

**TOWN OF CONCORD
SELECT BOARD
AGENDA revised
July 10, 2017**

7PM – Select Board Room – Town House	
1.	Call to Order
2.	Consent Agenda: <ul style="list-style-type: none"> • Town Accountant’s Warrants • Minutes • Gift Acceptance <ul style="list-style-type: none"> · Friends of Concord Carlisle Fields \$50,000 to the Park and Tree Gift Account · Picnic in the Park \$1,500 to the Recreation Gift Account · Raymond C. Holland \$1,000 to the Beede Center Gift Account • One Day Special Licenses <ul style="list-style-type: none"> · Saltbox Farm 8/10 2PM-5PM 40 Westford Road Wine & Malt · Verrill Farm 8/7 6PM-8PM 11 Wheeler Road Wine & Malt · Verrill Farm 8/24 6PM-8PM 11 Wheeler Road Wine & Malt · Consilium Partners 7/24 11:30AM-7PM 246 ORNAC Wine & Malt (<i>rain date 6/5</i>)
3.	Town Manager’s Report
4.	7:05PM Public Hearing - Discuss recommendation to transfer Town’s right of first refusal under MGL c.61 to the Concord Land Conservation Trust to purchase the property at 1767 Lowell Road
5.	7:10PM Public Hearing: Conduit Petition – Verizon New England Inc., 368 Old Marlboro Road
6.	W.R. Grace Access Easement Update
7.	Update Committee Charge for Concord Housing Development Committee
8.	Review Draft Charge for Affordable Housing Study Committee
9.	Review 2017-2018 Board Goals
10.	Update on proposed MBTA monopoles for wireless service
11.	Review Public Private Partnership Policy
12.	Public Comments
13.	Committee Liaison Reports
14.	Miscellaneous/Correspondence
15.	Committee Nominations: Wendy Rovelli of 42 Bow Street to the Financial Audit Advisory Committee as the Municipal Light Board member for a term to expire 5/31/18
16.	Committee Appointments: Sally Clutter of 80 Dalton Road to the Hugh Cargill Trust Committee for a term to expire 5/31/20; John Cratsley of 10 Edmonds Road to the Community Preservation Committee as Select Board representative for a term to expire 5/31/21
17.	Committee Reappointments: Maryann Lippert of 19 Cranberry Lane to the Conservation Restriction Stewardship Committee for a term to expire 5/31/20; Stanly Black of 17 Edmonds Road to the Tax Relief Committee for a term to expire 5/31/19; Nancy Crowley of 5 Concord Greene #7 to the Personnel Board for a term to expire 5/31/19; Ellen Quackenbush of 206 Prairie Street to the Personnel Board for a term to expire 5/31/20
18.	Confirm Town Manager Appointments: Sam Lines of 137 Fairhaven Road to the Comprehensive Sustainable Energy Committee for a term to expire 5/31/20; Douglas Sharpe of 401 Silver Hill Road to the Comprehensive Sustainable Energy Committee for a term to expire 5/31/20, Andrea Okie of 12 Stone Root Lane to the Board of Assessors for an unexpired term to expire 5/31/19
19.	Adjournment

PENDING

Monday	July 17	7PM	Select Board Meeting	Town House
Monday	August 7	7PM	Select Board Meeting	Town House
Monday	August 21	7PM	Select Board Meeting	Town House
Monday	September 4	All Day	Labor Day	Town Offices Closed
Monday	September 11	7PM	Select Board Meeting	Town House
Monday	September 25	7PM	Select Board Meeting	Town House

Gift Acceptance Log – July 10, 2017

Gift Received From:	For Gift Account:	Total Amount:
Friends of Concord Carlisle Fields	Park and Tree Gift Account	\$50,000
Picnic in the Park	Recreation Gift Account	\$1,500
Raymond C. Holland	Beede Center Gift Account	\$1,000

Weekly One Day License Log – July 10, 2017

Applicant Name & License Number	Phone Number	Date	Location	Type of Alcohol	Event Details
17-106 Saltbox Farm	617-877-3859	8/10	40 Westford Road	Wine & Malt	Event Coordinator: Ben Elliott Bartenders: Ben Elliott Under 21: No First License in Concord: No
17-107 Verrill Farm	978-369-4494	8/7	11 Wheeler Road	Wine & Malt	Event Coordinator: Jennifer Verrill Bartenders: Leo Lafarge Under 21: No First License in Concord: No
17-108 Verrill Farm	978-369-4494	8/24	11 Wheeler Road	Wine & Malt	Event Coordinator: Jennifer Verrill Bartenders: Leo Lafarge Under 21: No First License in Concord: No



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

Delia R. J. Kaye
Natural Resources Director

June 15, 2017

Jane Hotchkiss, Chair
Concord Select Board
22 Monument Square
Concord, MA 01742



RE: MGL Chapter 61A Right of First Refusal – 1767 Lowell Road (parcel 1538)

Dear Ms. Hotchkiss:

At their June 7, 2017 meeting, the Natural Resources Commission (NRC) reviewed the Notice under M.G.L. Chapter 61A for the sale and conversion to residential use of 5.36 acres of land at 1767 Lowell Road, and the fee interest under Hartwell Road (1.35 acres).

The land consists of an open agricultural field with frontage on Lowell Road and Hartwell Road (Lot A). A sliver of the parcel (Lot B) is on the south side of Hartwell Road, adjacent to a property in agricultural use with a Conservation Restriction held by the Concord Land Conservation Trust (CLCT).

The parcel is not identified as a priority for protection in the 2015 Open Space and Recreation Plan, and the NRC did not feel that acquisition from Town funds was justified. However, CLCT has expressed interest in purchasing the land because of its adjacency to other CLCT holdings in the Spencer Brook valley. If CLCT is able to raise funds to acquire the parcel, the land would continue to be farmed, a goal that is supported by the NRC.

The NRC unanimously voted to recommend that the Select Board transfer its right of first refusal to CLCT, provided that CLCT can commit to raising funds to purchase the property. In the event that CLCT cannot commit to acquiring the property, the NRC unanimously voted that the Board not exercise its right of first refusal on this Notice.

