housing for our residents to express our enthusiastic support for *The Affordable Home Act*, particularly its provisions to enable local option transfer fees. We also wish to voice our support for the over a dozen home rule petitions that were filed in this and previous sessions.

We are incredibly grateful to Governor Healey for her inclusion of a local option transfer fee in H.4138 *The Affordable Homes Act*, and urge you to keep this provision in the final bill. We strongly believe that this critical tool will give our communities the ability to address local housing needs, and further our partnership with the Commonwealth as we work to address our housing challenges together.

The extreme housing costs that residents across the Commonwealth face today are the direct result of decades of underfunding and underproducing the housing that those residents need. We need a legislative solution that addresses these challenges from all angles, and we think that Transfer Fees must be part of the solution, alongside the state investments that are also proposed in *The Affordable Homes Act*. Transfer fees alone will not solve our housing crises, but taken together with state investments and other policy changes, transfer fees will allow us to invest local money in our local challenges and deliver better results for residents.

**Transfer fees also offer the following benefits:**

1. **If a community does not want a transfer fee, they do not have to opt in.** Allowing communities who choose to do so to collect these fees to support affordable housing, while not requiring that any community do so, recognizes the diversity of housing needs across the state.
2. **Transfer fees tie housing prices to the resources communities have to produce housing.** Transfer fees are assessed as a percentage of sale price, ensuring the resources we have to address our local affordable housing needs can keep pace with the cost of housing.
3. **Transfer fees are targeted to high-end real estate transactions, where those who pay the fee can afford to do so.** While notable alternative funding mechanisms for affordable housing levy surcharges on all property owners, transfer fees will only impact those residents buying or selling a home over \$1,000,000 or the county median, meaning most residents selling high-end properties will pay them only once or twice in their lifetime, not every year as we do with property taxes.
4. **Fees are modest.** Collecting a fee of between .5% and 2% on high-end real estate transactions represents a small fraction of the value of property sold, a significantly lower amount than other closing costs, such as realtor fees.

As you know, a total of 17 communities have now requested the ability to use this tool, beginning with Provincetown in 2010. In the years since this initial request from Provincetown, circumstances have only

become more dire. More than a dozen other communities have requested the tool, and other municipalities like Falmouth and Great Barrington are in the process of exploring options to do the same. Realizing this synergy across the state, several of our communities came together in support of Representative Connolly and Senator Comeford’s H.2747/S.1771, and we are glad to see these and other parallel efforts come to fruition in the Governor’s inclusion of a transfer fee in *The Affordable Homes Act*.

Our housing crisis is simply too great to leave funding and financing tools on the table. We must be able to use this tool that will allow us to generate additional resources for local affordable housing.

In the years we have spent working toward a transfer fee, we have identified several elements which are critical in ensuring transfer fees are accessible and useful tools for all communities. **As you consider the Governor’s proposal, we again urge you to include local option transfer fees in all subsequent versions of the bill, with particular attention to the inclusion of the following components:**

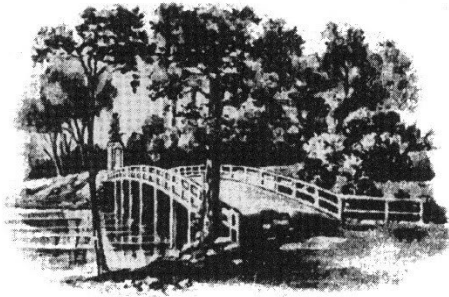
<b>Provision</b>	<b>Reason for Inclusion</b>
<b><i>Local Option</i></b>	Transfer fees must remain local option so communities that don’t want or need them can simply choose not to opt in.
<b><i>Appropriate Threshold for Statewide Use</i></b>	Home sale prices vary greatly across Massachusetts, with rural communities and Gateway cities often having property values well below \$1 million. A final bill should include a mechanism to make the tool available to these communities.
<b><i>Threshold Flexibility</i></b>	Allowing communities to set a threshold higher than the statewide threshold will allow them to tailor local transfer fees to local needs and market conditions.
<b><i>Reg’l Affordable Housing Commissions</i></b>	Allowing collaboration between multiple municipalities through regional affordable housing commissions is critical to making the tool available for rural communities across the Commonwealth.
<b><i>Fee Bearer Flexibility</i></b>	Allowing communities flexibility to determine whether buyers or sellers of a property bear fees will enable them to tailor their local transfer fee to local needs and market conditions.
<b><i>Further Local Exemptions</i></b>	Allowing municipalities to create further local exemptions to transfer fees such as exemptions for first time homebuyers or lower income seniors will enable them to protect vulnerable populations in their communities. Vulnerable populations differ by community, and thus further local exemptions are also necessary in some cases to prevent vulnerable communities.
<b><i>Applying Fees to Full Transaction</i></b>	Allowing municipalities to apply fees to the full amount of transactions, rather than only the amount in excess of the threshold, will allow communities with higher needs and sales prices closer to the \$1,000,000 threshold to generate significantly more revenue which is desperately needed to fund the increasing costs of affordable housing development

We know that housing production alone cannot solve our housing crisis. We firmly believe that in addition to revenue raising measures like local option transfer fees, the Commonwealth must also prioritize policies which provide vulnerable tenants and homeowners with additional protections and resources to guard against displacement.

Together, all of these investments, new tools, simplified zoning processes, and homeowner and tenant protections can help us to both meet the needs of our residents and start down the path necessary to produce adequate housing to resolve these challenges in the decades to come.

Thank you for your consideration of this letter. If you have any questions, please do not hesitate to reach out to Matt Walsh ([mwalsh@mapc.org](mailto:mwalsh@mapc.org)) and Mark Martinzes ([mmartinez@mlri.org](mailto:mmartinez@mlri.org)).

Sincerely,



OLD NORTH BRIDGE

## TOWN OF CONCORD

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

March 4, 2024

Massachusetts Department of Transportation  
10 Park Plaza, Suite 4160  
Boston, Massachusetts 02116

RE: MassDOT Route 2 Corridor Study

The Select Board of the Town of Concord is pleased to see that MassDOT has produced a conceptual study for short term improvements to the Route 2 Corridor. Our position on the proposed concepts is as follows:

We support the goal of keeping Route 2 commuter traffic within the corridor and reducing cut-through traffic on local roads but we have strong concerns about the proposals for the crossings at Main St. (Route 62), Old Road to Nine Acre Corner, Sudbury Road, and Walden Street. Essentially, it is proposed to widen the roadway from four to six lanes at those intersections. We oppose this measure as the only reasonable solution. Starting with the work on our most recent Comprehensive Long Range Plan, Envision Concord: 2030, discussions and surveys of our residents consistently indicate that our most urgent priority is safer crossing of Route 2 for pedestrians, bicyclists, and motorists. This urgency was again indicated in our most recent 2023 survey of residents.

The concepts proposed for the Concord Rotary may offer the possibility of improved flow of the bulk of the traffic through the rotary. Since it is only a concept at this point, much will depend on the detailed design and how well it will deal with the complexity of the intersection plus the need to provide enhancements to pedestrian and bicycle access.

The Governor's budget proposal has identified the upcoming closure of MCI Concord with the intent to dispose of the property. As the state and Town of Concord work together to plan for a redevelopment of this site, changes to the rotary should be included to ensure that any solution meets both local and regional goals.

The concepts proposed for the intersection with Baker Avenue Extension and Elm Street also appear promising, depending on the actual detailed design.

The proposed widening of Route 2 at the four intersections named earlier exacerbates safety and connectivity concerns of pedestrians, cyclists, and motorists crossing the highway. We are

doubtful that any mitigation that would emerge in a detailed design under the proposed concept will improve the situation for crossing traffic when one considers that crossing time will have to increase by 50% to accommodate the larger number of lanes. It is necessary for the Town to see details on the signal timing changes at each intersection to understand if more will be afforded to the Route 2 through traffic at the expense of local traffic crossing ability.

The Town also wants to be informed on speed criteria used in the design of the improvements such as new deceleration lanes to be able to assess if more safety concerns for our local users are being introduced.

Another concern is the traffic modeling performed for the corridor study does not include proximate local roadways and intersections within the study impact area. It is important for the Town to see validation that the proposed corridor improvements result in no adverse impacts to Town roadway infrastructure and operations. Note that Route 2 divides the Town of Concord in half, creating a barrier between our two town centers and dividing every school district. We expect solutions to the traffic problems on Route 2 include reducing this barrier effect and not further isolate our Town centers and our community.

We ask that MassDOT re-evaluate (including performing the necessary quality assurance reviews) the conceptual designs of the corridor and especially of the intersections noted, taking into account the safety priorities of Concord's residents, its Select Board, and its Transportation Advisory Committee.

Yours sincerely,

Henry J. Dane, Chair

Concord Select Board

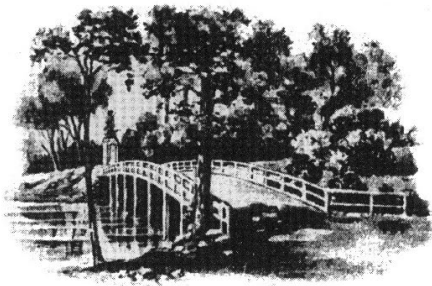
Terri Ackerman

Henry Dane

Linda Escobedo

Mary Hartman

Mark Howell



OLD NORTH BRIDGE

## TOWN OF CONCORD

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

March 5, 2024

Joint Committee on Municipalities and Regional Government  
The Honorable Senator Jacob R. Oliveira, Chair  
State House  
24 Beacon Street, Room 416-B  
Boston, MA 02133

Joint Committee on Municipalities and Regional Government  
The Honorable Representative Carole A. Fiola, Chair  
State House  
24 Beacon Street, Room 236  
Boston, MA 02133

Joint Committee on Revenue  
The Honorable Senator Susan L. Moran, Chair  
State House  
24 Beacon Street, Room 312-D  
Boston, MA 02133

Joint Committee on Revenue  
The Honorable Representative Mark J. Cusack, Chair  
State House  
24 Beacon Street, Room 34  
Boston, MA 02133

*Re: Written Testimony by the Town of Concord Regarding S. 2571, An Act empowering municipalities and local governments*

Dear Chairs Oliveira, Fiola, Moran, Cusack, and distinguished members of the Joint Committee on Municipalities and Regional Government and the Joint Committee on Revenue,

On behalf of the Town of Concord, the Concord Select Board submits this letter in support of S. 2571, An Act Empowering Municipalities and Local Governments (the “Municipal Empowerment Act” or the “MEA”). The MEA provides an expansive array of municipal tools to address critical workforce shortages and improve municipal financial strength. These tools will benefit the Town as described below.

Concordian’s dedication to civic service is partly represented in the over 60 public boards and committees that serve the policy and budget needs of the Town. The restrictions on physical

proximity during the COVID pandemic required all public bodies to meet virtually and this capability was allowed by executive order for set periods of time. We have seen in Concord a resurgence of attendance at our public boards and committees. For those working parents, those working professionals trying to vote on a committee matter or watch the deliberations of a public body, for our seniors and those with mobility restrictions, attending public meetings virtually has provided a critical lifeline for civic connectedness. The MEA's proposal to make this capability permanent will ensure the high level of transparency, accountability, and connection that all our residents deserve.

The Board is also supportive of the proposal to increase ceilings for local meals and lodging taxes. The Town's largest source of revenue is property taxes followed by local aid from the Commonwealth. Local receipts are generally capped by state law. For the first time since 2009, legislation has been proposed to increase the municipal ceiling for local meals and lodging tax.

During the pandemic, according to Concord's Economic Vitality division, local lodging tax revenues dropped from almost \$900,000 in 2019 to \$200,000 in 2021. Revenues have been rising but the Town has not yet returned to pre-pandemic levels. The increase from 6% to 7%, through local legislative vote, will generate approximately \$99,614 in additional local lodging receipts for the next fiscal year, helping the Town return to pre-pandemic levels.

In terms of meals tax, the Town experienced more durability with meals tax revenue with a drop from about \$400,000 in revenue in 2019 to about \$275,000 in revenue in 2021. The proposed increase in local meals tax – only with local legislative approval – of 0.75% to 1.0% is projected to result in an increase in meals tax revenue of about \$62,668 over the next fiscal year. These projected revenue streams will help the Town reinvest these dollars in vital economic vitality initiatives.

Lastly, the Board is supportive of the other proposed tools of municipal empowerment including allowing cities and towns to increase their utilization of retired public safety employees, making outdoor dining permanent, increasing the advertising threshold for public procurement announcements from \$50K to \$100K, allowing multiple contracts one Request for Proposal process, increasing the max term from 30 years to 40 years for school project municipal bonds, allowing means-tested property tax exemption for seniors (which the Town has already petitioned the legislature for home rule authorization), allowing municipalities to amortize emergency deficit spending for natural disasters over three years, and providing a COLA adjustment for qualifying property tax exemptions (especially considering our recent environment of high inflation).

The Concord Select Board applauds the efforts of the Healey-Driscoll Administration to partner with cities and towns in the Commonwealth to help build communities where people want to live, work, raise a family, go to school visit, and start a business. The Board asks for your support for this critical legislation to help municipalities like Concord strengthen municipal finances and address critical workforce shortages.

Sincerely,

Concord Select Board

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Henry J. Dane, Chair

Mary Hartman, Clerk  
Terri Ackerman  
Linda Escobedo  
Mark Howell

CC: The Honorable Representative Simon Cataldo  
The Honorable Representative Carmine Gentile  
The Honorable Senator, Michael Barrett  
Kerry A. Lafleur, Town Manager  
Megan Zammuto, Deputy Town Manager  
Mimi Graney, Economic Vitality Manager  
Christopher Carmody, Risk & Compliance Manager, Legislative Aid

DRAFT



Town Clerk's Office  
22 Monument Square  
Concord, MA 01742

# Memo

**To:** Select Board  
**Cc:** Kerry Lafleur, Town Manager  
Board of Registrars  
**From:** Kaari Mai Tari, Town Clerk  
**Date:** February 21, 2024  
**Re:** Election Officer Appointments

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Pursuant to MGL Chapter 54: Section 12, I would like to request, on behalf of the Board of Registrars, appointment of the following **8** voters (list of appointees follows) as Election Officers for terms to expire July 31, 2024.

Party distribution among 101 Election Workers  
Democrat: #50 / 49.5%  
Republican: #8 / 7.9%  
Unenrolled: #43 / 42.6%

Thank you for your consideration.

