



OLD NORTH BRIDGE

TOWN OF CONCORD

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

MCI Concord Advisory Board Agenda

Monday, August 5, 2024 at 12:00 PM

Town House, Select Board Room and Hybrid via Zoom

More information on the MCI Concord Advisory Board,

MCI Concord closure, and FAQs:

<https://concordma.gov/3514/MCI-Concord-Closure>

Join Zoom Meeting

<https://us02web.zoom.us/j/82132191363?pwd=0BNOhxO03vbFAqVixK9fJswDBYd9Xl.1>

Meeting ID: 821 3219 1363

Passcode: 171174

Dial In Toll-Free: 833 928 4608

#	Time*	Agenda Item
I.	12:00 PM	Call to Order - Clerk of the Meeting - Future Meetings: August 19, 2024 from 12:00 PM – 1:30 PM
II.	12:05 PM	Approve Meeting Minutes - July 22, 2024 – Elizabeth Akehurst-Moore, Clerk of the Meeting
III.	12:10 PM	Debrief on Zoning/Re-Zoning Legal Considerations Presentation from Town Counsel
IV.	12:20 PM	Town Staff Update – Megan Zammuto, Deputy Town Manager
V.	12:30 PM	Discussion of DCAMM Consultant Selection Memorandum
VI.	12:40 PM	Discuss Governance, Charter, and Sub-Committee Assignments - Priority on Public Outreach
VII.	1:10 PM	Outlook for Future Meetings - ULI TAP Program Update and Timing

		<ul style="list-style-type: none"> - Confirm Labor Day Meeting Schedule - Discussion with MassDOT regarding Route 2 Corridor Planning - Schedule for Envision Concord 2030, West Concord Master Plan, and Warner’s Pond Planning Overviews - Timing of Tour of MCI Concord Site - Departmental Updates and Priorities - Community Engagement – Fall 2024
VIII.	1:25 PM	Public Comment
IX.	1:30 PM	Action Item Recap and Adjournment

**Times are approximate and subject to change*



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 or at 978-318-3028. Please make any requests for accommodation or modifications at least two (2) business days prior to the scheduled meeting.

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Pursuant to notice duly filed with the Town Clerk, the MCI Concord Advisory Board convened in a meeting both in-person at 22 Monument Square on the 2nd floor in the Select Board Room and via Zoom at 12:00 PM on Monday, July 22, 2024.

Present were: Scott Bates, John Boynton, Erin Cusker, Dan Gainsboro, Mark Howell, Peter Lowitt, Patrick McCurdy, Linda Miller, Elizabeth Akehurst-Moore, Emily Rush, and Lee Smith

Also present were: Megan Zammuto, Deputy Town Manager and Shannon McAndrew, Management Specialist

Call to Order

Co-Chair Gainsboro called the meeting to order at 12:00 PM.

Ms. Akehurst-Moore volunteered to be the Clerk for the meeting.

Approve Meeting Minutes

Mr. Smith asked that the following statement be added to page 4 of the meeting minutes from July 8, 2024: “Mr. Smith asked Ms. Vladek that DCAMM consider a scenario where DCAMM conveys a parcel of land directly to the town for municipal uses like a full-sized soccer field, for example.”

Upon a motion duly made and seconded, it was UNANIMOUSLY **voted:** to approve the July 22, 2024 meeting minutes with the proposed amendment from Mr. Smith included.

Roll Call Vote:

Scott Bates – Aye
Erin Cusker – Aye
Mark Howell – Aye
Peter Lowitt – Aye
Patrick McCurdy – Aye
Linda Miller – Aye
Elizabeth Akehurst-Moore – Aye
Emily Rush – Aye
Lee Smith – Aye

Review Town Council Memorandum and Receive Briefing on Zoning/Re-Zoning Legal Considerations – Mina Makarious, Town Counsel

Mr. Boynton joined the meeting at 12:11 PM.