Please don't hesitate to let me know if additional information would be helpful.

Very truly yours,

Delia Kaye
Natural Resources Director

cc: NRC
Chris Whelan, Town Manager
Elizabeth Hughes, Town Planner
Joan Ferguson, Chair, CLCT



CONCORD LAND
CONSERVATION TRUST
Joan D. Ferguson, *Chairman*
Pauline Cross Reeve, *Vice Chairman*
Lynn G. Huggins
Jonathan M. Keyes
Gordon H. Shaw
John M. Stevens, Jr.
Jeff Wieand

Post Office Box 141
Concord, Massachusetts 01742-0141
www.concordland.org

CONCORD OPEN
LAND FOUNDATION
Thomas C. Tremblay, *President*
John Bemis
Lynn G. Huggins
Frederic H. Mulligan
F. Robert Parker

Jane Hotchkiss, Chair
Concord Select Board
Town House
Concord, MA



By Hand

June 16, 2017

Dear Jane,

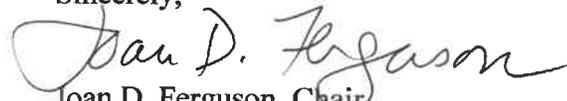
As I have indicated verbally, the trustees of the Concord Land Conservation Trust, a bona fide non-profit organization under the law, are respectfully asking the Select Board to assign the right of first refusal to our organization under the provisions of MGL Chapter 61A in order that we may purchase property at 1767 Lowell Road. The Town received the Notice from the property owners of their intention to sell this property dated April 3, 2017.

Since 2009, we have held a conservation restriction on the abutting property to the south that preserves 15 acres of actively-farmed hay fields. The Tyler family donated the restriction in order to preserve the agricultural landscape of this neighborhood that dates from 1698. The property at 1767 Lowell Road has been managed as a hayfield for many years, and continuing to have it hayed or put in some other agricultural use as time and demand suggests, rather than seeing it converted to a residential use, contributes to the historic character and builds the agricultural resources of the town.

Our interest in this property also stems from its agricultural and conservation value; these are the uses for which we would manage it once acquired. CLCT has been protecting land in the Spencer Brook Valley for over 40 years and views the acquisition of this property as part of our commitment to the watershed, its ecology and its trail system.

Thank you for your consideration.

Sincerely,


Joan D. Ferguson, Chair
Concord Land Conservation Trust





TOWN OF CONCORD

Planning Board

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

To: Jane Hotchkiss, Chair
Select Board

From: Brooke Whiting Cash, Chair
Planning Board

Via: Elizabeth Hughes, Town Planner *EA*

cc: Christopher Whelan, Town Manager
Delia Kaye, Natural Resources Director

Re: **1767 Lowell Road; Parcel #1538 – Notice under M.G.L. Ch. 61A**

Date: May 18, 2017



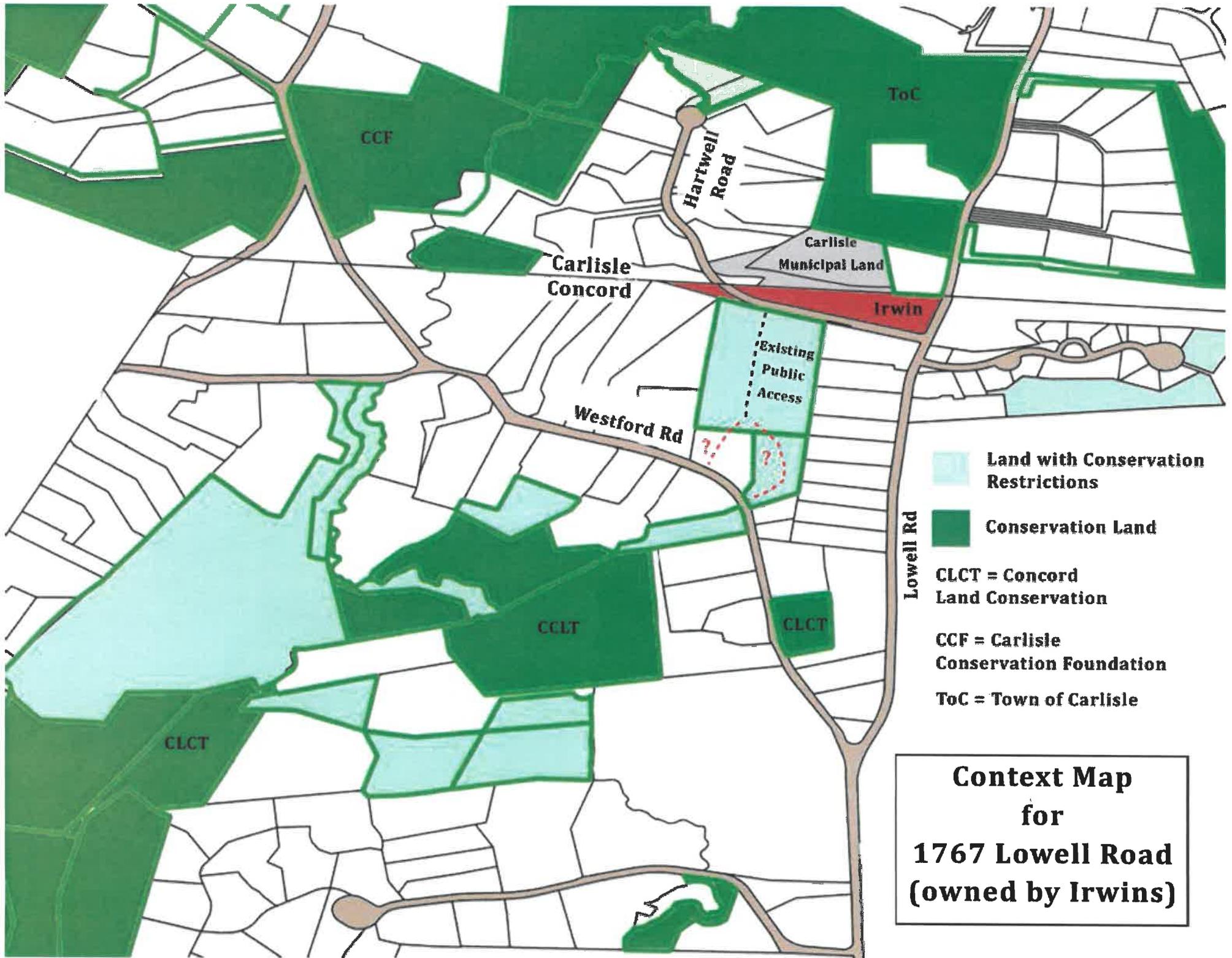
At the May 9, 2017 meeting, the Planning Board reviewed the Notice under the provisions of M.G.L. Ch. 61A for the property owned by Richard W. Irwin and Robert J. Irwin as Trustees of the Alexandrina E. Irwin Trust u/d/t dated November 12, 2013, as amended; and also as Trustees of the Warren H. Irwin Trust u/d/t dated November 12, 2003, as amended, which included a copy of the Purchase and Sale Agreement and plan of the land showing Lot A with 202,683 square feet. The Planning Board also heard from the Concord Land Conservation Trust (CLCT) regarding their interest in acquiring the property.