Kaari

Last Name	First Name	Voting Precinct	Party	Address
Barker	Charles	5	U	83 Monument St
Blodgett	Lyndal	2	U	33 Highland St
Dugger	John	1	D	166 Main St
Hirschler-Marchand	Julie	2	D	1381 Main St
Howerton	Betsy	5	U	994 Lowell Rd
Kundert	Beth	2	D	182 Central St
Moir	Claire	3	D	35 South St
Moir	Donald	3	D	35 South St

# VII. Discussion regarding future of MCI Concord property with State Representatives – Correspondence

- I. Gary Kleiman
- II. James Judge
- III. John Boynton
- IV. Patrick McCurdy
- V. Greg Winter
- VI. Caroline Dale
- VII. Julianne and John Jenkins
- VIII. Scott Bates
- IX. Transportation Advisory Committee
- X. Emily Boynton Rush and Wes Rush
- XI. Tim Redmond

## Shannon McAndrew

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**From:** Gary Kleiman <gagleiman@gmail.com>  
**Sent:** Monday, February 26, 2024 12:24 PM  
**To:** Henry Dane  
**Cc:** Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell  
**Subject:** MCI Concord

**Caution:** This is an external email and has a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact the IT Department (support@concordma.gov).

Dear Select Board members,

I realize you are currently grappling with several issues around the recent announcement that the State plans to decommission and close MCI Concord. I wanted to make sure that in your deliberations around these issues, you keep in mind several factors that make this parcel particularly important to future Concord development and why it is very important that Concord has a say in the final disposition of this site.

**1. Transportation and connectivity** - I know you are aware that the DOT/state TIP is eyeing how to reconfigure the Rte 2 corridor and MCI Concord will figure prominently in allowing Boston-Central MA traffic flow smoothly and efficiently across Concord, but are they looking at our recently adopted complete streets policy, the importance of connectivity across Rte 2 for Thoreau children and their homes on Barrett's mill, and the relationship to the recently constructed Bruce Freeman Rail Trail? The Town's long range plan "Envision Concord" specifically calls for increasing residents' connections to the town's cultural, recreational, and commercial centers and to promote a healthy lifestyle. I am not sure DOT is looking out for these Concord interests.

**2. Reuse potential and economic vitality** - While Concord has been and remains a strong supporter of a diversity of housing development that includes a mix of styles, price points and locations, our recent long-range plan has highlighted both the lack of and need for smaller-footprint "workforce" housing and specifically in the context of mixed-use development near village centers that support access to goods and services, public transportation options and provide pedestrian foot traffic to support local and independent businesses. This parcel can provide that much needed mixed-use development; or could be developed as the State sees fit.

**3. Burden on Town resources** - While the site seems to offer much needed septic capacity that would enable a certain amount of development on site (hopefully in coordination with the 12.5 acre town parcel next door that will no longer be junction village), it would seem incredibly important for the Town to have a hand in understanding the other burdens that new development would place on the Town's emergency services and schools.

**4. Interplay with other major town parcels** - Perhaps most importantly, how the MCI parcel is re-developed will have major implications for how other key Town parcels are or could be developed, including the adjacent 12.5 acre parcel, 2229 Main St., Keyes Road and Peabody Middle School. As one small example, I have recently been in dialogue with Mass Development and various private developers regarding potential reuse of the 2229 Main Street site. While that site is also seen as a strong potential contender for housing, once cleaned to a residential standard, several developers have been quite blunt that it has little commercial potential since it is not on a main road. Being directly adjacent to Route 2, the MCI site may be unique among all of the parcels listed for new commercial or mixed use development, whereas housing may be appropriate at several other sites. While the Town may want to consider these other parcels in deciding how to re-develop MCI concord, I am not so sure it is high on the list of priorities for other state officials.

Please make sure that Concord has a say in what happens to the MCI Concord site. Given the decades of careful planning that Concord has undertaken to shape development in our Town, it would be a shame to take a "hands off" approach to such a critical parcel now.

Best regards,  
Gary

Gary Kleiman  
57 Central St.  
617-909-7092 (cell)  
gagleiman@gmail.com

## Shannon McAndrew

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**From:** James Judge <james.jjudge@gmail.com>  
**Sent:** Monday, February 26, 2024 11:36 AM  
**To:** Henry Dane  
**Cc:** Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell  
**Subject:** MCI Concord

Some people who received this message don't often get email from james.jjudge@gmail.com. [Learn why this is important](#)

Dear Select Board:

I have been trying to gain a better understanding of the situation with MCI Concord. As I understand it, the land MCI is on is owned by the state and Governor Healey filed legislation supplying the Town and its residents with zero legal rights or advisory opportunity in the development of the land. I believe it is imperative that Town leadership acts before we miss the opportunity to guarantee the role of Concord residents in the future of the land. Relying solely on the right to reject rezoning at Town Meeting is not a way for Concord residents to take an active leadership role in this opportunity for the town. Are you able to share any information on what the Town is doing in this regard?

Sincerely,  
James Judge  
29 Paul Revere Rd

## Shannon McAndrew

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**From:** Barrett, Mike (SEN) <Mike.Barrett@masenate.gov>  
**Sent:** Monday, February 26, 2024 9:40 AM  
**To:** John Boynton; Henry Dane; Kerry Lafleur; Cataldo, Simon - Rep. (HOU)  
**Subject:** Re: Letter re: MCI Concord

Some people who received this message don't often get email from mike.barrett@masenate.gov. [Learn why this is important](#)

Thanks for digging into this, John, and giving it serious thought. I support a comprehensive and deliberative approach to determining the future of the site, and look forward very much to working with you, Rep. Cataldo, town government, and all Concordians on the issue.

Mike

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**From:** John Boynton <jb@firehousecapital.com>  
**Sent:** Monday, February 26, 2024 5:26 AM  
**To:** hdane@concordma.gov <hdane@concordma.gov>; Kerry Lafleur <klafleur@concordma.gov>; Barrett, Mike (SEN) <Mike.Barrett@masenate.gov>; Cataldo, Simon - Rep. (HOU) <Simon.Cataldo@mahouse.gov>  
**Subject:** Letter re: MCI Concord

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

Please see the attached letter related to pursuit of a statutory commission to study reuse of MCI Concord.

Thanks,  
John

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John Boynton  
C +1.978.505.7169  
O +1.978.254.6264

he, him, his

John Boynton  
72 Chestnut Street  
Concord, MA 01742

February 26, 2024

Mr. Henry Dane, Chair  
Concord Select Board  
Via Email

Re: Ensuring Concord has a strong voice in the reuse of MCI Concord

Dear Henry:

I am writing to encourage the Select Board to work with the Commonwealth to form a statutory commission charged with exploring the wide range of possibilities for reuse of the MCI Concord site.

Decisions made now in regards to the reuse of the MCI Concord site, the closure of which we have awaited for decades, will impact the Town for generations to come.

The 51-acre site offers exciting possibilities for mixed use redevelopment. The beautiful thing about this site is that, with proper planning, we can accomplish numerous goals:

- Add to our inventory of affordable housing
- Diversify our tax base by adding more commercial property
- Expand recreational amenities along the vast Assabet River frontage
- Introduce public art from local artists
- Reconfigure the infamous Route 2 rotary
- Expand our sewage treatment capacity

This parcel is truly strategic to the Town's future, and it is essential that the Town secure the right to have direct input into the process.

I understand that we have a good relationship with the Governor's office; that's wonderful. But as we know, administrations change, priorities shift, and a statutory commission would increase the odds that the ultimate mixed use development embodies Concord's values and character.

We should move quickly to ensure that Concord had a strong and direct voice in the process.

Sincerely,



cc: Town Manager Kerry Lafleur  
Representative Simon Cataldo  
Senator Mike Barrett

## Shannon McAndrew

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**From:** Patrick McCurdy <ptmccurdy@gmail.com>  
**Sent:** Monday, February 26, 2024 9:03 AM  
**To:** Henry Dane  
**Cc:** Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell  
**Subject:** Town of Concord's leadership role in MCI Concord's future?

Some people who received this message don't often get email from ptmccurdy@gmail.com. [Learn why this is important](#)

Good morning Mr Dane,

Would you kindly provide a summary of how the Town is participating in the determination of the MCI Concord parcel?

I understand that MCI Concord is owned by the state and the legislation filed by Governor Healy's administration supplies the Town and its residents no legal rights or advisory role in the disposition or development of the parcel. I also understand that Town leadership has not yet elected to take a leadership role in shaping the MCI Concord parcel's future use/development. I find this situation deeply concerning given the generational potential and impact of MCI Concord's future use/disposition. I hope the Select Board agrees.

I expect Town leadership is taking a leadership role in shaping the future use of the MCI Concord parcel; not only relying on the right to reject rezoning at Town Meeting.

Thank you for your consideration and I look forward to hearing from you.

Patrick McCurdy  
1100 Monument St, Concord, MA 01742

## Winter Real Estate Investors, LLC

821 Barrett's Mill Road

Concord, MA 01742

978 944-6061

[g.winter@live.com](mailto:g.winter@live.com)

State Representative Simon Cataldo  
Boston State House  
24 Beacon Street, Room 448  
Boston, MA 02133

Dear Representative Cataldo:

RE: Redevelopment of MCI- Concord and Redesign of the Route 2 Rotary

### Background

I am writing to provide my insights and offer suggestions to you regarding the MCI- Concord property disposition. This letter serves to outline my thoughts and recommendations on how to establish an integrated planning framework that fosters collaboration between the Commonwealth of Massachusetts and the Town of Concord. The primary goal of this integrated planning framework will be to maximize the benefits from this redevelopment project as well as to mitigate any potential negative impacts while addressing local concerns. This planning framework could dovetail nicely with the re-design of the hazardous Route 2 rotary which has five separate access routes off of the rotary.

The ultimate goal for any governance process established for the disposition and redevelopment of MCI- Concord needs to recognize that consensus building to establish future zoning and a successful 2/3<sup>rd</sup>'s vote at a Town meeting for a 65-acre parcel of land that has been a prison since about 1890, will take some up-front financial expense, time and effort in order to maximize the economic value that will accrue to the state from the sale of this property.

This letter assumes that you will be working with the State Legislature, DCAMM and the Governor and Lieutenant Governor's Office to fund this up-front consulting expense that DCAMM will then administer on behalf of a DCAMM and Town collaboration effort.

### DCAMM property disposition experience

My previous experience and Concord residency is why I offer my advice.

I have written four DCAMM property disposition RFP responses during my real estate development and asset management career. On behalf of my clients, I have succeeded on three of these property sales competitions.

The property sale competitions included:

- The vacant 77-acre former Danvers State Psychiatric Hospital (in collaboration with Avalon Bay Communities, Inc.) developed into 497 apartments and condos.
- The vacant Salem District Courthouse Building (in collaboration with Diamond Sinacori, LLC and Urban Spaces, LLC) developed into 61 condominiums with 89 parking spaces and 3,500 square feet of service-oriented retail space.
- The vacant New Bedford Armory Building (on my own). I had to regrettably withdraw my developer designation when we discovered during due diligence over \$2 million of rotten structural wooden members from a hole in the roof that allowed extensive water migration into this building.
- The sale of the former 23-acre South Campus at Salem State University (in collaboration with Groom Construction of Salem, MA and Time Equities from NY, NY) Our team came in second in the bidding process against a formidable joint venture of Winn Development and Avalon Bay Communities. Please note DCAMM did not re-zone this single family home zoned site prior to disposing of this property.

My suggested key team members for the successful redevelopment of MCI- Concord and the re-design and construction of a new safer Concord Route 2 rotary and their suggested roles and responsibilities include:

#### Office of Lieutenant Governor Kim Driscoll

Given the Lieutenant Governor's extensive experience with property redevelopments during her tenure as Mayor of Salem, MA, I recommend that the Lieutenant Governor provide executive leadership for the entire DCAMM/Town of Concord redevelopment planning process. I also recommend that Kim Driscoll provide a quality assurance role that State Housing residential development objectives are met upon disposition of MCI-Concord.

Kimberly Driscoll is a natural leader. She is a joy to work with. We are blessed to have Kimberly as our Lieutenant Governor. As a former star center on the Salem State University basketball team, Kimberly knows what teamwork is all about. Additionally, as the distinguished former Mayor of one of Massachusetts oldest Cities in Salem, MA, Kim led a pioneering effort to redevelop this historic Gateway City.

The Town of Concord will need to work with DCAMM and the Lieutenant Governor to confirm an affordable housing goal. In the City of Boston, for projects of 10 or more units of market rate housing, 13% of any new units created are income restricted. I recommend that this be the minimum goal for the MCI-Concord redevelopment working with Town initiatives.

#### MASSDOT

Neil Boudreau, Assistant Administrator for Traffic and Safety for Mass Department of Transportation Highway Division and Douglas McGarrah General Counsel for Mass DOT and MBTA are responsible for the status of the Concord Rotary re-design.

I propose that Neil and Douglas be asked by the Lieutenant Governor to establish a clear and definitive timetable for the redesign of the Route 2 Rotary that will need to clearly outline the land required for the new rotary design from the MCI-Concord site and a proposed construction schedule. I recommend that approval of a future design for a safer Concord Rotary should occur prior to the disposition of MCI-Concord's land.

Doug McGarrah served in the real estate law practice at Foley Hoag for many years and served as the Secretary of Transportation's, Chief of Staff permitting the Big Dig. Doug also served as Senator Tsongas' head of economic development for Western Massachusetts. Doug will be a critically important legal contact for you to meet at Mass DOT as you work on the unsafe Concord Rotary issue.

### DCAMM

Adam Baacke, Commissioner, Department Capital Asset Management and Maintenance (DCAMM)

Jay Mitchell, Deputy Commissioner of Design and Construction, DCAMM

I respectfully submit that DCAMM's initial goals for this site disposition process should be to first issue an RFP to select an environmental site assessment, hazardous material survey, legal permitting strategy, stakeholder engagement plan, land planning, project rendering, fiscal impact analysis, and building demolition consulting firms to accomplish the following tasks in coordination with the Town:

1. Environmental Site Assessment

First, perform a Phase I (\$5,000) and Phase II (\$35,000) Environmental Site assessment for a total of about \$40,000 – Goal will be to quantify the money required to deliver a clean site to a potential developer for this redevelopment project.

DCAMM's normal procedure is to encumber a buyer with a environmental site assessment obligation to be performed during due diligence. Inherently, DCAMM receives significantly less money for a property by doing so.