Town Counsel Mina Makarious presented a memorandum on the analysis of the zoning of MCI Concord. Highlights of the presentation include the option of a Government zoning district and the pros and cons of zoning in general being that re-zoning the property will always require the

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approval of Town Meeting. Attorney Makarios' full memorandum is included in the MCI Concord Advisory Board's meeting packet.

Mr. Lowitt noted that he would like the property to be zoned in such a way that it cannot be sold to a private prison group. Mr. Lowitt continued and asked if a deed restriction of the property would be possible to prevent a federal prison from opening at the property.

Attorney Makarios responded that the zoning would require very special wording to prevent the sale of the property to a private prison, and that this provision would have likely been better placed in the State legislation. Attorney Makarios continued that a deed restriction would likely not prevent the federal government from being able to open a prison at the property if they wanted to.

Mr. Bates asked if the Town should first work with DCAMM's master planning consultant to determine the uses of the property before the Town considers re-zoning the property.

Attorney Makarios responded that regarding zoning the property for its proposed end-use, planning and visioning is first required, but the Government district would be more like a holding period of zoning.

Co-Chair McCurdy asked how the Advisory Board would best work with Town Counsel moving forward.

Attorney Makarios responded that work can best be filtered through staff within the Town Manager's Office, as he has standing meetings with the Town Manager and Deputy Town Manager to review ongoing legal matters, such as MCI Concord.

Ms. Miller asked about zoning control, as the property is State-owned.

Attorney Makarios responded that because the Town does not own the property, zoning can be a preemptive tool for the Town while the State maintains ownership of the property.

Ms. Miller also suggested that the Town would not want to make any changes to the Zoning Bylaw that could potentially have adverse effects on other properties, such as 2229 Main Street.

Attorney Makarios added that an overlay district is typically more restrictive than just updating the Table of Permitted Uses.

Ms. Akehurst-Moore stated that she wanted to remind the Board members that while zoning can be used as a tool to exert some control the best way for the Town to have control over the property is to own the property, so she would still like ownership to be explored.

Town Staff Update – Megan Zammuto, Deputy Town Manager

Deputy Town Manager Megan Zammuto provided an update on the following:

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- The State House and Senate have approved the FY25 Budget, so it is now in front of the Governor for review and approval. The Governor has 10 days to respond to the budget once it has been submitted, which brings the deadline to Monday, July 29, 2024. The budget presently has \$475,000 earmarked for the Town to use regarding planning for MCI Concord.
- Bi-weekly meetings with DCAMM are continuing. DCAMM is also working on a scope for a community engagement consultant.
- Discussions continue with DCAMM regarding how work will be divided between them and the Town. Areas to consider include: DCAMM's Final Report, planning and visioning, community engagement, and zoning.

Ms. Miller asked if the FY25 Budget is approved, who will control the \$475,000 earmarked for the Town regarding planning for MCI Concord.

Ms. Zammuto responded that the funds would be controlled by the Town.

Ms. Miller noted that in the last discussion with DCAMM, they mentioned that they may not be able to share all information that they are gathering with the Town and asked if the Town will have to perform some of the same information gathering to ensure that they have it.

Abi Vladeck, Director of Public-Private Development for DCAMM, responded that at the time of the discussion, it was not meant that DCAMM does not want to be transparent with the Town, because they want to be as transparent as possible, but it could not be confirmed at the time, and cannot now confirm, that all information will be shared.

Mr. Bates commented that he previously asked DCAMM for a list of work that needs to be performed, so that there can be a better understanding of what the Town can accomplish with the funds.

Ms. Rush noted that ULI will likely attend a Board meeting in September to discuss program options, as there are some that are more research and time intensive than others.

Debrief the July 19, 2024 MCI Concord Site Visit

Co-Chair Gainsboro opened the discussion debriefing the July 19, 2024 site visit. Mr. Gainsboro noted that it is clear that there are staff members from the Department of Corrections that maintain a wealth of knowledge regarding the facility that will be important in the future and remarked about the benefits of the Assabet River abutting the property.