The property is identified as 1767 Lowell Road as shown on Lot Layout Plan dated May 24, 1989 and revised through May 29, 1992 in the Certified Notice dated April 3, 2017 from the property owners' attorney Henry J. Dane. The property is Parcel 1538 on Map F1 and F2 of the Town of Concord Assessor's Map.

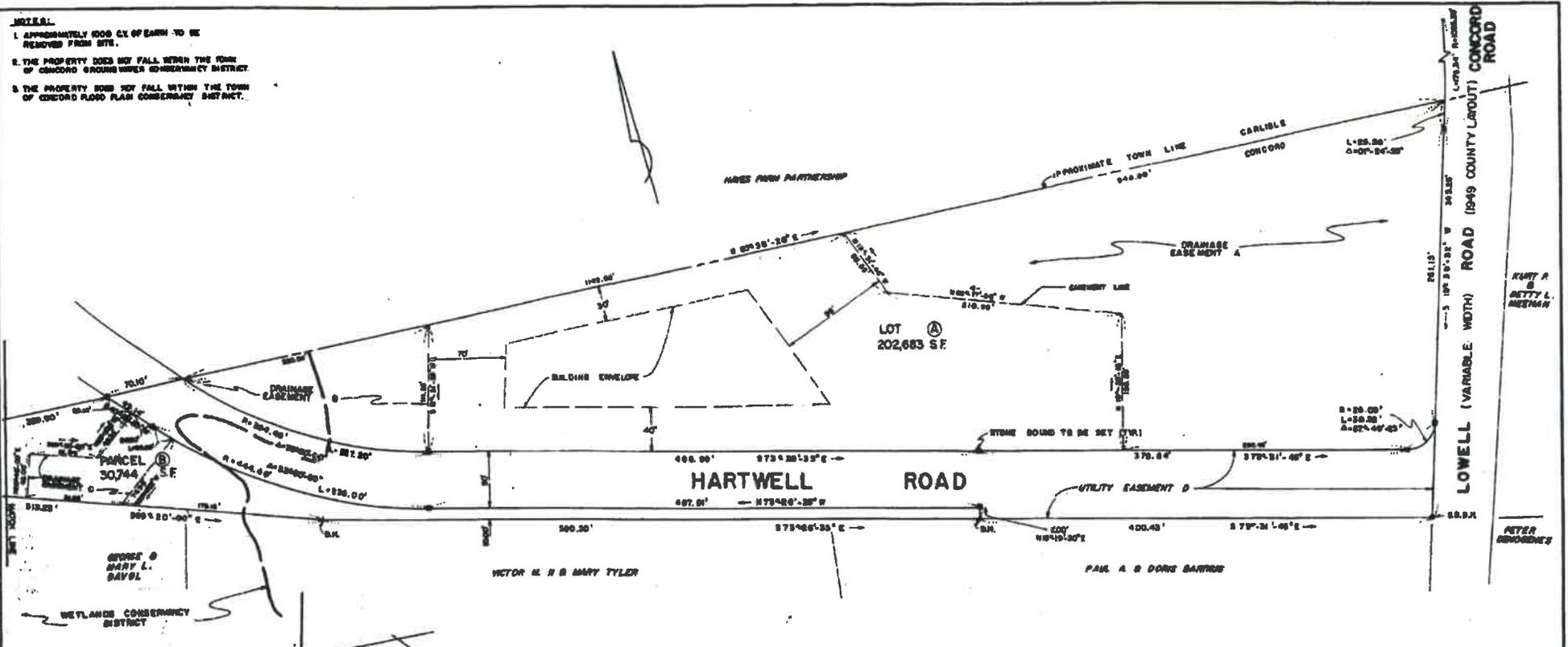
At the meeting, the Board unanimously voted to recommend that the Select Board exercise the Town's right to transfer the Town's "right of first refusal" to the CLCT for the following five reasons:

1. The property offers a connection between larger undeveloped and protected habitats in Carlisle to the north and in Concord to the south;
2. The existing agricultural field offers a scenic vista from Lowell Road for over 800 feet that would be destroyed with the construction of a residential dwelling within the defined building envelope;

3. The property has been in agricultural use since approximately 1694 and acquisition by the CLCT will allow it to stay in active agricultural use;
4. The property owners adjacent to the property across Hartwell Road have expressed a willingness to allow the extension of an existing trail from Hartwell Road to Westford Road should the CLCT acquire the property. This would create a much larger trail connection to other CLCT trails to the south, and;
5. The Trust indicated to the Planning Board that funds to purchase the property would be through private donations and they would not seeking funding from the Town.



- NOTES:**
1. APPROXIMATELY 8000 CY OF EARTH TO BE REMOVED FROM SITE.
 2. THE PROPERTY DOES NOT FALL WITHIN THE TOWN OF CONCORD GROWING UNDER CONSERVANCY DISTRICT.
 3. THE PROPERTY DOES NOT FALL WITHIN THE TOWN OF CONCORD FLOOD PLAN CONSERVANCY DISTRICT.