2. Hazardous Materials Survey

Perform a building by building hazardous materials survey to identify construction materials such as asbestos, PCB's, mercury, etc. that will need to be removed prior to each building's demolition. (\$60,000)

3. Memo of Understanding on future zoning

Work in collaboration with the Town of Concord to evaluate the most appropriate permitting vehicle for the proposed redevelopment for the entire MCI-Concord site that is currently zoned for industrial use. A review of similar redevelopment projects will help to inform the recommendations. Completion of a memo of understanding between DCAMM and the Town on the permitting strategy would be the legal work product required from the Town. Estimated outside counsel potential legal cost to work with Town of Concord's Town Counsel (Assume 80 hours of outside counsel legal work at \$425.00. hour = \$34,000)

4. Stakeholder Engagement Plan

Include town planning engagement specialist(s) on the team to design and execute a robust stakeholder engagement process. The purpose of the process, in addition to reaching consensus and generating buy-in, will be to develop a vision and set of goals for the redevelopment of the parcel; based on these, a series of alternative redevelopment scenarios will be developed. It is proposed that a Redevelopment Commission be formed to help guide the process (more on the proposed composition of this Commission in pages that follow). The first step will be to develop a Stakeholder Engagement Plan identifying key stakeholders, how to reach them, and at which points to include them in the planning process and how. (\$75,000)

5. Redevelopment Scenarios

Work with a land planning firm to develop three alternative land use redevelopment scenarios for the redevelopment of MCI- Concord each with a place making foundational element that achieve the vision and goals developed during the initial stages of the engagement process (with key stakeholders and the Redevelopment Commission). Assume \$66,666 per redevelopment scenario for a total of \$200,000 for visioning and redevelopment scenario drafting with appropriate renderings.

Potential redevelopment scenarios could include:

Redevelopment scenario 1: Town Center image led plan-

This scenario would establish a Town center placemaking goal for a mixed-use redevelopment project with a mixture of retail and residential on the first floor and residential on floors 2 through 5.

Redevelopment Scenario 2: Residential density led plan

This scenario would seek to maximize the 5-story stick-built housing production goal on site, with a combination of condominiums, apartment buildings and some for-sale townhomes.

### Redevelopment Scenario 3: Commercial led plan

This scenario would zone this site exclusively for office use and some over 55 deed restricted apartments and condominiums.

#### 6. Planning Principles

Stakeholders will be involved in evaluating the alternative redevelopment scenarios and their input will be used to inform the selection of the Preferred Alternative. Following feedback from the Town of Concord, issue a Planning Principles document that will guide future real estate developers on the required planning framework for the redevelopment of this important 65-acre site. Estimated Cost to develop detailed planning principles as a roadmap to success - \$125,000.

#### 7. Fiscal Impact Analysis

Based on the revised preferred redevelopment scenario finally chosen to pursue in the disposition RFP for MCI-Concord, I recommend that a thorough fiscal impact analysis be performed that calculates the net benefit or detriment to the Town of Concord's property tax base that will accrue to the Town of Concord over time. This fiscal impact analysis will address the net tax base increase juxtaposed against the increased cost demands on the school system, the police force, the fire department and the department of public works from the development of this site. \$30,000

#### 8. Demolition Estimate

Obtain a conceptual estimate from two demolition general contractors for the demolition and removal of all building and associated physical structures on the MCI-Concord site. \$40,000

The total estimated consulting cost = \$604,000. It would be prudent to carry a 10% (\$60,400) contingency for these studies for a total estimated cost of \$664,400. From my real estate development experience, I respectfully submit to you that this up-front consulting cost, time and effort will create value well in excess of the cost.

New zoning for this property (that is currently zoned industrial) will require a 2/3rds positive vote at Town meeting. Having a consensus amongst the Town Manager, Select Board, Planning Board and Finance Committee in support of the recommended new zoning for this property will then allow the State to maximize its net sales proceeds from the property disposition process.

### **Suggested Town Governance for MCI – Concord Site Disposition Planning– Appoint a representative Redevelopment Civic Advisory Commission**

Suggested Representatives to serve on the MCI- Concord, Redevelopment Civic Advisory Commission could include:

- Redevelopment Commission Chairperson: Kerry LaFleur Town Manager

- Redevelopment Commission Vice Chairperson: Henry Dane, Chairman of the Board of Selectman
- Megan Zammuto, Deputy Town Manager/Planning and Land Management
- Linda Miller, Planning Board Chair or her designee
- Peggy Briggs, Member Finance Committee
- Alan Cathcart, Concord Public Works Director (He will serve as the point person to manage the water treatment facility sale to the Town of Concord)
- Susan Mlodozenic, Chair, West Concord Advisory Committee or her designee

I recommend that two additional at large Concord citizens interested in serving on a Redevelopment Commission be recruited through direct outreach with the following background and experience:

- A real estate development and/or real estate asset management professional. Adam Winstanley of Winstanley Enterprises would be a perfect candidate given his unique skills and abilities.
- A real estate attorney that specializes in zoning and land use planning.

I hope this letter helps you Henry, Kerry, Megan, Kim, Adam, Jay, Neil and Doug as you deliberate on the next steps for the redevelopment of the MCI- Concord site in parallel with the re-design and construction of an improved Route 2 Rotary. I would be pleased to provide referrals to strong consulting professionals that can assist you with this endeavor.

Best,

Greg Winter

Cc: Henry Dane, Chairman, Concord Board of Selectman

Kerry LaFleur, Town Manager

Megan Zammuto, Deputy Town Manager/Planning and Land Management

Kimberly Driscoll, Lieutenant Governor

Adam Baacke, DCAMM

Jay Mitchell, DCAMM

Neil Boudreau, Mass DOT

Dougals McGarrah, Mass DOT

## Shannon McAndrew

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**From:** Caroline D <cwdale@gmail.com>  
**Sent:** Tuesday, February 27, 2024 5:21 PM  
**To:** Henry Dane  
**Subject:** MCI concord parcel

[You don't often get email from cwdale@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Select Board:

With plans for the MCI Concord parcel under consideration, it is my understanding that the parcel is owned entirely by the state and that legislation filed by the Governor supplies to the Town and its residents zero legal rights or advisory role in the disposition or development of the parcel. Now is the time for Town leadership to act before Concord and its residents lose the opportunity to have a voice at all stages of this process. As a concerned resident, I am writing to urge the Select Board to prioritize this important matter at its next meeting. It is important that, when a rezoning proposal comes to Town Meeting, the proposal reflects the collaboration and vision of Concord residents.

Can you please share what you are doing to guarantee that Concord residents have a voice at all stages of this process?

Thank you for your time and consideration.

Sincerely,  
Caroline Dale

## Shannon McAndrew

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**From:** Henry Dane  
**Sent:** Wednesday, February 28, 2024 8:52 AM  
**To:** Shannon McAndrew; Megan Zammuto  
**Cc:** Mary Hartman  
**Subject:** FW: Urgent matter!!!

Shannon, please add this to the materials. This was sent only to me, and expresses another point of view from the dozen form letters sent to the board.

---

**From:** Julianne Walsh <jwalsh021@gmail.com>  
**Sent:** Wednesday, February 28, 2024 8:47 AM  
**To:** Henry Dane <hdane@concordma.gov>  
**Subject:** Urgent matter!!!

You don't often get email from [jwalsh021@gmail.com](mailto:jwalsh021@gmail.com). [Learn why this is important](#)

Dear Select Board:

With plans for the MCI Concord parcel under consideration, now is the time to raise awareness and make the residents of Concord voices heard before decisions are made in the development of this property. As a concerned resident, I am writing to urge the Select Board to prioritize this important matter at its next meeting. Currently, Concord is at capacity with refugees residing at the Best Western and homeless shelter. The Concord school system, specifically The Willard School, is suffering negative impacts without proper resources available. The classrooms and the teachers are overwhelmed. The school system is strained. All resources are being pulled to support our new refugee population. Even more concerning is the summer support families receive from the town have been drastically cut and resources are being spread far too thin. The bottom line is the refugee crisis is a global problem and Concord is already doing enough to support those less fortunate. Please keep this as primary thought when moving forward with development plans. More housing and refugees will further strain our town resources for the children of Concord.

With that being said, what is being done to make sure Concord residents are on the front lines of decision making for this property development??

Thank you for your time and consideration.

Sincerely,  
Julianne and John Jenkins

## Shannon McAndrew

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**From:** Scott Bates <nsbates75@gmail.com>  
**Sent:** Tuesday, February 27, 2024 5:20 PM  
**To:** Henry Dane; Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell  
**Subject:** Transfer of MCI Prison Property  
**Attachments:** N. Scott Bates Letter to Select Board 2 27 24.pdf

Some people who received this message don't often get email from nsbates75@gmail.com. [Learn why this is important](#)

Dear Select Board,

As a life-long resident of Concord, a former member of the Concord Planning Board & Willard School Bldg Committee, and a person who has been in the public and private side of real estate development/construction for over 20 years, I felt it necessary write the following attached letter re: the transfer and redevelopment of the MCI Prison property.

Thank you - Scott Bates

52 Indian Spring Road  
Concord  
617.828.6214

## Shannon McAndrew

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**From:** Scott Bates <nsbates75@gmail.com>  
**Sent:** Wednesday, February 28, 2024 9:04 AM  
**To:** Henry Dane; Mary Hartman; Terri Ackerman; Linda Escobedo; Mark Howell; Shannon McAndrew  
**Subject:** Fort Devens (1994) Re-Use Plan - Model & Letter  
**Attachments:** Devens\_Reuse\_plan 1994.pdf; N. Scott Bates Letter to Select Board 2 27 24.pdf

Some people who received this message don't often get email from nsbates75@gmail.com. [Learn why this is important](#)

Dear Select Board - In case you have not seen the Fort Devens Re-use plan developed by MassDevelopment in conjunction with the towns Ayer, Shirley and Harvard...it is worth a read. It is a great model for State/municipal partnering for determining the best uses for the redevelopment of a large piece of property. Please refer to the Master Plan site plan in the document, which strategically plans out proposed use for the Fort Devens area. Instead of going out to one developer for the whole area....they were able to target developers with specific interests and expertise in each of the areas of the master plan (housing, commercial, corporate, government, industrial, recreation, green space etc).

I have also re-attached my letter, which had the wrong date.

Thank you for all your efforts on this major initiative.

Regards - Scott Bates

52 Indian Spring Road  
Concord, MA 01742

February 27, 2024

Select Board Members  
Town of Concord  
22 Monument Square  
Concord, MA 01742

Henry Dane, Chair	<a href="mailto:hdane@concordma.gov">hdane@concordma.gov</a>
Mary Hartman, Clerk	<a href="mailto:mhartman@concordma.gov">mhartman@concordma.gov</a>
Terri Ackerman	<a href="mailto:tackerman@concordma.gov">tackerman@concordma.gov</a>
Linda Escobedo	<a href="mailto:lescobedo@concordma.gov">lescobedo@concordma.gov</a>
Mark Howell	<a href="mailto:markhowell@concordma.gov">markhowell@concordma.gov</a>

**Re: Transfer of MCI Concord Property**

Dear Concord Select Board Members:

I hope this letter finds you well. I am writing to express my deep concern regarding the recent legislation concerning the closure of MCI Concord, particularly Sections 74 and 107 which seem to omit any provision for the Town of Concord and its residents to have a voice in the planning and redevelopment of this significant piece of land.

It is disheartening to note the absence of any legal rights or advisory role for Concord or its residents in shaping the future proposals for the redevelopment of this land. Without representation or input from Concord, there is a risk that decisions regarding the property's use, zoning, and programming may not align with the needs or character of our community.

Without a say in the planning process, the Commonwealth's Division of Capital Asset Management (DCAM) could potentially designate uses for the property that do not benefit Concord residents or align with our town's values. This lack of involvement leaves us vulnerable to decisions that may not prioritize considerations such as traffic management, appropriate land usage, or the preservation of green spaces along the river.

As members of the Select Board, I urge you to advocate for legislative solutions that guarantee a voice for Concord residents in the redevelopment process and ensure collaboration with the State. It is your duty to represent the best interests of Concord and to safeguard our community from poorly developed projects that offer no benefit to its citizens.

I propose that the Town and the Select Board fight for a seat at the table and advocate for the establishment of an advisory group comprising Concord citizens with expertise in urban planning, real estate, law, policy-making, architecture, and other relevant fields. This advisory group could provide valuable insights and recommendations to ensure that any redevelopment plans serve the best interests of Concord and its residents. A great model was the re-use plan for Fort Devens (1994) which was managed by MassDevelopment and involved the three (3) towns in the planning. They created a master plan (recreation, commercial, environmental, industrial, government, housing etc) for each of the uses of the land, and then went out to RFPs to select developers with this specific expertise.

Failure to involve Concord in the planning process could result in consequences that negatively impact our town and its residents. It is crucial that we take proactive measures to secure our community's future and preserve its unique character and charm.

Thank you for your attention to this matter. I trust that you will take the necessary steps to advocate for Concord's interests in the redevelopment of the MCI Concord property.

Sincerely,



Scott Bates

**SENT:** Wednesday, February 28, 2024

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**TO:** The Concord Select Board: Henry Dane, Chair; Mary Hartman, Clerk; Terri Ackerman; Linda Escobedo; and Mark Howell  
**CC:** Shannon McAndrew, Executive Assistant  
**FROM:** Laura Davis, Outgoing Chair of Transportation Advisory Committee  
**SUBJECT:** Position on Route 2 Corridor Study

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The Select Board and Transportation Advisory Committee of the Town of Concord are pleased to see that MassDOT has produced a conceptual study for short term improvements to the Route 2 Corridor. Our position on the proposed concepts is as follows:

We have strong concerns about the proposals for the crossings at Main St. (Route 62), Old Road to Nine Acre Corner, Sudbury Road, and Walden Street. Essentially, it is proposed to widen the roadway from four to six lanes at those intersections. We oppose this plan. Starting with the work on our most recent Comprehensive Long Range Plan, discussions and surveys of our residents consistently indicate that our most urgent priority is safer crossing of Route 2 for pedestrians, bicyclists, and motorists. This urgency was again indicated in our most recent 2023 survey of residents.

The concepts proposed for the Concord Rotary may offer the possibility of improved flow of the bulk of the traffic through the rotary. Since it is only a concept at this point, much will depend on the detailed design and how well it will deal with the complexity of the intersection plus the need to provide enhancements to pedestrian and bicycle access. We also wonder if a detailed design should await decisions on the plans for the MCI Concord land.

The concepts proposed for the intersection with Baker Ave. Extension and Elm Street also appear promising, depending on the actual detailed design.

The proposed widening of Route 2 at those intersections exacerbates safety and connectivity concerns of pedestrians, cyclists, and motorists crossing the highway. We are doubtful that any mitigation that would emerge in a detailed design will improve the situation for crossing traffic when one considers that crossing time will have to increase by 50% to accommodate the larger number of lanes.

Note that Route 2 divides the Town of Concord in half, creating a barrier between our two town centers and dividing every school district.

We ask that MassDOT reconsider the conceptual design of these intersections, taking into account the safety priorities of Concord's residents, its Select Board, and its Transportation Advisory Committee.