Mr. Lowitt noted that he hopes there are additional site visits scheduled soon for members who missed the first site visit to be able to attend.

Mr. Smith added that for a future site visit, it could be beneficial to also add the Junction Village property and the Assabet River.

Ms. Akehurst-Moore remarked on the historical aspects of the site and about protections for them.

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Mr. Howell noted that a main takeaway for him was that demolition costs are going to be substantial.

Mr. Smith asked if the Board should take the wastewater treatment facility out of its investigation of the property, since the Department of Public Works is assessing the facility with consultants already.

Co-Chair Gainsboro noted that the Board will stay in touch with the Department of Public Works throughout its assessment process with consultants for the wastewater treatment facility.

Don Koepka, Finance Committee Liaison to the Board, asked if the Town understood why the State would like to offer the Town the facility earlier in the decommissioning process.

Mary Hartman, Select Board member, commented that the wastewater facility was an opportunity for the State to entice the Town, but that the facility likely does need a lot of work.

Debrief the July 8, 2024 DCAMM Presentation and Discuss September Outreach Meeting Planning

Co-Chair Gainsboro opened the discussion debriefing the July 8, 2024 DCAMM presentation.

Mr. Howell noted that with the FY25 Budget pending approval, per the legislation, DCAMM needs to hold their first public outreach meeting within 45 days of the legislation passing, which targets an early-mid September outreach meeting.

Diane Proctor commented as a member of the public that the Board must consider looking into venues with larger capacity for the public outreach meetings, as the spaces that the Town committees typically use may not be large enough.

Ms. Cusker noted that she would like more information on the outreach meeting that DCAMM must host.

Ms. Vladeck responded that DCAMM is open to suggestions for the forum of the meeting, etc.

Discuss Governance and Goal Setting Process

Co-Chair McCurdy opened the discussion on governance and goal setting, looking to work at upcoming meetings on working through the Board's charge further and better understanding the scope, and working to define subcommittees.

Ms. Rush asked a question about Open Meeting Law and subcommittees.

Management Specialist Shannon McAndrew responded that subcommittees must follow the Open Meeting Law in the same way that standard committees do, such as posting meeting

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agendas, taking meeting minutes, meeting in public forums only, etc. and noted that she can continue to administratively support subcommittees.

Outlook for Future Meetings

The Board discussed rescheduling a meeting near the Labor Day holiday, as the holiday will impact the Board's typical Monday bi-weekly cadence. The Board noted that options are to hold an additional meeting on Monday, August 26, 2024, Tuesday, September 3, 2024, or Monday, September 9, 2024. Ms. McAndrew will send the Board a scheduling poll to confirm at the next meeting.

Co-Chair Gainsboro noted on upcoming agendas, the Board should tentatively plan for a discussion with MassDOT and request a presentation and discussion with Town staff on the various master plans, including Envision Concord 2030, West Concord Master Plan, etc.

Mr. Lowitt noted that he would like the discussion with MassDOT to indicate portions of the site that they do and do not want in the future.

Public Works Director Alan Cathcart responded that MassDOT was unaware of the prison closure when the Route 2 Corridor Study was performed, so details as such will not have been included in this study.

Public Comment

Mary Hartman, Select Board member, commented on her takeaways from the MCI Concord site visit, noting that the Department of Corrections will remain on site for at least another year while they determine what equipment is salvageable to transfer to other facilities and that the MCI Concord site is smaller than what she originally expected. Ms. Hartman continued and noted that in terms of the interim zoning that the Board discussed with Town Counsel, it may not be necessary if the Town continues to work collaboratively with DCAMM as it is now.

Adjournment

Co-Chair Gainsboro adjourned the meeting at 1:30 PM.

Meeting Materials:

[MCI Concord Advisory Board Meeting Packet for July 22, 2024](#)

[MCI Concord Advisory Board Meeting Recording for July 22, 2024](#)