RECORD OWNER:

ALEXANDRA IRWIN
1005 LOWELL ROAD
CONCORD, MASS. 01742

NOTE: PARCEL B, BY ITSELF, IS NOT A LEGAL BUILDING LOT - INSUFFICIENT AREA
NOTE: HARTWELL ROAD IN CONCORD IS INTENDED TO REMAIN A PUBLIC HWY OF SIGNIFICANCE.

REFERENCES:

1. PLAN OF LANE IN CONCORD & CARLISLE, MADE SCALE 1"=80', OCTOBER 27, 1905 BY STAMSKI & McNARY, INC., ACTON, MASS.
2. DRAINAGE, UTILITY, VIEW EASEMENT AND RESTRICTION FROM ALEXANDRA IRWIN TO THE TOWN OF CONCORD TO BE RECORDING WITH THIS PLAN.
3. SEE HARTWELL ROAD HOMEOWNERS TRUST RECORDING WOLFEBORO NORTH DISTRICT REGISTRY OF DEEDS IN BOOK 3003 PAGE 123
4. SEE ACCORD ROAD MAINTENANCE AGREEMENT RECORDING NEW MADRILE NORTH DISTRICT REGISTRY OF DEEDS, BOOK 3003, PAGE 113

ZONING REQUIREMENTS

CONCORD DISTRICT - RESIDENCE AA
MIN. LOT AREA = 80,000 S.F. (1.8 AC.)
MIN. FRONT YARD = 100 FT.
MIN. SIDE YARD = 10 FT.
MIN. REAR YARD = 50 FT.

NOTE:

THIS PLAN IS SUBJECT TO THE CONDITIONS OF APPROVAL, OUTLINED IN A CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION PLAN FILED WITH THE CONCORD TOWN CLERK ON SEPTEMBER 27, 1989 AND CERTIFICATE TO CONDITIONALLY LIFT THE RESCISSION OF APPROVAL FILED WITH THE CONCORD TOWN CLERK ON APRIL 27, 1990.

I, CLERK OF THE TOWN OF CONCORD, MASSACHUSETTS, HEREBY CERTIFY THE NOTICE OF APPROVAL OF THIS PLAN BY THE CONCORD PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL HAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

October 25, 1989 / July 7, 1992
DATE
Marilyn R. Connor / Nancy R. Connor
TOWN CLERK

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

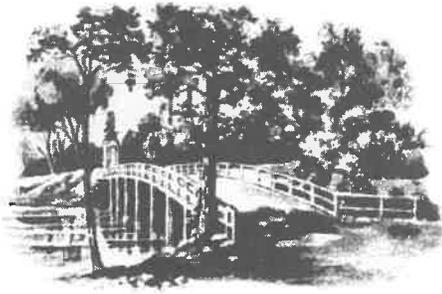
24 MAY 89
DATE
[Signature]
REGISTERED PROFESSIONAL LAND SURVEYOR

REV. OCT 24 1988
REV. OCT 25 1988
REV. OCT 26 1988
REV. MAY 22 1992

Middlesex Registry of Deeds,
Southern District
Cambridge, Massachusetts
Plan No. 630 of 19 92
Filed 10 18 89
M.S.A. Registry Doc No. 213
Filed on 10/22/89 Page 132

APPROVED BY
CONCORD PLANNING BOARD
[Signature]
[Signature]
DATE

HAYES FARM CONCORD, MASS.		
LOT LAYOUT PLAN FOR: HAYES FARM PARTNERSHIP		
SCALE: 1"=40'	MAY 24, 1989	
STANSKI AND McNARY, INC. 80 HARRIS STREET - ACTON, MASS. ENGINEERING - PLANNING - SURVEYING 1989		



OLD NO. 1 BRIDGE

TOWN OF CONCORD

SELECT BOARD'S OFFICE
22 MONUMENT SQUARE – P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

TELEPHONE (978) 318-3001
FAX (978) 318-3002

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's Meeting Room, 22 Monument Square, Concord, MA on **July 10, 2017 at 7:10 PM**, upon the petition of Verizon New England, Inc. to **install underground conduits on Old Marlboro Road** in accordance with the plan Verizon Job No. 1A1P8TE dated June 1, 2017, filed with the Select Board.

Questions on this matter should be directed to Albert E. Bessette, Verizon New England, Inc., (413) 787-0310.

By Order of the
Select Board

Thomas McKean
Clerk



PETITION PLAN

MUNICIPALITY

CONCORD

NO.