February 28, 2023

To: Select Board Members  
Henry Dane, Chair  
Mary Hartman, Clerk  
Terri Ackerman  
Linda Escobedo  
Mark Howell

Town of Concord  
22 Monument Square  
Concord, MA 01742

RE: MCI Concord Conveyance | Town of Concord Must Have Legal Rights.

Dear Concord Select Board Members,

We are writing to communicate our concern regarding the legislation regarding the closure of MCI Concord, notably the proposal to convey the land from the Department of Corrections to the Department of Capital Asset Management and Maintenance (“DCAMM”); It is our understanding that the proposed legislation does not contain any legal rights or an advisory role for the Town of Concord or its residents, in crafting future proposals for the redevelopment of the land.

We’re all aware of the profound impact this land, and its future state, has and will have on our town and our residents. Without representation or input from Concord, there is a risk that decisions regarding the property's use, zoning, and programming may not align with the needs or character of our community; DCAMM will have the authority to designate uses for the property that do not benefit Concord residents or align with our values. There is so much to consider: Traffic management, appropriate land usage, the preservation of green spaces along the river, and more.

We are relying on you as members of the Select Board, to advocate for legislative solutions that guarantee a voice for Concord residents in the redevelopment process and to ensure collaboration with the State. We are a connected and knowledgeable community, that can bring a multitude of resources to the table.

For instance, I (Emily) am a member of the Urban Land Institute (“ULI”), and we have engaged with multiple communities on an advisory level via our Technical Assistance Panels (“TAP”). TAPs provide resources and guidance to communities undergoing a substantial transformation, and bring together public and private stakeholders to create a strategically balanced cohort, which can guide a public private partnership in the evaluation of the creating the highest and best use for the property.

We must take proactive measures now, to avoid potential negative impacts to our town and residents. We all must come together to preserve the values, character, and historical charm of the town we all love (my brothers and I are third generation Concord!). We implore the Town and the Select Board to fight for a seat at the table, to create an advisory group of Concord residents, which will play a meaningful role in the future of this land.

Sincerely,

Emily Boynton Rush & Wes Rush (member of the Concord Business Partnership)  
122 Upland Road  
Concord, MA 01742

Please note: ULI's Westborough State TAP is a good case study to share as the complexities of that site are in line with Concord:

[No Slide Title \(windows.net\)](#)

**From:** [Henry Dane](#)  
**To:** [Shannon McAndrew](#)  
**Subject:** FW: MCI Concord Parcel  
**Date:** Thursday, February 29, 2024 8:52:28 AM

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**From:** Redmond, Timothy D <[timothy.d.redmond@jpmorgan.com](mailto:timothy.d.redmond@jpmorgan.com)>  
**Sent:** Thursday, February 29, 2024 8:48 AM  
**To:** Henry Dane <[hdane@concordma.gov](mailto:hdane@concordma.gov)>; Mary Hartman <[mhartman@concordma.gov](mailto:mhartman@concordma.gov)>; Terri Ackerman <[tackerman@concordma.gov](mailto:tackerman@concordma.gov)>; Linda Escobedo <[lescobedo@concordma.gov](mailto:lescobedo@concordma.gov)>; Mark Howell <[markhowell@concordma.gov](mailto:markhowell@concordma.gov)>  
**Subject:** MCI Concord Parcel

Some people who received this message don't often get email from [timothy.d.redmond@jpmorgan.com](mailto:timothy.d.redmond@jpmorgan.com). [Learn why this is important](#)

Dear Select Board:

With plans for the MCI Concord parcel under consideration, it is my understanding that the parcel is owned entirely by the state and that legislation filed by the Governor supplies to the Town and its residents zero legal rights or advisory role in the disposition or development of the parcel. Now is the time for Town leadership to act before Concord and its residents lose the opportunity to have a voice at all stages of this process. As a concerned resident, I am writing to urge the Select Board to prioritize this important matter at its next meeting. It is important that, when a rezoning proposal comes to Town Meeting, the proposal reflects the collaboration and vision of Concord residents.

Can you please share what you are doing to guarantee that Concord residents have a voice at all stages of this process?

Thank you for your time and consideration.

Sincerely,  
Tim Redmond, 75 Ayrshire Lane Concord, MA

Tim Redmond | Executive Director | Global Fixed Income | J.P. Morgan Securities LLC | 50 Rowes Wharf, 3rd Floor, Boston, MA 02110 | T: 617-310-0790 [timothy.d.redmond@jpmorgan.com](mailto:timothy.d.redmond@jpmorgan.com)

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AUTHORIZE A TASK FORCE TO REVIEW AND UPDATE THE CHARGES, POLICIES, AND PROTOCOLS OF THE HISTORIC DISTRICTS COMMISSION AND THE HISTORICAL COMMISSION ARTICLE 41.

To determine whether the Town will urge the Select Board, in close collaboration with the Diversity Equity and Inclusion Commission, to create a short-term task force to conduct a full and complete review of the charges, policies, protocols and enabling legislation of the Historic Districts Commission and Historical Commission, and recommend to the Select Board any updates, changes, and improvements needed, or take any other action relative thereto.

As members of the DEI Commission in Concord, it has been our collective endeavor to promote diversity, equity, and inclusion within our community.

Recognizing the significance of the Historic District Commission and Historical Commission's role in preserving our town's rich history, our collaboration would be aimed at enhancing the inclusivity of the town's historical preservation efforts.

Our intent is to foster an environment where the stories of all community members, regardless of background, are acknowledged and preserved.

Both commissions were formed in 1960 and 1973 respectively and their charges have not been updated since 1982. ( 42 years)

The scope of these commissions can be expanded to more explicitly include a wider understanding of our community's history that represents all of us (Black, Indigenous, Woman, Immigrant and the LGBTQ+ communities)

Some framing questions that could facilitate the task forces discussion include :

What do we value as a Town? Who are we today?

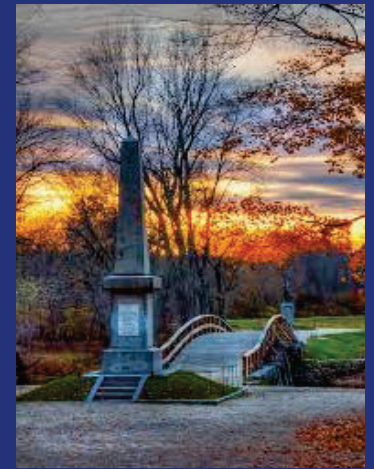
Whose history have we preserved?

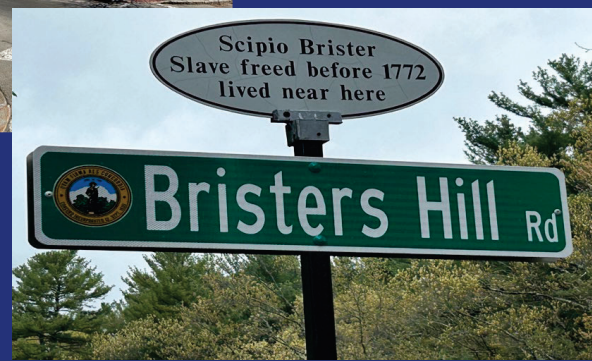
What do we mean by the "literary and historic tradition of Concord"?

Whose "literary and historic tradition?"

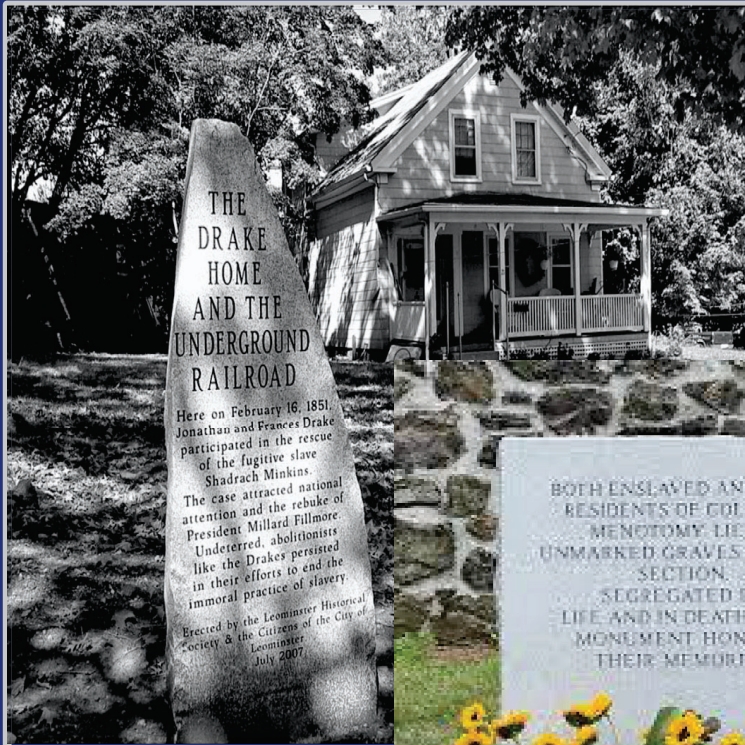
Who is not represented and why?

How does our interpretation reflect the makeup of America and our Town? What internal improvements can we make? What positive changes can we begin to collectively advocate for?





God will us free, man will us slaves,  
I will as God will, Gods will be done,  
Here lies the body of  
JOHN JACK  
A native of Africa who died  
March 1773 aged about 60 years  
The born in a land of slavery,  
He was born free,  
Tho he lived in a land of slavery,  
He lived a slave,  
Till by his honest tho sicken labors,  
He acquired the sum of money,  
Which gave him his freedom,  
The no being before  
Death this grand event,  
Gave him his final emancipation,  
And at his own footing with kings  
Tho a slave to vice,  
He proved these virtues  
Without which kings are but slaves



BOTH ENSLAVED AND FREE RESIDENTS OF COLOR IN MEMOTOMY LIE IN UNMARKED GRAVES IN THIS SECTION. SEGREGATED IN LIFE AND IN DEATH THIS MONUMENT HONORS THEIR MEMORIES



LexSeeHer is writing women into the narrative of American history. Make women visible: fund the Something Is Being Done monument.

Carla Payne-Goodman  
 Ruth Moody  
 Sylvia Ferrell Jones  
 Margaret Tulip  
 LexSeeHer  
 Make Women Visible

**Sojourner Truth Memorial Celebration & Women's Suffrage Marker Unveiling**  
 May 28, 2023 Northampton, MA





To: Concord Select Board

From: Beth Williams, Tourism Manager

Date: February 26, 2024

RE: Tourist Bylaw Amendments

As tourism numbers have grown, so has the number of people interested in providing tours in Concord. With the continued increases expected due to the popularity of the upcoming Concod250, the following recommendations are submitted for you.

Included with this memorandum is language for Warrant Article 42: Tourist Bylaw Amendments. The purpose of these amendments is to modify the original Tourist Bylaws created in 1905. The original language only mentions soliciting tourists to ride in carriages, while current recommendations are to provide a wider regulation to allow for walking, bus, and other vehicular tours. Additionally, the amendments will correct the former language of Selectmen to Select Board.

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#### TOURIST BYLAWS AMENDMENTS

**ARTICLE 42.** To determine whether the Town will amend the Tourist Bylaws as follows, or take any other action relative thereto (changes shown in ***bold italics*** or strikeout for clarity purposes only):

##### LICENSING OF TOURIST VEHICLES BYLAW

No person shall use ***provide tour guide services via vehicle*** ~~a carriage or other vehicle for the transportation of tourists for hire~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time, and shall be revocable by the Select Boardmen within that time.

##### TOURIST GUIDE LICENSE BYLAW

No person shall, in any of the public places in said Town, solicit tourists ~~to ride in carriages or other vehicles, to take meals, to employ guides, or to buy any articles~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time and shall be revocable by the Select Boardmen within that time.

**133 Keyes Road  
Concord, MA 01742**



**DATE: 01/05/2024**

**MEMORANDUM**

**TO: Shannon McAndrew, Executive Assistant to the Select Board**  
**VIA: Alan Cathcart, Director of Public Works**  
**FROM: Stephen Dookran PE, Town Engineer**  
**PREPARED BY: Justin Richardson, PE, Assistant Town Engineer**  
**SUBJECT: Petition of Comcast of Massachusetts III, Inc. to install new coaxial cable along Commonwealth Avenue and Winthrop Street**

This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by Comcast of Massachusetts III, Inc. on Commonwealth Avenue and Winthrop Street. The applicant proposes to overlash an additional cable to the existing Comcast network from utility pole #23 Commonwealth Avenue to utility pole #5-2 Winthrop Street to provide service to the occupants of 56 Winthrop Street. Concord Public Works (CPW) Engineering Division has reviewed the attached Grant of Location petition dated October 26, 2023, and has no objection to the approval of the petition subject to the following conditions.

1. A letter is submitted by the Concord Municipal Light Plant to the Select Board stating concurrence with the work as proposed by Comcast.
2. Prior to construction, the applicant must complete a site visit with CPW to review work to be completed. CPW shall be notified at least 24 hours prior to the start of construction.
3. The applicant must remove any infrastructure deemed obsolete because of this project.
4. As-built plans must be provided to the Concord Public Works Engineering Division prior to the final closeout of the project.
5. The Applicant will remove the new coaxial cable upon completion of its service life.
6. A ROW Permit application shall be submitted to CPW with stamped constructions plans if any alteration of surface features in the ROW is being performed. A ROW permit shall also be applied for if obstructions will be left in the ROW when no work is being performed. If a ROW permit is required, no work shall commence until CPW has completed its review and provides ROW Permit approval to the Applicant.
7. A traffic management plan shall be submitted to the Concord Police Department Traffic Safety Officer and the CPW Engineering Division for approval. This should include sidewalk closures and alternative pedestrian routes around the construction.
8. The Applicant shall notify emergency services, the school district, the post office, CPW Solid Waste for trash pickup services via email one week prior to the start of

construction. The applicant shall also notify neighborhood residents with door hangers prior to the start of construction.

9. The Applicant and its Contractor, if applicable, shall adhere to the CPW Construction and Tree Protection Standard Operating Procedures including the protection of public shade trees: “No person may plant, trim, cut, or remove a public shade tree without the prior permission of the Tree Warden and Engineering Division. This control includes the cutting of roots during construction.” The contractor shall be responsible for installing wooden tree guards with orange snow fencing on public shade trees located within the work zone.



---

Date: January 24, 2024  
To: Shannon McAndrew, Town Manager's Office, Senior Administrative Assistant  
Via: Jason Bulger, CTO & Interim CMLP Director  
Via: Joe Repoff, CMLP Assistant Director  
From: Jeffrey Cosgrove, CMLP Lead Electrical Engineer  
Cc: Steven Dookran, CPW Town Engineer  
Cc: Justin Richardson, CPW Assistant Town Engineer  
Subject: Petition of Comcast of Massachusetts III, Inc. for a Grant of Location on sections of Commonwealth Ave and Winthrop St

This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by Comcast of Massachusetts III, Inc. on portions of Commonwealth Avenue and Winthrop St. The applicant is proposing to overlash an additional cable to Comcast's existing network encompassing the following sections of roadway as noted below; reference plan titled "Aerial Cable Replacement Request, 56 Winthrop St, Concord MA".

- Commonwealth Ave: Pole #23 Commonwealth Ave to Pole #18 Commonwealth Ave
- Winthrop St: Pole #18 Commonwealth Ave to Pole #5-2 Winthrop St

The Concord Municipal Light Plant (CMLP) has met with Comcast on site to review the application and plans and has no objection to the approval of the petition subject to the following conditions which are supplemental to Concord Public Works requirements:

1. Prior to construction, the applicant must complete a pre-Hearing site visit with the Concord Municipal Light Plant to review work to be completed.
2. The new aerial cable shall be installed using common industry standards and shall be set substantially at the points indicated on the plan filed with the petition. Specifically, the new aerial cable must be installed between utility poles 23 Commonwealth Ave and pole 5-2 Winthrop St. Minimum separation and clearance requirements as described by the most recent National Electric Safety Code must be maintained between the proposed aerial cable and existing overhead facilities.
3. The Applicant must complete any applicable transfer work between old and new utility poles along this section of roadway during installation. Should any issues arise it is the responsibility of the Applicant to coordinate with CMLP.
4. As-built plans must be provided to the Concord Municipal Light Plant Engineering Division prior to the final closeout of the project.



85 East Belcher Road  
Foxborough, MA 02035  
Phone: 617-279-5880 (c)

October 26, 2023

Shannon McAndrew  
Senior Administrative Assistant  
Town Manager's Office  
Town of Concord, MA

**RE: Petition for Grant of Location for 56 Winthrop Steet, Concord, MA**

Dear Shannon:

Enclosed please find Comcast's Petition for Installation of Cable in order to provide service to 56 Winthrop Street. I have also enclosed a draft Order. Please advise when the Board will be able to hear us on this matter.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions, comments, or concerns regarding any aspect hereof.

Sincerely,

*Catherine Maloney*

Catherine Maloney, Senior Manager of Government & Regulatory Affairs  
Comcast

**PETITION FOR INSTALLATION OF COAXIAL CABLE**

Concord, Massachusetts

10/26/2023

To the Select Board of Concord, Massachusetts:

**Comcast of Massachusetts III, Inc.** requests permission to install coaxial cable to be owned and used by the petitioner, along and across the following public way or ways:

- *Winthrop Street via Commonwealth Avenue*

Wherefore they pray that after due notice and hearing as provided by law, they be granted permission to install coaxial cable over lashed to existing strand coaxial cable as they may find necessary and in accordance with the plan filed herewith.

1. **Comcast of Massachusetts III, Inc.**

By: *Catherine Maloney*

Print name: Catherine Maloney

Title: Sr. Manager of Government and Regulatory Affairs

Telephone or e-mail contact info: (617) 279-5880 cell phone  
Catherine\_Maloney@comcast.com

**ORDER FOR INSTALLATION OF COAXIAL CABLE**

In Select Board of the Town of Concord, Massachusetts

Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED: that **Comcast of Massachusetts III, Inc.** be and is hereby granted permission to install cable as it deems necessary, in the public way or ways hereinafter referred to, as requested in the said petition and accompanying plan.

All construction under this order shall be in accordance with the following conditions:

*Overlash an additional cable to the existing Comcast network from utility pole #23 Commonwealth Av. to utility pole #5-2 Winthrop St. This request is to provide service to the occupants of 56 Winthrop St. All work to be done in accordance with the Town's order of conditions.*

The following are the public ways or parts of ways along which the above referred to may be installed thereon under this order:

- *Commonwealth Ave, Winthrop Street*

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Concord, Massachusetts held the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Select Board

We hereby certify that on \_\_\_\_\_, at \_\_\_\_\_ O'clock \_\_\_\_\_, at

Concord, Massachusetts, a public hearing was held on the petition of **Comcast of Massachusetts III, Inc.**

permission to install coaxial cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install coaxial cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Select Board of the Town of Concord, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of a location order and certificate of Hearing with notice adopted by the Select Board of the Town of Concord, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
Town Clerk

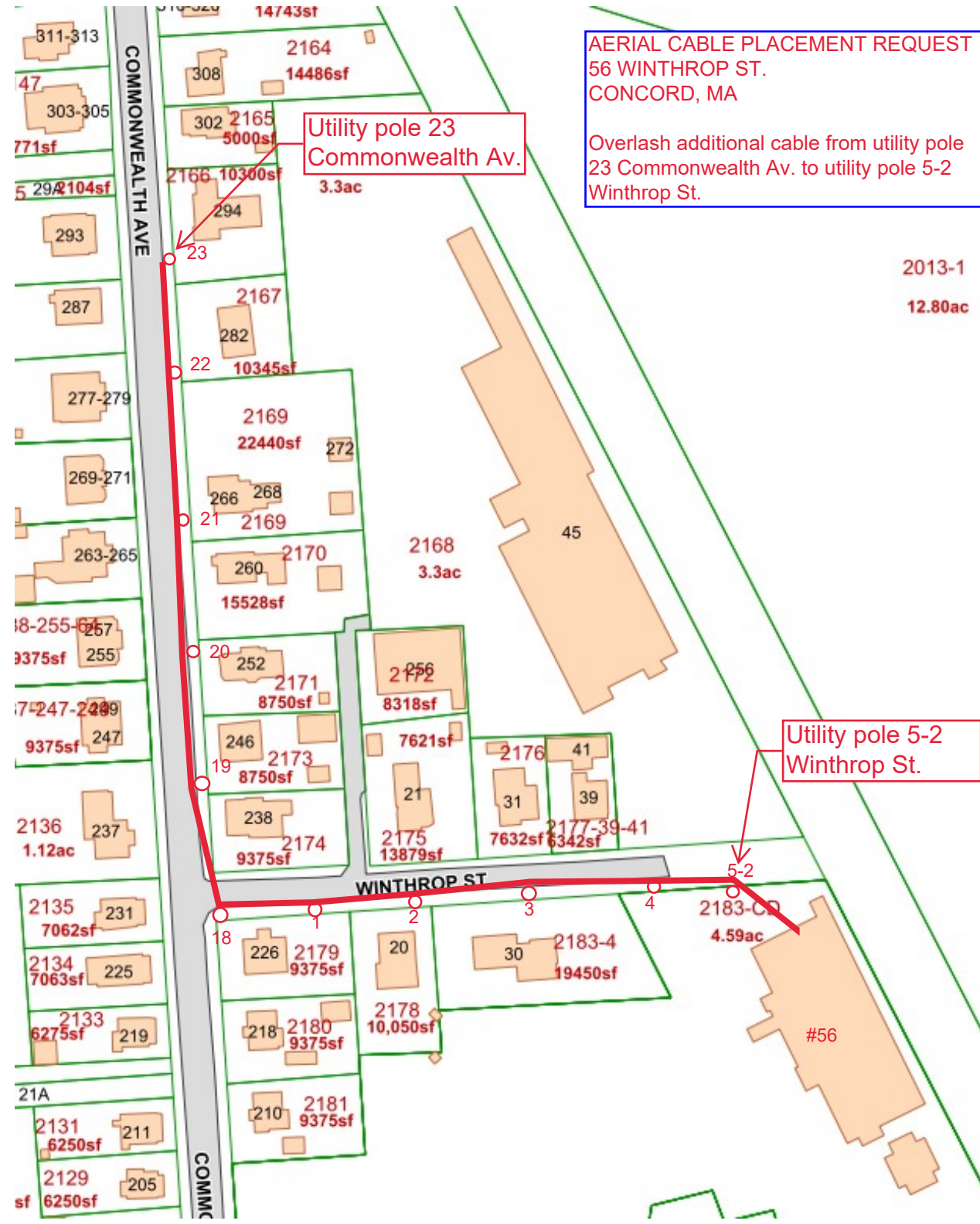
**AERIAL CABLE PLACEMENT REQUEST**  
56 WINTHROP ST.  
CONCORD, MA

Overlap additional cable from utility pole 23 Commonwealth Av. to utility pole 5-2 Winthrop St.

Utility pole 23  
Commonwealth Av.

Utility pole 5-2  
Winthrop St.

2013-1  
12.80ac



**TOWN OF CONCORD  
SELECT BOARD**

**PUBLIC HEARING NOTICE**

Notice is hereby given that a Public Hearing will be held at the Town House in the Select Board Meeting Room, 22 Monument Square, Concord, MA on Monday, March 4, 2024 at 7:00 PM, upon the petition of Comcast of Massachusetts to install coaxial cable to be owned and used by the petitioner, along and across the following public ways or ways:

- Winthrop Street via Commonwealth Avenue

The petition was filed with the Select Board on October 26, 2023.

Questions on this matter should be directed to Catherine Maloney, Senior Manager of Government and Regulatory Affairs at Comcast, via phone at 617-279-5880 or via email at [Catherine.Maloney@comcast.com](mailto:Catherine.Maloney@comcast.com).

By Order of the Select Board

Mary Hartman, Clerk

**133 Keyes Road  
Concord, MA 01742**



**DATE: 01/05/2024**

**MEMORANDUM**

**TO: Shannon McAndrew, Executive Assistant to the Select Board**  
**VIA: Alan Cathcart, Director of Public Works**  
**FROM: Stephen Dookran PE, Town Engineer**  
**PREPARED BY: Justin Richardson, PE, Assistant Town Engineer**  
**SUBJECT: Petition of Comcast of Massachusetts III, Inc. to install new coaxial cable  
along Old Marlboro Road**

This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by Comcast of Massachusetts III, Inc. on Old Marlboro Road. The applicant proposes to extend the Comcast network from utility pole #70 Old Marlboro Road to utility pole #76 Old Marlboro Road to provide service to the new Sanborn Middle School. Concord Public Works (CPW) Engineering Division has reviewed the attached Grant of Location petition dated December 11, 2023, and has no objection to the approval of the petition subject to the following conditions.

1. A letter is submitted by the Concord Municipal Light Plant to the Select Board stating concurrence with the work as proposed by Comcast.
2. Prior to construction, the applicant must complete a site visit with CPW to review work to be completed. CPW shall be notified at least 24 hours prior to the start of construction.
3. The applicant must remove any infrastructure deemed obsolete because of this project.
4. As-built plans must be provided to the Concord Public Works Engineering Division prior to the final closeout of the project.
5. The Applicant will remove the new coaxial cable upon completion of its service life.
6. A ROW Permit application shall be submitted to CPW with stamped constructions plans if any alteration of surface features in the ROW is being performed. A ROW permit shall also be applied for if obstructions will be left in the ROW when no work is being performed. If a ROW permit is required, no work shall commence until CPW has completed its review and provides ROW Permit approval to the Applicant.
7. A traffic management plan shall be submitted to the Concord Police Department Traffic Safety Officer and the CPW Engineering Division for approval. This should include sidewalk closures and alternative pedestrian routes around the construction.
8. The Applicant shall notify emergency services, the school district, the post office, CPW Solid Waste for trash pickup services via email one week prior to the start of

construction. The applicant shall also notify neighborhood residents with door hangers prior to the start of construction.

9. The Applicant and its Contractor, if applicable, shall adhere to the CPW Construction and Tree Protection Standard Operating Procedures including the protection of public shade trees: “No person may plant, trim, cut, or remove a public shade tree without the prior permission of the Tree Warden and Engineering Division. This control includes the cutting of roots during construction.” The contractor shall be responsible for installing wooden tree guards with orange snow fencing on public shade trees located within the work zone.

---

Date: January 24, 2024

To: Shannon McAndrew, Town Manager's Office, Senior Administrative Assistant

Via: Jason Bulger, CTO & Interim CMLP Director

Via: Joe Repoff, CMLP Assistant Director

From: Jeffrey Cosgrove, CMLP Lead Electrical Engineer

Cc: Steven Dookran, CPW Town Engineer

Cc: Justin Richardson, CPW Assistant Town Engineer

Subject: Petition of Comcast of Massachusetts III, Inc. for a Grant of Location on a section of Old Marlboro Rd

This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by Comcast of Massachusetts III, Inc. on a portion of Old Marlboro Rd. The applicant is proposing to install new aerial and underground cable on Old Marlboro Rd to extend Comcast's existing network in order to provide service to the new Middle School. This petition encompasses the following section of roadway as noted below; reference plan titled "Pole Attachment Request, 835 Old Marlboro Rd, Sanborn Middle School, Concord MA".

- Old Marlboro Rd: Pole #70 Old Marlboro Rd to Pole #76 Old Marlboro Rd

It should be noted that Comcast intends to utilize new underground infrastructure installed by the School Department's contractor to cross Old Marlboro Rd between utility pole 76 Old Marlboro Rd and the new Middle School. The Concord Municipal Light Plant (CMLP) has met with Comcast on site to review the application and plans and has no objection to the approval of the petition subject to the following conditions which are supplemental to Concord Public Works requirements:

1. Prior to construction, the applicant must complete a pre-Hearing site visit with the Concord Municipal Light Plant to review work to be completed.
2. A pole survey shall be performed at the applicant's expense noting existing and proposed utility attachments and heights including any applicable make ready work required to meet code requirements. All proposed make ready work must be performed by each existing utility prior to the installation of said cable and shall be paid for by the applicant.
3. The new aerial cable shall be installed using common industry standards and shall be set substantially at the points indicated on the plan filed with the petition. Specifically, the new aerial cable must be installed between utility poles 70 and 76 Old Marlboro Rd. Minimum separation and clearance requirements as described by the most recent National Electric Safety Code must be maintained between the proposed aerial cable and existing overhead facilities.



# CONCORD MUNICIPAL LIGHT PLANT

ELECTRIC | BROADBAND | ENERGY MANAGEMENT

4. The Applicant must complete any applicable transfer work between old and new utility poles along this section of roadway during installation. Should any issues arise it is the responsibility of the Applicant to coordinate with CMLP.
  
5. It is imperative that CMLP's work along Old Marlboro Rd as part of the new Middle School Project be completed prior to Comcast's installation.