1A1P8TE

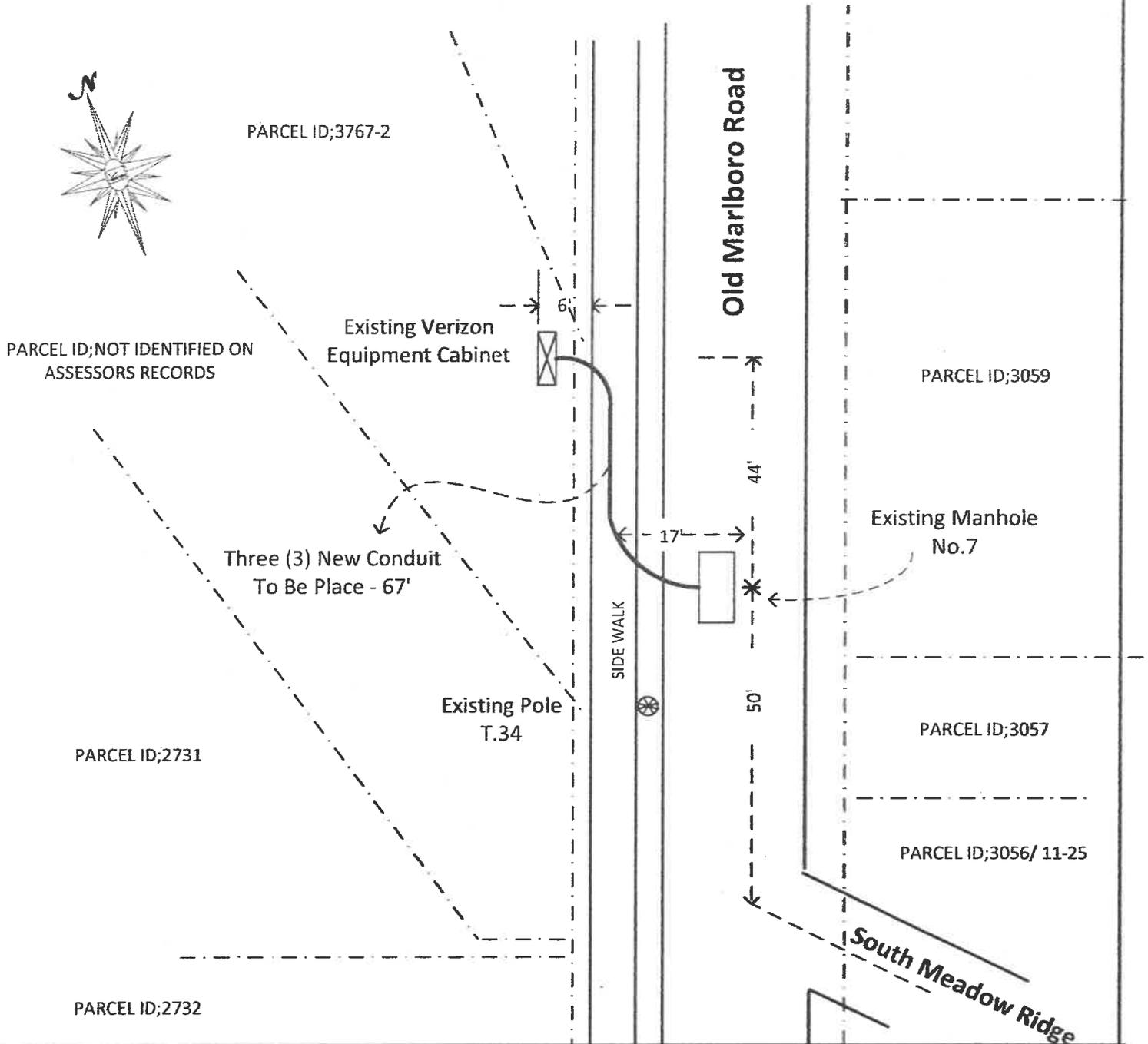
VERIZON NEW ENGLAND, INC

DATE:

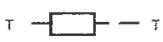
6/ 1/2017

SHOWING

PROPOSED UNDERGROUND CONDUIT MARLBORO ROAD



LEGEND

-  EXISTING VERIZON POLE
-  EXISTING VERIZON CABINET
-  EXISTING VERIZON MANHOLE
-  EXISTING VERIZON CONDUIT
-  PROPOSED VERIZON MANHOLE
-  PROPOSED VERIZON CONDUIT

CHARGE OF **THE CONCORD HOUSING DEVELOPMENT CORPORATION**

Purpose and Background

The Concord Housing Development Corporation (CHDC) is a non-profit housing corporation established by special legislation (“Act Establishing the Concord Housing Development Corporation”). The CHDC will be governed by a Board of Directors to be appointed by the Concord Board of Selectmen. The Board of Selectmen may set policies and guidelines under which the CHDC board operates, but day-to-day operation of the corporation is independent of the Board of Selectmen and the Concord Town Manager. The intent, however, is that there be a real partnership between the Board of Selectmen and the Board of the CHDC in furthering the affordable housing interests in Concord. The CHDC will be responsible for conducting its activities in a manner that is in compliance with all relevant state and local laws and regulations.

As background, on January 9, 1989, the Concord Board of Selectmen created a permanent Affordable Housing Committee (AHC) to facilitate the process of affordable housing projects and to create methods for increasing the availability of housing for people with low to middle income on behalf of the town. As this charge for the new CHDC creates considerable overlap with the charge and intent of the AHC, the latter committee is hereby dissolved.

General Charge

The Concord Housing Development Corporation (CHDC) is established by its enabling legislation with broad powers and duties to investigate and implement alternatives for the provision of affordable housing for persons of low, moderate and middle income and others whose needs may be identified from time to time in the town. To that end, and to further Town goals, the CHDC is to work closely with all town boards, committees, and departments as well as the Concord Housing Authority (CHA), the Concord Housing Foundation (CHF) and the Concord Housing Trust (CHT). The CHDC may, over time, be able to take on larger development and fundraising activities that cannot be undertaken by the town’s existing volunteer housing organizations. By its enabling legislation, the powers and duties of the CHDC are to be alternative and supplemental to and not in limitation of the powers and duties of the CHA.

The CHDC will be governed by a board of directors consisting of not less than five (5) members who live in Concord and are to be appointed for staggered 3-year terms (as well as to be removed with or without cause) by the Board of Selectmen. It is desirable to have representation on the CHDC board from the following areas: land planning, design & construction, real estate law, government housing, real estate development and brokerage, and housing financing. In addition, a member of the Board of Selectmen, the Planning Board, and Directors of the CHA, CHF, and CHT may serve as liaisons to the CHDC. It is expected that an assigned member of the Town Planning Department will attend CHDC meetings as needed.

The board of the CHDC may create from time to time advisory board(s) or sub-committees comprised of various housing constituencies as well as citizens who possess specific backgrounds and experiences that are helpful to the work of the CHDC. These may include bankers, architects, builders, planners, individuals familiar with the state and regional government, and advocates for and others having skills relevant to affordable housing.

General Responsibilities related to Concord’s Housing Goals

The CHDC is to coordinate and eventually play the principal role in the Town’s pursuit of Concord’s housing goals, including:

- To maintain and increase a diversity of housing types and sizes to meet the needs of the Town and its traditionally diverse population.
- To increase the supply of affordable housing and preserve existing affordable dwellings.
- To enable people in changed circumstances to continue to live in Concord.
- To increase the options that would allow older residents to remain in their homes.
- To enable Town and School employees, children of Concord residents, and farm workers to live in Concord.
- To enable those of modest to medium income to live in Concord.
- To research and recommend to the Board of Selectmen policies and by-laws that promote the creation and retention of housing diversity, including affordable housing, throughout the town.