85 East Belcher Road  
Foxborough, MA 02035  
Phone: 617-279-5880 (c)

December 11, 2023

Shannon McAndrew  
Executive Assistant to Select Board  
Town Manager's Office  
22 Monument Square  
Concord, MA 01742

**RE: Petition for Grant of Location for 835 Old Marlboro Road, Concord, MA**

Dear Shannon:

Enclosed please find Comcast's Petition for Installation of Cable in order to provide service to 835 Old Marlboro Road, the new Sanborn Middle School. I have also enclosed a draft Order. Please advise when the Board will be able to hear us on this matter.

Thank you for your assistance. Please do not hesitate to contact me should you have any questions, comments, or concerns regarding any aspect hereof.

Sincerely,

*Catherine Maloney*

Catherine Maloney, Senior Manager of Government & Regulatory Affairs  
Comcast

**PETITION FOR INSTALLATION OF CABLE**

Concord, Massachusetts

**12/11/2023**

To the Select Board of Concord, Massachusetts:

**Comcast of Massachusetts III, Inc.** requests permission to install new strand and cable to be owned and used by the petitioner, along and across the following public way or ways:

- *Old Marlboro Road*

Wherefore they pray that after due notice and hearing as provided by law, they be granted permission to install new strand and cable as they may find necessary and in accordance with the plan filed herewith.

1. **Comcast of Massachusetts III, Inc.**

By: *Catherine Maloney*

Print name: Catherine Maloney

Title: Sr. Manager of Government and Regulatory Affairs

Telephone or e-mail contact info: (617) 279-5880 cell phone  
Catherine\_Maloney@comcast.com

**ORDER FOR INSTALLATION OF CABLE**

In Select Board of the Town of Concord, Massachusetts

Notice having been given and a public hearing held, as provided by law,

IT IS HEREBY ORDERED: that **Comcast of Massachusetts III, Inc.** be and is hereby granted permission to install cable as it deems necessary, in the public way or ways hereinafter referred to, as requested in the said petition and accompanying plan.

All construction under this order shall be in accordance with the following conditions:

*To extend the Comcast network from utility pole #70 Old Marlboro Road to utility pole #76 Old Marlboro Road. This request is to provide service to the Sanborn Middle School. All work to be done in accordance with the Town's order of conditions.*

The following are the public ways or parts of ways along which the above referred to may be installed thereon under this order:

- *Old Marlboro Road*

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Concord, Massachusetts held the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Select Board

We hereby certify that on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, at

Concord, Massachusetts, a public hearing was held on the petition of **Comcast of Massachusetts III, Inc.**

permission to install cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

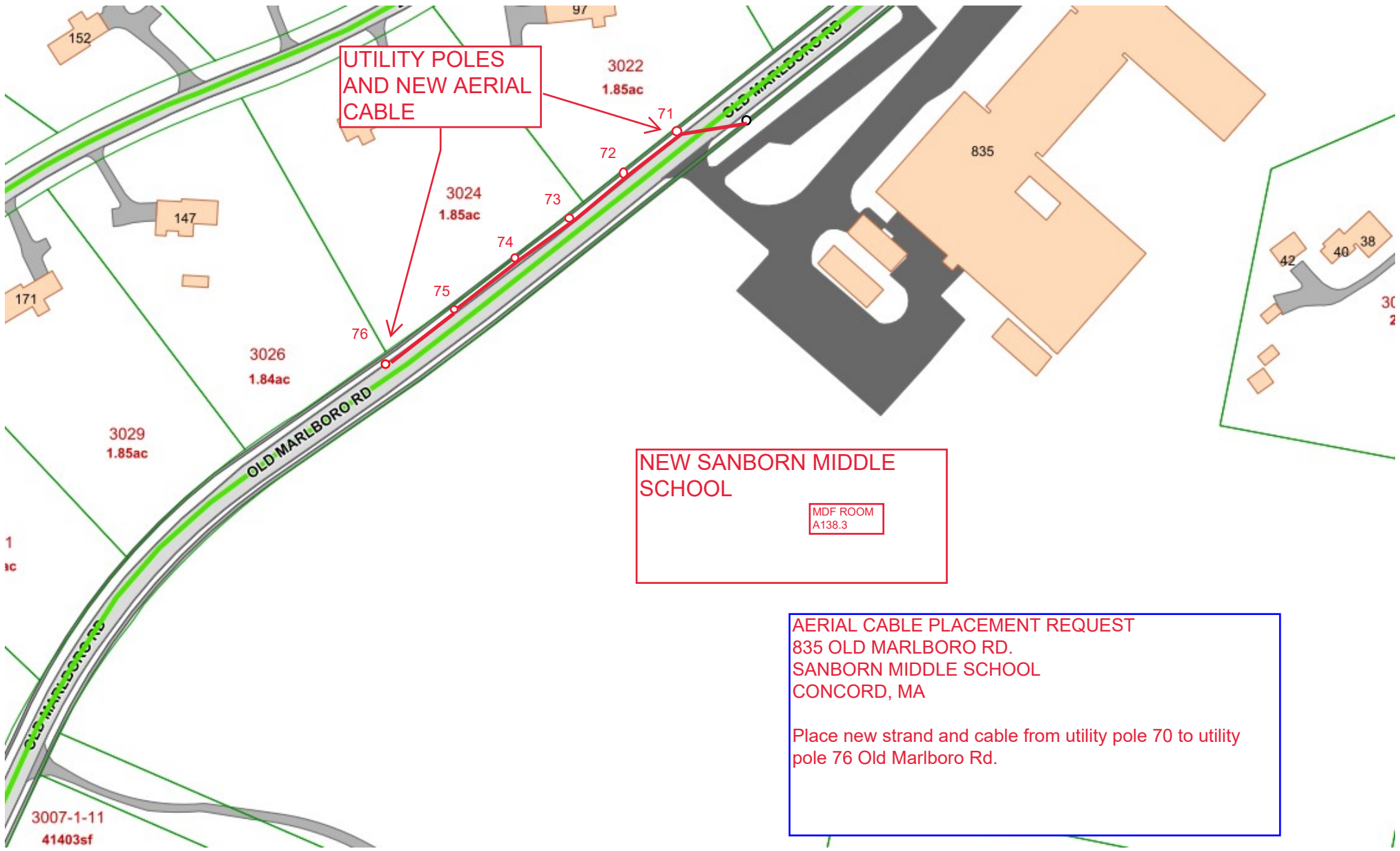
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

Select Board of the Town of Concord, Massachusetts

### **CERTIFICATE**

I hereby certify that the foregoing is a true copy of a location order and certificate of Hearing with notice adopted by the Select Board of the Town of Concord, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
Town Clerk



UTILITY POLES  
AND NEW AERIAL  
CABLE

NEW SANBORN MIDDLE  
SCHOOL

MDF ROOM  
A138.3

AERIAL CABLE PLACEMENT REQUEST  
835 OLD MARLBORO RD.  
SANBORN MIDDLE SCHOOL  
CONCORD, MA

Place new strand and cable from utility pole 70 to utility pole 76 Old Marlboro Rd.

**TOWN OF CONCORD  
SELECT BOARD**

**PUBLIC HEARING NOTICE**

Notice is hereby given that a Public Hearing will be held at the Town House in the Select Board Meeting Room, 22 Monument Square, Concord, MA on Monday, March 4, 2024 at 7:00 PM, upon the petition of Comcast of Massachusetts to install coaxial cable to be owned and used by the petitioner, along and across the following public ways or ways:

- Old Marlboro Road

The petition was filed with the Select Board on December 11, 2023.

Questions on this matter should be directed to Catherine Maloney, Senior Manager of Government and Regulatory Affairs at Comcast, via phone at 617-279-5880 or via email at [Catherine.Maloney@comcast.com](mailto:Catherine.Maloney@comcast.com).

By Order of the Select Board

Mary Hartman, Clerk

133 Keyes Road  
Concord, MA 01742



**DATE: 1/29/2024**

**MEMORANDUM**

---

**TO: Shannon McAndrew, Senior Administrative Assistant  
c/o Select Board**

**VIA: Kerry Lafleur, Town Manager**

**VIA: Alan Cathcart, Director of Public Works**

**FROM: Stephen Dookran PE, Town Engineer**

**PREPARED BY: Justin Richardson, PE, Assistant Town Engineer**

**SUBJECT: Petition by National Grid to relay approximately 470 feet of 2-inch Coated Steel (1930) Gas Main with 470 feet of 2-inch Plastic Gas Main in Davis Ct from Bedford St to end at #47 Davis Ct.**

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This memorandum is to provide comments to the Select Board on the petition for a Grant of Location filed by National Grid on Davis Court. Concord Public Works (CPW) Engineering Division has reviewed the attached Grant of Location petition dated March 18, 2022 and proposed plan dated of March 16, 2022 from National Grid for the above referenced project in the Davis Court public right-of-way in which National Grid requests relay of approximately 470 feet of 2-inch Coated Steel (1930) gas main with 470 feet of 2-inch Plastic gas main in Davis Court from Bedford Street to the end at #47 Davis Court. It should be noted that this petition and several others filed almost two years ago have been delayed by a number of discussions between National Grid and CPW to come to agreement on conditions of approval and by National Grid's reprioritizing the locations to proceed with. CPW asks that if the Select Board approves the petition, the following understandings, conditions, and recommendations are made part of the approval:

- 1. Grant of Location Expiration.** This Grant of Location (GOL) will expire on May 30, 2024 if National Grid does not complete all its work proposed in this petition by that date to allow the Town to repave Davis Court. In such an event, National Grid may reapply for a GOL for the subject location to perform the work after the five-year moratorium placed on newly paved streets under the Town's Private Digging of Roads bylaw.
- 2. Compliance with Applicable Laws.** National Grid shall comply with all state laws and requirements with respect to the replacement and/or removal of gas mains.
- 3. Failures due to Abandoned Gas Main and Services.** Should any issue, including but not limited to roadway settlement or collapse, gas leakage, groundwater, or storm water interference, etc. arise as a result of National Grid's abandoned mains, services, appurtenances or associated trenches, National Grid shall promptly respond to make all necessary repairs to the affected area as required by the road restoration standards set

forth in D.T.E. 98-22. Failure to do so may result in a revocation, delay, or denial of any pending or future GOLs applied for by National Grid.

- 4. Conflicts with Abandoned Gas Mains.** If any of National Grid's abandoned mains, including the main to be abandoned under this petition for a GOL, present conflicts with future improvements to the public street infrastructure including but not limited to sidewalk, drainage or public utilities, National Grid will work with the Town to minimize the impacts of these conflicts including potentially using National Grid's resources to help with the following: (1) confirming or identifying the location of the mains (that may not be identified by Dig Safe), (2) confirming that the main has no residual gas, and (3) working with the Town to remove any obstructing facilities. Failure to do so may result in the revocation, delay or denial of any existing, pending or future GOLs applied for by National Grid. A National Grid Representative shall attend Town Project pre-construction meetings and other construction meetings as needed to provide information necessary to minimize conflicts with live and abandoned gas infrastructure.
- 5. Right of Way Permit** – A right of way (ROW) permit issued by CPW Engineering is required to perform work in the public street. CPW Engineering reserves the right to add and/or adjust permit stipulations related to construction standards, work quality, work site maintenance, schedule adjustments, etc. when these become necessary to address new information and conditions related to the project or project site. All work shall be performed in compliance with the conditions of this memorandum and D.T.E. 98-22. In the event that any provision of this grant of location is inconsistent with the standards set forth in D.T.E. 98-22, the Town and National Grid agree that National Grid shall be required to comply with all standards in D.T.E. 98-22.
- 6. Traffic Control Plan** – As part of the ROW permit a traffic mitigation plan meeting the Manual of Uniform Control Traffic Devices (MUTCD) shall be submitted to the Concord Police Department Traffic Safety Officer and CPW Engineering. It appears from the plan provided thus far that the work will require partial or full closure of the roadway and pedestrian paths. A sketch shall be provided detailing how the anticipated vehicular and pedestrian movements will be managed for the duration of the job. The construction hours shall be in conformance with the requirements of the ROW permit, and any changes to work hours and significant deviations from the traffic control plan shall be approved by the Town Engineer. The roadway and sidewalk shall be secured at the end of each workday to ensure safe and adequate passage. The temporary pedestrian route shall conform to ADA Regulations. Work shall not commence until the review and approval of the traffic mitigation plan are completed.

7. **Tree Protection** – Contractors shall adhere to the CPW Construction and Tree Protection Standard Operating Procedures including the protection of public shade trees: “No person may plant, trim, cut, or remove a public shade tree without the prior permission of the Tree Warden and Engineering Division. This control includes the cutting of roots during construction.” The contractor shall be responsible for installing wooden tree guards with orange snow fencing on public shade trees located within the work zone.
8. **Construction Notifications** – The applicant shall notify emergency services, the school district, the post office, CPW Solid Waste for trash pickup services via email one week prior to the start of construction. The applicant shall also notify neighborhood residents and businesses two weeks prior to the start of construction. Additionally, the applicant is required to give prior notice to CPW Engineering regarding daily work in the ROW as specified in the ROW permit.
9. **Preconstruction Meeting** - National Grid shall schedule a preconstruction meeting with all pertinent Town Divisions, other utility companies and stakeholders two weeks prior to the commencement of construction.
10. **Separation from Existing Utilities in Roadway** - National Grid shall maintain the following minimum offsets from existing infrastructure with its new mains.
  - Minimum of 3’ from all other existing utilities and utility structures
  - Minimum of 1’ vertical separation to any utility crossing
11. **Trenching, Patching, and Pavement Restoration** – National Grid must backfill the trench with suitable material, in 6-inch lifts, and compact with mechanical vibratory devices such as vibratory roller, plates, or rammer (pogo stick). Suitable backfill material will mean an imported product meeting the gradation specification for MassDOT M1.03.1 Processed Gravel for sub-base. The gravel material delivered must pass a three (3) inch square mesh sieve and shall not contain frozen material. Contractor must submit material data sheet to the Engineering Division prior to commencing work. No work shall commence until Engineering has completed its review of the material data sheet. National Grid shall have a Geotechnical Engineer certify that the material inside the trench and the compaction of the material meets Town of Concord Design and Construction Standards. The material data and the Geotechnical Engineer certification can be omitted if National Grid provides the Town with a five-year warranty of the pavement in the area of their trench.

The patch shall be considered temporary until the Town completes the final repaving of Davis Court in the project area. During this period any settlement or delamination of pavement within the patch or unacceptable deterioration of adjacent pavement caused by the construction shall be rectified by National Grid or its subcontractors within two days of notice of defect.

Asphalt (a minimum of 4.5-inches of binder) patching shall be placed at all trenched locations in preparation for the Town's full width mill and overlay on Davis Court.

- 12. Trench Plates** – CPW understands that work can potentially be performed during the winter snow events but during this time no steel plates will be permitted to secure trenches. If the use of steel plates becomes absolutely necessary because of a critical change in the work plan, CPW shall be immediately notified, and the installation of the plates will strictly follow the requirements to allow safe and proper snow removal. National Grid will be held liable for any incidents due to inadequate removal of snow and ice in the work area related to improperly installed trench plates and/or obstructions caused by their work in the work area. The plates shall be in place for no more than 24 hours or the duration of a snow or ice event. They shall be monitored to make sure they remain secure.
- 13. As-Built Plans** – An as-built plan of the new main and all appurtenances as well as a record drawing of the Abandoned Main and all its appurtenances shall be provided to CPW Engineering prior to the final closeout of the ROW Permit.

**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

**Town of Concord / Board of Selectmen:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Concord** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**Due to Concord road reconstruction, Nationalgrid recommends the relay of approximately: 470 feet of 2-inch Coated Steel (1930) gas main with 470 feet of 2-inch Plastic in Davis Ct St from Bedford St to end at #47 Davis Ct.**

Date: **March 18, 2022**

By: \_\_\_\_\_  
Mary Mulroney  
Permit Representative

**Town of Concord / Board of Selectmen:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Concord** substantially as described in the petition date **March 18, 2022** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Concord** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

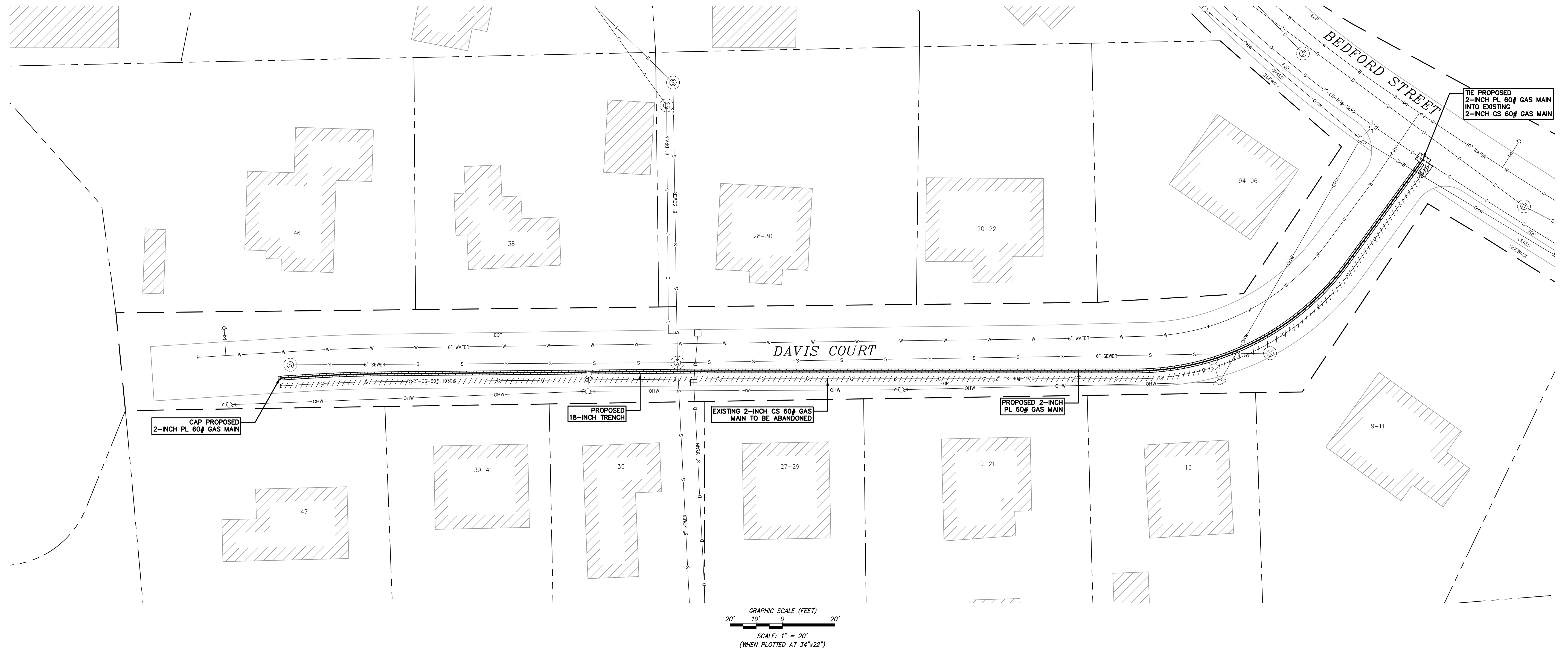
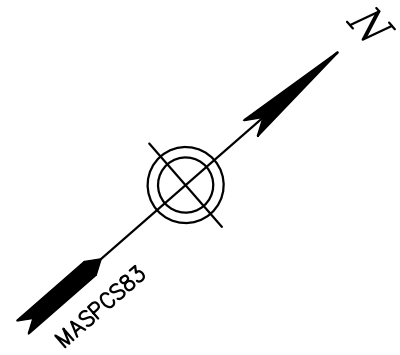
I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_  
Title

**WO # 1450322**

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**



TIE PROPOSED 2-INCH PL 60# GAS MAIN INTO EXISTING 2-INCH CS 60# GAS MAIN

CAP PROPOSED 2-INCH PL 60# GAS MAIN

PROPOSED 18-INCH TRENCH

EXISTING 2-INCH CS 60# GAS MAIN TO BE ABANDONED

PROPOSED 2-INCH PL 60# GAS MAIN

**LEGEND**

---	PROPOSED GAS
---	EXISTING ELECTRIC
---	EXISTING GAS
---	EXISTING WATER
---	EXISTING STORM DRAIN
---	EXISTING SANITARY SEWER
---	EXISTING TELEPHONE
---	EXISTING CABLE TV LINE
---	EXISTING MBTA
---	EDGE OF PAVEMENT
---	CURB LINE
---	RIGHT OF WAY LINE
---	PROPERTY LINE
---	BUILDING LINE

**NOTE:**  
THE TOPOGRAPHIC AND ELEVATION DATA SHOWN HEREON WAS OBTAINED FROM PUBLIC SOURCES AND WAS NOT CERTIFIED TO BE CORRECT AND/OR ACCURATE BY THIS ENGINEER. USERS RELY ON SAID DATA AT THEIR OWN RISK. UTILITY DATA IS COMPILED FROM RECORD DATA SOURCES AND IS NOT FIELD VERIFIED.

**CALL 811 BEFORE YOU DIG**

**PROJECT SPECIFICS**  
 SIZE: 2"  
 LENGTH: 470'±  
 MATERIAL: PLASTIC  
 PRESSURE: 60#  
 SCALE: 1" = 20'

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 Norwell, MA 02061-1620  
 781-982-7700 www.chacompanies.com

3/16/2022  
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NO.	DESCRIPTION	DATE	DR.BY	CK.BY	APP.BY
0	ISSUED FOR GRANT OF LOCATION	03/16/2022	M.K	MLT	JEO

BOSTON GAS COMPANY  
 d/b/a  
**nationalgrid**  
 40 SYLVAN ROAD  
 WALTHAM, MA 02451

**ISSUED FOR PERMITTING**

PROPOSED GAS MAIN INSTALLATION  
 PROPOSED OPENING TO INSTALL 2-INCH GAS MAIN  
 9-47 DAVIS COURT  
 CONCORD, MA

**GRANT OF LOCATION PERMIT PLAN**

DWG SIZE	DESIGNER	ENGINEER	DATE	ASSET I.D.	W.O. NO.:
22"x34"	M. KITTS	J. O'DONNELL	03/16/2022	DISTRIBUTION	1450322

PAGE 1 OF 1

DRAWING NO.	SHEET NO.
DPL-CON-074786-1018	C-801

NOT FOR CONSTRUCTION

File: V:\PROJECTS\ANY\074786\009\_DESIGN\DRAWINGS\CIVIL\074786-1018.DWG  
 Saved: 3/16/2022 7:28:01 AM Plotted: 3/16/2022 7:21:52 AM Current User: Kitts, Matthew LastSavedBy: 6451

**Newspaper:** Concord Bridge  
**Publication Date:** February 23, 2024  
**Send invoice to:** Mary Mulroney  
Permit Representative for National Grid  
[Mary.Mulroney@nationalgrid.com](mailto:Mary.Mulroney@nationalgrid.com)  
617-894-3896

**TOWN OF CONCORD  
SELECT BOARD**

**PUBLIC HEARING NOTICE**

Notice is hereby given that a public hearing will be held at the Town House in the Select Board Hearing Room on the 2<sup>nd</sup> floor, 22 Monument Square, Concord, MA on Monday, March 4, 2024 at 7:00 PM to hear the petition of National Grid for Gas Main Location(s):

- Due to Town of Concord road reconstruction, National Grid recommends the relay of approximately: 470 feet of 2-inch Coated Steel (1930) gas main with 470 feet of 2-inch plastic in Davis Court from Bedford Street to end at #47 Davis Court.

By Order of the  
Select Board

/s/ Mary Hartman  
Clerk

## SUMMARY OF THE STATUS OF COMCAST'S LICENSE/FRANCHISE RENEWAL PROCESS

The Town is conducting a license/franchise renewal process with Comcast. The current 10-year license agreement expires on April 23, 2024. The process for cable license/franchise renewal is spelled out in federal and state law and is designed to ensure that the community's current and future cable-related needs and interests are satisfied in a renewal license/franchise agreement. Federal law calls for a formal process and an informal negotiation process to run simultaneously. Typically, renewal proceedings alternate between the formal and informal processes before reaching agreement on a renewal license/franchise. The Town has been proceeding in this manner over the past several years. The Town's negotiating team is meeting every three weeks in an effort to reach an agreement through informal negotiations. In December, Comcast submitted a formal proposal for renewal as required by the Massachusetts Department of Telecommunications and Cable.

The renewal process included an evaluation of Comcast's performance under the existing license/franchise and a community needs assessment to gather information regarding needs that should be addressed in a renewal license/franchise agreement. The Buske Group, Town and Minuteman Media staff, and members of the PAAC have been undertaking the compliance review and community needs assessment process for several years.

During the spring and summer of 2023, several activities were undertaken to gather public input, including a series of three community focus group meetings, an online survey, a review of the PEG access/community programming facilities and services, and a detailed inventory of PEG access equipment to determine the age and condition of video and media production equipment. In addition, The Buske Group worked with Town staff to analyze the current license/franchise agreement to determine Comcast's level of compliance with its obligations and identify areas that need to be addressed in a renewal license/franchise agreement.

The public input gathered from the community focus group meetings and the online survey indicated a high level of interest in having more community programming available on the PEG access channels, and the ability to originate from multiple locations in the Town. Programming topics of particular interest are Concord news and information; government/public agency meetings; community events and activities; and programming on aging issues, environment, health and wellness, high school sports, and music and arts. The names and descriptions of programs on the community/PEG access channels should be displayed on Comcast's electronic programming guide, in the same manner as Comcast provides for the other channels on the cable system.

Input received strongly stated the need for PEG access channels to be delivered in high definition and at the same quality as the commercial channels on the cable system. Community input reflected the need for more and better equipment at Minuteman Media, the ability for community producers to upload their finished programs to Minuteman Media remotely, and a larger facility that was open more hours.

Public input reflected a number of customer service-related concerns with Comcast. The most frequently mentioned included: the need to be able to more quickly and easily communicate with a Comcast customer service representative (not just an automated phone system); the need for a conveniently located local office; the desire to subscribe to a la carte services; the ability for Comcast to remotely correct technical problems; and the desire for lower-cost options.

A detailed community needs assessment report has been drafted which reflects greater detail on the input received. The PowerPoint in your Board packet reflects a summary of the input received and the process undertaken to date.

The public hearing tonight is a required part of the formal and informal renewal process required by the Massachusetts DTC to provide the public with another opportunity to provide input regarding terms to be included in the renewal license/franchise agreement.

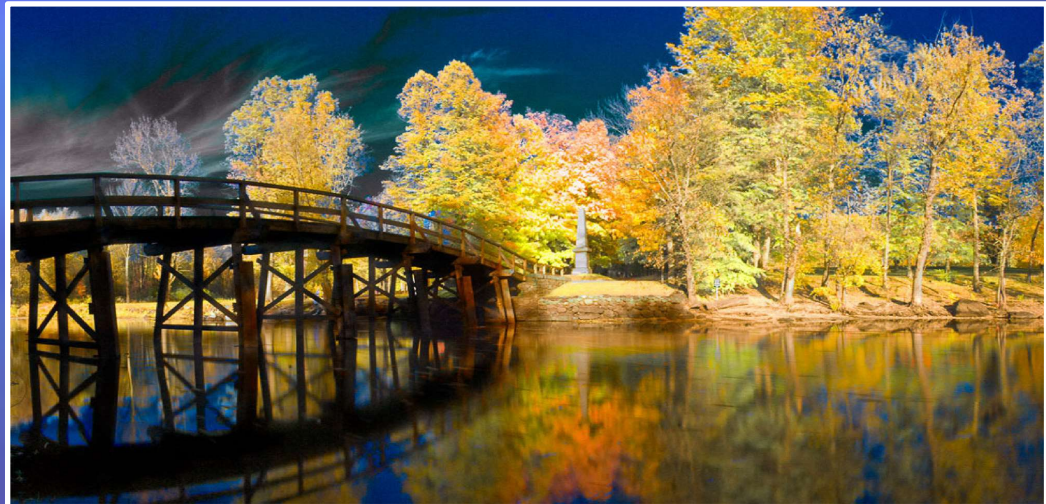
Information gathered from tonight's public hearing is important to consider when evaluating Comcast's formal proposal submitted in December and the ongoing negotiations under the informal renewal process.