Initial Guidelines for Short-Term Responsibilities and Functions

In superceding the Affordable Housing Committee, the CHDC will thus be immediately responsible for being the primary organization working with the Town Planning Department and the Planning Board relative to housing planning activities and policies

In its initial (3-5) years of operation, the CHDC will be responsible for setting its initial priorities and goals in order that it:

- Be successful in accomplishing a limited number of short-term goals within its long-term broad powers and purposes, e.g., by underwriting options on parcels of land and funding feasibility studies for development on those parcels.
- In this way develop an impressive track record by which it develops into an effective and respected vehicle for the Town to achieve its housing goals.
- Provide oversight of existing affordable housing for compliance with the terms of sales or rentals (e.g. develop a solution for preserving the affordability of the Town's remaining affordable units in the Emerson Annex) and oversee compliance of Chapter 40B developments with their intended affordable units.
- Cooperate with and support other existing housing groups in Concord so as to complement their activities and programs; place emphasis on taking on tasks not presently being done by those groups; later on the CHDC may well prove to be the better organization for addressing tasks now being done by those other groups.
- Coordinate the annual prioritization and unified presentation by all housing groups of the needs for CPA funds and grants.
- Support and co-sponsor the resulting application of other housing groups for CPA funds and hold, as appropriate, such earmarked funds on their behalf.
- Seek the counsel of the Selectmen, the Planning Board, and other housing groups on the usage of CPA funds.
- Work in conjunction with an assigned staff member of the Planning Department.
- Report annually on the progress within the town (and of the CHDC specifically) with regards to promoting housing diversity and affordability.
- Annually seek, in the initial years, needed new authorities or Planning Department support from the Board of Selectmen and be subject to renewed guidelines from the Selectmen.
- Understand and seek to apply the "best practices" used by similar public town housing corporations.

On August 22, 2006, the Massachusetts Senate and House of Representatives in General Court enacted and approved an "Act Establishing the Concord Housing Development Corporation". This enabling legislation confers certain powers to the CHDC. The following is a partial list of the powers and functions afforded the Concord Housing Development Corp. by Chapter 275 of the Acts of 2006. This charge does not limit or amend Chapter 275 of the Acts of 2006.

- Make recommendations on approaches for the preservation and expansion of affordable housing that might include making existing homes available to qualified families, subsidies to assist present home owners, and zoning and bylaw changes.
- Increase the number of housing options by identifying possible private, Town-sponsored, or other public opportunities for affordable housing, and by assisting in the creation of these homes with support of initial planning and project formulation, project approvals process, project development and completion, and collaboration with standing or special Town committees.
- As housing planners, help define what kind of data on affordable housing is useful and what kind of housing, housing inventory, demographic, and financial data the Planning Department should gather and make available to the public. Assist the Planning Department to maintain a record of the Town's efforts to comply with affordable housing statutes.
- Report annually, consistent with the budgeting cycle, to the Board of Selectmen regarding the state of affordability in Concord, identification of existing and potential opportunities, resources, and housing approaches, barriers to affordable housing, and promotion of appropriate Federal, state and local programs and regulatory changes.
- Review Town Meeting articles and present comments and recommendations on those that affect affordable housing.
- Respond to partnership proposals from private developers and formulate proposals on behalf of the Town.
- Acquire or lease real and personal property necessary to carry out its purpose, it being understood that the acquisition or sale of town-owned real estate shall be subject to authorization by Town Meeting.
- Enter into agreements or other transactions with the Commonwealth, and other federal, state or governmental agencies.
- Borrow money and execute notes (not considered to be debts of the town), hold mortgages, or invest any funds not required for immediate disbursement in any investments.
- Contract with and employ from time to time contractors, architects, engineers, consultants, attorneys, accountants, or experts in construction or finance that may be necessary as well as to fix their compensation.
- Receive and hold funds and other things of value from the Town or from other sources, use these amounts on behalf of its affordable housing programs or act as an agent in administering these funds.
- Appear on its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal.
- Procure insurance against any loss connected with property or activities of the board.
- Formulate, carry out or monitor plans for projects involving acquisition or operation of housing facilities including construction, renovation, improvement or management of these facilities.
- Collect rent and sales prices for the use or occupancy of any property under its ownership or control as well as establish any restrictions in respect to income of the occupants of these housing facilities.
- Enter into agreements with contractors, developers, brokers and other real estate professionals relating to the providing of affordable housing in Concord.

Ethical Conduct

Because it is likely that Concord Housing Development Corporation will be entrusted with public funds, included grant funds and appropriated funds, it is important that the members of the Board of Directors conform to the highest standards of ethical conduct, avoiding the acceptance of personal gifts from individuals doing business with the CHDC and otherwise avoiding the appearance of a conflict of interest.

Town of Concord

Affordable Housing Funding Committee

Committee Charge

A. Purpose

Per amended Article 49 at the 2017 Town of Concord Annual Meeting, the Select Board was directed to:

“appoint a committee to study the affordable housing goals of the Town and recommend appropriate measures to fund those goals. The committee shall, generally, be charged with the responsibility of studying and determining cost-effective means by which the Town may fund the continuing expansion of its inventory of affordable housing. “

The Committee shall provide recommendations to the Select Board in a timely manner in order to prepare Articles for 2018 Town Meeting.

B. Background

Per amended Article 49 at the 2017 Town of Concord Annual Meeting, the Select Board was directed to appoint a committee to study the affordable housing goals of the Town and recommend appropriate measures to fund those goals. The Town of Concord currently has a Housing Production Plan which is submitted to the Select Board for approval and certification every 5 years. The Housing Production Plan set goals and recommended initiatives on how to achieve them. Even with the Town’s efforts to obtain funding from CPA funds and various State and Federal grants as well as contributions from private development projects, the goals of the Housing Plan have not been met. The Affordable Housing Funding Committee shall provide recommendations that provide the funding to effectively meet the Town’s Housing Production goals each year.

C. Membership

The Affordable Housing Funding Committee shall be comprised of seven members appointed by the Select Board, each for a term that will expire on May 1, 2018. The membership shall be as follows:

- Two members of the Affordable Housing Community;
- A member of the Planning Board;
- A past member of the Finance Committee or other person highly familiar with Town finances;

- A person familiar with Concord's real estate environment such as an Architect, broker or builder
- Two (2) members to be from the public at large

D. Duties and Responsibilities

To meet regularly and to elect a chair and clerk;

To focus solely on funding options that will support the annual goals of the Town of Concord's 2015 Housing Production Plan (approximately \$2 million per 2017 Annual Town meeting discussions of Article 49)

Gather information and research on various funding mechanisms that will support and sustain Concord's community housing goals, including, but not limited to the following: CPA funds, the issuance of municipal debt, an annual appropriation from the General Fund and the use of fees or surcharge to building permit applications or property taxes. The Committee shall develop a report that provides recommendations to the Select Board so that an Article shall be included on the warrant of the 2018 Town meeting.

E. Other Considerations

The Affordable Housing Funding Committee is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations, including but not limited to Open Meeting Law, the Public Records Law and the Conflict of Interest Law. With the approval of the Town Manager, the Committee may consult with Town staff to discuss these matters.

Attachments:

2017 Annual Town Meeting – Certified Article 49



Town of Concord

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

ANNUAL TOWN MEETING APRIL 24, 25, 26, and 27, 2017

REQUEST FOR HOME RULE LEGISLATION ALLOWING CONCORD TO ADOPT FEES TO FINANCE AFFORDABLE HOUSING

ARTICLE 49. Upon a motion duly made by Mr. Phillips, as amended by Mr. Tarpey, the following was **VOTED**:

The Select Board shall appoint a committee to study the affordable housing goals of the Town and recommend appropriate measures to fund those goals. The committee shall, generally, be charged with the responsibility of studying and determining cost-effective means by which the Town may fund the continuing expansion of its inventory of affordable housing. The Select Board shall determine the number and qualifications of the study committee, its precise charge, and specify a date on which it shall render a report of its findings.

Passed by a Declared Majority Vote
April 27, 2017

A True Copy Attest

Patricia A. Clifford
Acting Town Clerk

Article 49. Request for Home Rule Legislation Allowing Concord To Adopt Fees To Finance Affordable Housing Handout

[The changes to the language of the Article as printed in the Warrant are shown by strikethrough and italics.]

To determine whether the Town will vote to request the Select Board to ask our legislative representatives to file and seek passage of legislation authorizing the Town of Concord to adopt a fee structure substantially in the form shown below, for the purpose of financing a Town fund to support affordable housing.

1. Concord shall initiate a one-time fee to be assessed on certain new and newly expanded single-family houses.
2. The fee shall be assessed on new single-family houses built to exceed 3000 square feet in living area, at a rate of \$35 per square foot of the excess over 3000.
3. The fee shall be assessed on newly expanded single-family houses when the resulting house exceeds 3000 square feet in living area. If the house prior to expansion was below 3000 square feet, the fee will apply in the same manner as in item 2 above. If the house prior to expansion was ~~over~~ *greater than or equal to* 3000 square feet, the fee will be \$35 per square foot applied to the living area after expansion minus the living area before expansion.
4. The living area of a house shall be measured in accordance with the method established by the Assessing Department of the Town of Concord.
5. The construction of single-family houses in Planned Residential Developments (PRDs) for which affordable housing is required will be exempt from this legislation.
6. The fee shall be paid by the owner of the property lot who initiates the plan for a new or expanded house on that lot at the time of issuance of the building permit.
7. The Town fund that results from the fees shall be held by the Town Treasurer in an account to be used at the direction of the Select Board for affordable housing purposes.
or take any other action relative thereto.

Charles Phillips
65 Fairhaven Road



Article 49

Motion to Amend

- Mr. Tarpey moves to strike the current language of the article in its entirety and substitute the following:
- The Select board shall appoint a committee to study the affordable housing goals of the Town and recommend appropriate measures to fund those goals. The committee shall, generally, be charged with the responsibility of studying and determining cost-effective means by which the Town may fund the continuing expansion of its inventory of affordable housing. The Select Board shall determine the number and qualifications of the study committee, its precise charge, and specify a date on which it shall render a report of its findings.

Select Board Policies Regarding Public Private Partnerships

For all new proposed partnerships:

- All P3s involving the Town, Town property and/or other Town assets must originate with the Town Manager.
- If the Town Manager determines the potential public private partnership to be significant – involving \$150,000 or one that would last for more than a year, he will bring the matter to the attention of the Select Board.
- The Town will maintain a file on its website where information about all public private partnerships within the jurisdiction of the Town will be made available to the public.
- Before the Select Board or the Town Manager will take any action to approve a partnership the following must take place:
 1. Material associated with the proposed partnership as well as a project description shall be posted on the Town's website.
 2. The Select Board will determine what other methods will be used to help ensure that the public is aware of the proposed partnership.
 3. There will be a ten-day comment period associated with every proposed public private partnership.

4. A memorandum on understanding between the Town and the private organization to which it would partner shall be drafted. It shall be kept as a draft throughout the process of deliberation about the partnership. A more detailed description of the content of said MOU is contained in Appendix A.
5. If the partnership is approved by the Select Board, the Town Manager or by Town Meeting, the signed MOU shall become a permanent part of the record.
6. In approving a partnership, the Select Board, Town Manager or Town Meeting shall also determine a specific timetable for the future review of the partnership.

For existing partnership:

- The Town Manager or his designated representative shall develop a schedule to review all public private partnerships.
- Partnerships deemed by the Town Manager to be have been significant – involving \$150,000 or that have lasted for over a year – shall be reviewed by the Select Board according to the schedule developed by the Town Manager.
- A designated representative of the Town Manager shall review all other partnerships, according to the above-mentioned schedule.