# Cable Franchise Renewal



## Community Needs Assessment

## Summary of Key Findings and Recommendations



# **Review of License Renewal Process Statutory Requirements**

- **Starts 30-36 months before a current license expires**
- **Requires past performance review of operator and Community needs assessment**
- **Determine renewal goals and prepare draft license agreement**
- **Conduct a Negotiation Process – Can take more than a year**
- **Operator must submit a Formal Proposal 4 months before franchise expiration**
- **Town may reject Formal Proposal and continue to negotiate if Formal Proposal is inadequate**

# Concord Cable Facts

- Comcast's 10-year license expires in April 2024
- Comcast has about **4,100** subscribers in Concord
  - Recent Town data: about **6,700 dwelling units** in Concord
  - **61%** penetration (current national average is about 45%)
- Comcast's license gives Comcast the right to PROW in Concord to deliver services
- Comcast must compensate Town for the for-profit use of public property.
- Current License needs to be updated

# Concord Cable Facts

- Comcast expiring license with Concord and the community includes:
  - Three channels for local PEG access programming
  - PEG Access Capital Grant -- \$353,440 over 10-year franchise
  - Fiber link for PEG access signal transport from the Concord Carlisle High School to Comcast headend and subscribers
  - Complimentary cable drops, outlets, and service to 12 municipal buildings and 7 school buildings

# Concord Cable Facts

- Franchise fee -- 5% of Comcast's gross annual cable revenues
  - PEG Access Annual Support – 4.8% of gross cable revenues (a portion of the 5% franchise fees)
- All cable-related community benefits are on the table during the franchise renewal process
- Nothing automatically carries forward to the renewed franchise

# Needs Assessment Process

- Needs Assessment activities to identify a broad range of cable-related community needs & interests included:
  - Three focus group workshops (May 10-11)
    - 39 different participants
  - Online community survey (May 10 - June 23)
    - 175 completed surveys
  - 18 different community groups, public agencies, educational institutions, & businesses were represented by participants in the focus groups and online survey
  - Input from PEG Access Advisory Committee through regular participation in monthly meetings
  - Review of License agreement and Intermunicipal Agreement

# Needs Assessment Process

- Needs Assessment activities also included these PEG access-related tasks:
  - Evaluation of current PEG access equipment, facilities, and services
    - Completion of forms and on-site inspection
    - Identify and recommend upgrades to facilities and services
  - Numerous telephone calls and Zoom meetings with Town staff and staff of MMN
- All information gathered during the Needs Assessment was included in our report that documented the findings and made recommendations

# Key Findings of Needs Assessment Online Survey

- About **54%** of respondents subscribe to Comcast, and **80%** of them pay extra to get high-definition channels
- Of those who get HD channels, **54%** said they *rarely or never watch channels that are not delivered in HD*
- **70%** of subscribers said they most often use *Comcast's on-screen guide to find programming information*, over five times as many as the next most popular method

# Key Customer Service Findings of Needs Assessment Online Survey

- Less than half (**45%**) of all subscribers said they were satisfied with Comcast overall; **39%** said they were *dissatisfied*
- **82%** gave “*Very Good*” or “*Good*” ratings to Comcast’s *reliability* and the *quality of the picture and sound*
- Areas most often rated “*Poor*” or “*Very Poor*” –
  - Rates charged for cable service (**75%**)
  - Ability to quickly speak to a customer service representative when you call (**36%**)
- **70% of** subscribers tried to contact Comcast by phone in the past year; **92%** of them said waited one minute or more or were never connected

# Key PEG Access Findings of Needs Assessment Online Survey

- All respondents were asked to indicate their interest in several types of local programs and services. Here are the ones that were of most interest:
  - Concord news and information (71%)
  - Community bulletin board (68%)
  - Government/public agency meetings (67%)
  - Environmental programs (56%)
  - Live coverage of local events (sports, concerts, etc.) (56%)

# Key Findings of Needs Assessment Focus Group Meetings

- **Key Local Issues Facing Concord in Next 10 Years:**
  - **Technology, Telecommunications and Media**
    - Digital blackout areas, high costs of media, lack of local content, technology-caused isolation
  - **Government, Public Safety, Environment**
    - Climate change, safety in schools and public buildings
  - **Communicating with each other**
    - Big divide on issues that is getting worse
  - **Cost of Living/Housing**
    - Housing shortages and affordability
  - **Age-Related Concerns**

# Key Findings of Needs Assessment Focus Group Meetings

- What makes it difficult for community groups, government departments, and schools to communicate?
  - Lack of community awareness, no central community information sources
  - Inadequate Communications Media
    - Blackout areas, connectivity problems
  - PEG Access-Related Issues
    - MMN facility is small and has limited hours of operations
    - Difficult to make shows

# Key Findings of Needs Assessment Focus Group Meetings

- **PEG Access Equipment, Facilities, Services, and Programming Needs and Interests**
  - **Local Programming Content**
    - Aging issues, environment, health and wellness, high school sports, local news, music/arts
  - **PEG Access Equipment and Facilities**
    - More and better equipment
    - MNN facility that is larger and open more hours
    - Production van with MMN identification on it

# Key Findings of Needs Assessment Focus Group Meetings

- **PEG Access Equipment, Facilities, Services, and Programming Needs and Interests (continued)**
  - **PEG Channels and Services**
    - PEG channels in HD
    - Ability to upload programs remotely
    - Training classes (both live and virtual)
    - PEG content on EPG
- **Concord Cable/Comcast Concerns**
  - A la carte channels option, the ability for Comcast to remotely correct technical problems, a local office, low-cost options, the ability to talk to a person at Comcast

# **Review and Inspection of PEG Access Facilities, Equipment, and Services**

- **Minuteman Media Network (Town of Concord, Information Technology Department) manages a PEG access facility at the Concord Carlisle High School, which is shared by Concord and Carlisle**
  - **2019 change of management from CCTV to MMN**
- **The Town of Concord has a PEG Access Advisory Committee to monitor and support the public interest in community PEG access channels**
  - **One Carlisle resident is an ex-officio member (not voting)**
- **An Inter-Municipal Agreement between Concord and Carlisle details the relationship regarding PEG access facilities and equipment**

# Review and Inspection of PEG Access Facilities, Equipment, and Services

- Concord and Carlisle share three PEG access channels
  - Concord franchise specifies 3 PEG access channels for Concord -- **NOT** 3 shared channels
- Production and playback equipment is HD-ready
  - Comcast does NOT provide HD channels for PEG access
  - Comcast delivers the PEG access channels to Concord subscribers in the **lower quality SD** format
- PEG Access Facility/Community Media Center is located in Concord-Carlisle High School; other equipment is located at:
  - Town House Select Board Room and Hearing Room
  - Ripley Administration Building

# Review and Inspection of PEG Access Facilities, Equipment, and Services

- The Minuteman Media Network (MMN) facility in the high school is small (about **1,000 sq. ft.**), is not open to the public during school hours, and is not normally open to the public during evenings or weekends
- MMN has four full-time and four half-time PEG access staff
- MMN was unable to function at full capacity during 2020-2022, due to a management transition and COVID
- MMN program platforms include PEG access cable TV channels, live shows on the MMN website, and on-demand programming on MMN's YouTube channel

# **Review and Inspection of PEG Access Facilities, Equipment, and Services**

- **All of MMN's equipment inventory will need to be replaced over the term of the renewal franchise**
- **Special concerns and more immediate equipment concerns include:**
  - **Telvue playback equipment (8-12 years old) is in poor condition**
  - **Several video editing systems, studio cameras, studio lights, and video monitors are in fair or poor condition**

# Primary Recommendations

## Cable Plant & Headend

- The Comcast cable system should include features typically found in **state-of-the-art** systems throughout the license term, and be upgraded as needed
- Comcast should provide sufficient capacity and other accommodations to ensure:
  - Concord **PEG** access channel signal quality and functionality is equivalent to **the highest quality channel offered on the cable system**, including but not limited to HD (or 4K or other advanced formats)

# Primary Recommendations

## Cable Plant & Headend

- Comcast should also provide sufficient capacity and other accommodations to ensure:
  - Ability to transmit **live** local programming from locations throughout Concord
  - Delivery of programming **with closed captions** (including Concord local programs)
  - Inclusion of complete Concord **PEG access local program listings** on Comcast's **on-screen electronic program guide**

# Primary Recommendations

## Subscriber Service & Customer Satisfaction

- Comcast should be strongly encouraged to offer ***less expensive programming packages***
  - ***Rates charged for cable TV service*** received the highest negative response from subscribers
- Comcast should ***locate an office in or near Concord***
- Comcast should ***meet or exceed the FCC's customer service standards***, such as the ability to promptly talk to a customer service representative and have them solve the vast majority of problems
- Comcast should provide proof that it complies with the FCC's customer service standards

# Primary Recommendations

## Public, Education, Government Access

- Comcast should be required to:
  - Maintain the current number of **3** PEG access channels for Concord, and make additional channels available for future use
  - Convert all PEG access channels to **HD** and ensure that PEG access channels have functionality that is equivalent to broadcast channels in the future (e.g., 4K or other advanced formats)
  - Provide **adequate funding** for PEG access facilities, equipment, and periodic replacement of equipment

# Primary Recommendations

## Public, Education, Government Access

- The Comcast franchise fees (used for PEG access support payments) ***should be increased from 4.8% to 5%*** of gross cable TV revenues
- All Concord PEG access channels and complete ***PEG access local program listings*** should appear on Comcast's ***on-screen electronic program guide***

# Next Steps

## License Renewal

- Proceed with negotiations consistent with public input, legal obligations, and findings and recommendations
- Negotiate a renewal License to meet the communication needs and interests of Concord residents, community organizations, and businesses through 2034

**Newspaper:** Concord Bridge

**Publication Date:** February 23, 2024

**Send invoice to:** Town of Concord  
Town Manager's Office  
PO Box 535  
Concord, MA 01742  
Attention: Shannon McAndrew, Executive Assistant to the Select Board  
Email: [smcandrew@concordma.gov](mailto:smcandrew@concordma.gov)  
Phone: 978-318-3003

**Town of Concord  
Public Hearing by the Select Board  
Monday, March 4, 2024 at 7:00 PM**

**Locations:**

Town House, 2<sup>nd</sup> Floor, Select Board Room, 22 Monument Square,  
Concord, MA 01742

AND

Virtually via Zoom:

<https://us02web.zoom.us/j/81084118272?pwd=YnNTQWVlN3FMdWFZUzNtMjUraU9GUT09>

Meeting ID: 810 8411 8272

Passcode: 786805

Dial In Toll-Free: 833 928 4610

On Monday, March 4, 2024 at 7:00 PM, the Select Board will hold a Public Hearing for public comment on community cable needs regarding the Comcast Franchise Contract Renewal. It is an opportunity for the public to comment on what is important to them in terms of a renewal of the cable license with Comcast and make sure the Town's consultant captures these comments in the final version of the Community Cable Needs Assessment.

If you have questions regarding hearing procedures, please contact the Office of the Select Board at 978-318-3001. The full meeting agenda will be available at [www.concordma.gov](http://www.concordma.gov).

**Special Accommodations:** 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 Jessica Porter at [jporter@concordma.gov](mailto:jporter@concordma.gov) or at 978-318-3028. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled meeting.

**2024 ANNUAL TOWN MEETING**

<b>Article #</b>	<b>Article Name</b>	<b>Sponsor</b>	<b>Select Board Recommendation</b>
1	Choose Town Officers	Select Board	
2	Hear Reports	Select Board	
3	Meeting Procedure	Finance Committee	
4	Ratify Personnel Board Classification Actions	Personnel Board	
5	Ratify Personnel Board Classification & Compensation Plan	Personnel Board	
6	Personnel Bylaw Amendments	Personnel Board	
7	Fiscal Year 2024 Budget Line Item Adjustments	Chief Financial Officer	
8	Fiscal Year 2025 Town Budget	Town Manager	
9	Capital Improvement & Debt Plan	Town Manager	
10	OPEB Trust Fund Appropriation	Chief Financial Officer	
11	OPEB Trust Fund Expense	Chief Financial Officer	
12	Appropriation to the Opioid Prevention Programs Fund	Chief Financial Officer	
13	Funding Public Safety during the Concord250 Celebrations in 2025 Commemorating the Beginning of the American Revolution, April 19, 1775	Concord 2025 Executive Committee	
14	Use of Free Cash	Finance Committee	
15	Establish a Permanent Senior Means Tested Property Tax Exemption	Board of Assessors	
16	Create Stormwater Enterprise Fund	Public Works Commission	
17	Nagog Pond Improvements and PFAS Mitigation	Public Works Commission	
18	Select Board to Accept Easements	Public Works Commission	
19	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee	
20	Concord-Carlisle Regional School District Budget	Concord-Carlisle Regional School Committee	
21	Amenities Building at Concord-Carlisle High School	Concord-Carlisle Regional School Committee	

22	Authorize New Middle School Naming – Name the New Concord Middle School Ellen Garrison Middle School	DEI Commission	
23	Concord Public Schools Operating Budget	Concord Public School Committee	
24	Concord Public Schools Capital Budget	Concord Public School Committee	
25	Appropriation to Middle School Stabilization Fund	Finance Committee	
26	Town Meeting Study Committee	Town Moderator	
27	Citizen Petition: Town Meeting Voting Reform	Dinos Gonatas	
28	Citizen Petition: Remote Participation at Annual and Special Town Meetings	Scott Gillis, Mark Martines, David Allen, & David Karr	
29	Citizen Petition: Use of Hand-Held Electronic Voting at Town Meetings	Scott Gillis & Mark Martines	
30	Authorize Select Board to Petition for Changes to Previously Approved Home Rule Petition regarding a Check Out Bag Charge	Agriculture Committee	
31	Update Town Goals to Meet the Climate Challenge	Climate Action Committee	
32	Fossil Fuel-Free Demonstration: Bylaw Amendments for Program Participation	Select Board	
33	In-Town Solar Expansion	Solar Implementation Task Force	
34	Zoning Bylaw Amendment: Zoning Map & MBTA Communities Multi-Family Overlay District	Planning Board	
35	Zoning Bylaw Amendment: Two-Family Dwelling Unit in Residence B Zoning District	Planning Board	
36	Zoning Bylaw Amendment: Floodplain Conservancy District	Planning Board	
37	Zoning Bylaw Amendment: General Housekeeping – Multiple Sections	Planning Board	

38	Citizen Petition: Citizen Support for a New Cell Tower Located at the Landfill at 755 Walden Street	Alisha Boyajian	
39	Citizen Petition: Citizen Support for a New Cell Tower Located at the Public Works Parcel on Keyes Road	Alisha Boyajian	
40	Community Preservation Appropriation Recommendations	Community Preservation Committee	
41	Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic Districts Commission and the Historical Commission	DEI Commission	
42	Tourist Bylaw Amendments	Select Board	
43	Amend Departmental Revolving Funds Bylaw	Town Manager	
44	Authorize Expenditure of Revolving Funds under Mass. Gen. Laws 44 § 53 E1/2	Town Manager	
45	Light Plant Expenditures and Payment in Lieu of Taxes	Town Manager	
46	Solid Waste Disposal Fund Expenditures	Town Manager	
47	Sewer System Expenditures	Town Manager	
48	Sewer Improvement Fund Expenditures	Town Manager	
49	Water System Expenditures	Town Manager	
50	Authorize Expenditure from PEG Access & Cable-Related Fund	Town Manager	
51	Beede Swim and Fitness Center Enterprise Fund Expenditures	Town Manager	
52	Unpaid Bills	Chief Financial Officer	
53	Debt Rescission	Chief Financial Officer	