- On an annual basis, the Town Manager will provide a summary of the review of all of these partnerships to the Select Board.

Partnerships within the Town but not under the jurisdiction of the Town Manager and Select Board

- The Select Board and Town Manager will undertake to be aware of any proposed partnerships within the Town that may not be under their jurisdiction.
- The Select Board and Town Manager will endeavor, when aware of such a proposed partnerships, to ensure that they are brought to the attention of the citizens through the Town's website and by other means that may be useful
- The Select Board will work with other jurisdictions in Town to encourage the adoption of similar policies regarding public private partnerships within these jurisdictions.

To the Concord Select Board

June 16, 2017

The Public Private Partnership Study Committee spent many months researching and developing a process for review and oversight of Public Private Partnerships in Concord. The report was sent to the Select Board on December 29, 2016 and discussed at the Select Board meeting on January 23, 2017. On February 9, 2017, the P3 Committee sent the Board an addendum to the original committee report, clarifying some points. Since that time, some "Select Board Policies Regarding Public Private Partnerships" have been developed, which the Board will be discussing at its meeting on June 19, 2017. We are concerned that as part of its planned policies the Board and town manager have decided to take on all the responsibilities for review of both new and existing public private partnerships. This will add an additional burden to the already significant workload of the town manager's office and the Select Board. While we are pleased that the Board has accepted many of the suggestions in the report, we do remain concerned about the process the Board is committing itself to. At this juncture, we would recommend a minimum of two small changes to the "Select Board Policies Regarding Public Private Partnerships".

In the section:

For all new proposed partnerships:

Change item #2 to read as follows - 2. The Select Board will hold a public hearing for any new Public Private Partnership over \$150,000 to help ensure that the public is aware of the proposed partnership.

In the section:

For existing partnerships:

Change bullet #4 to read as follows – On an annual basis the Town Manager will review all existing partnerships at a public hearing.

It is our firm conviction that these changes will allow more public input and ensure greater transparency to the process.

Respectfully Submitted,

Public Private Partnership Committee

To the Concord Select Board
February 6, 2017

Thank you for giving the P3 Study Committee the opportunity to clarify some sections of the Committee's report surrounding public participation and dialogue, the process for new and existing P3 relationships, creation of a standing committee, MOUs, and the responsibilities of the Select Board and Town Manager relating to P3s.

The P3 Study Committee's charge stated:

"It has been noted in recent times, however, that the interests of private donors and issue specific advocates may sometimes not be in complete alignment with the public interest, particularly in the areas of openness and transparency in decision-making, access to documents and information and public involvement in decision-making. When a private entity is making decisions for itself, the public has no right of access to information and no right to observe its decision-making process. But when private parties are making decisions concerning the construction of a new public facility or the use and management of public property, there is a disconnect between the public's rights and the rights of private parties to make decisions. The result can be less openness and reduced public participation and therefore a loss of public trust in the decisions that have been made."

The P3 Study committee responded to the Select Board's concerns and shaped its proposals so that, going forward, there will be appropriate public participation and trust in the decisions that affect new and ongoing public-private partnerships related to construction of a new public facility and the use or management of public property.

One area of concern expressed by the Select Board at the January 23 meeting was the P3 Committee's recommendation that there be a new P3 Standing Committee.

As our committee deliberated our charge and held two well-attended Public Hearings, the idea of a Standing Committee began to emerge as the proper vehicle for achieving the goals of public participation and monitoring P3 relationships. (Incidentally, we have learned that other communities, for example, Cambridge, have created similar committees to work with partnerships). At first this seemed like a lot of overhead for not very much return. But then we realized that *without* a standing committee, it's very difficult to build true openness into the process. The goal of our committee—and, we believe the goal of the Select Board in charging us with this task of finding a way for "public participation"—requires that there be a process for such participation. Our P3 Study Committee makes such a recommendation in order to assist the Select Board and not in any way limit or reduce its power or judgment. Such a Standing Committee would work with the Select Board to provide opportunities for public education and dialogue, thus fulfilling one of the goals of our charge.

1. The Standing Committee would work with the Select Board to facilitate public participation in the initial stages of a new Public Private Partnership.

2. The Committee would be responsible for providing a forum for public participation in existing partnerships, including drafting a project agreement.
3. The Committee would also ensure the Town website provides the public with current information about all P3s.

Such a committee would be appointed by the Select Board or the Select Board and the Town Manager and would serve for a length of time agreed upon by the Select Board. This is how we see this early stage of a potential P3 working:

1. The Town Manager is the gate keeper where the process begins.
2. The P3 Committee considers new P3 proposals and reviews existing P3s and organizes public participation. It is an advisory committee only.
3. The Select Board is the ultimate authority in deciding whether to move ahead with a new P3 relationship or not.

A second area of concern to the Select Board was the issue of Memoranda of Understanding (MOUs). For that reason and in the interest of clarity, we suggest that the term MOU be replaced with the term "Project Agreement" which would describe the scope of the project (including its financing), a timeline, and the expectations of both Public as well as the Private partners. Our committee leaves it to the judgment of the Select Board and the Town Manager as to the details of such a Project Agreement. But we urge that the agreement be reviewed by the Standing Committee on a regular basis and a new agreement be drawn up by the Town Manager and/or the Select Board when any of the conditions change.

Finally, at our January 23 meeting with the Select Board there was very little discussion of existing Public Private Partnerships making decisions concerning the construction of a new public facility or the use and management of public property. It is of equal, and perhaps even more importance in terms of openness and public dialogue and education, that a Standing Public Private Partnership Committee provides a place for the public to participate. It is also critical to have a committee that can keep track of project changes by asking for annual reviews.

Our committee made a distinction between partnerships dealing with projects of \$150,000 and/or over a year or more in length and smaller, more specific projects which do not fit those criteria. For your assistance, we have included a list of known, current Public/Private Partnerships which seem to fit these definitions.

Again, we thank you for the opportunity to assist in finding ways to help educate and involve Concord citizens, and to assist in continuing Concord's record of successful Public Private Partnerships.

Respectfully,

Public Private Partnership Study Committee