

**TOWN OF CONCORD
SELECT BOARD
AGENDA
MARCH 1, 2021
4:00 PM
VIDEO CONFERENCE CALL**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CczdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Passcode: 865209

One tap mobile

+16465588656,,84092395810# US (New York)

Dial by your location

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 840 9239 5810

Find your local number: <https://us02web.zoom.us/j/kcwFtQro3l>

#	Agenda Item
1.	Call to Order
2.	Consent Agenda <ul style="list-style-type: none"> - Minutes to approve: January 25, 2021; January 25, 2021 Executive Session (not to be released) - Town Election Warrant for March 25, 2021
3.	Town Manager's Report
4.	Chair's Remarks
5.	Review amendments to the Junction Village Open Space Task Force Charge
6.	Climate Action Advisory Board Draft Warrant Article: Authorizing the Town of Concord to Adopt and Enforce Local Regulations Restricting New Fossil Fuel Infrastructure in Certain Conditions
7.	Select Board FY21 Goal: ATM Housing Appropriation
8.	Status of ATM 2020 Article Neonicotinoids Prohibition
9.	Committee Nominations
10.	Committee Appointments: Peter Fischelis of 35 Longfellow Road to the Middle School Building Committee for a term to expire at the completion of the project. Carlene Hempel of 50 Highland Street to the Junction Village Open Space Task Force for a term to expire September 30, 2023. Extend the terms of Christa Collins of 55 Highland Street, Sue Felshin of 19 Sunnyside Lane, Robert Hartman of 16 Concord Greene, and Harry Bartlett of 95 Conant Street on the Junction Village Open Space Task Force to expire on September 30, 2023.
11.	Committee Liaison Reports
12.	Miscellaneous Correspondence
13.	Public Comments
14.	Adjourn

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD

WARRANT

**FOR ANNUAL TOWN ELECTION
MARCH 25, 2021**

ss. Middlesex

To any of the Constables of the Town of Concord, in said County,

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town of Concord, qualified to vote in elections, to vote at:

Precinct	Polling Location
1	Concord Dept. of Planning & Land Management (141 Keyes Rd);
2	Harvey Wheeler Community Center (1276 Main Street);
3	Harvey Wheeler Community Center (1276 Main Street);
4	Ripley School (120 Meriam Road); and
5	Hunt Recreation Center (90 Stow Street)

on **THURSDAY, MARCH 25, 2021 FROM 7:00 AM TO 8:00 PM** for the following purpose:

To cast their votes in the Town Election for the candidates for the following offices:

- TOWN MODERATOR**.....One Position for One-Year Term
- SELECT BOARD**..... Two Positions for Three-Year Terms
- SCHOOL COMMITTEE** Two Positions for Three-Year Terms
- HOUSING AUTHORITY** One Position for Five-Year Term
- HOUSING AUTHORITY VACANCY**..... One Position for Two-Year Term
- HOUSING AUTHORITY VACANCY**.....One Position for One-Year Term

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said voting.

Given under our hands this 1st day of March 2021.

Select Board:

* * * * *

Constable's Return of Service on reverse

By virtue of posting this Warrant in at least one location in each precinct, I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

Constable

Date



SAMPLE BALLOT TOWN ELECTION TOWN OF CONCORD THURSDAY, MARCH 25, 2021

Town Clerk

- A. To vote, fill in the oval to the right of your choice
- B. Follow the directions as to the number of candidates to be marked for each office. Vote for no more than the number specified.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name and residence in the blank provided and fill in the oval to the right

MODERATOR

For One Year

Vote for not more than ONE

CARMIN C. REISS, 52 Devens St
Candidate for Re-Election

Caucus Nominee

(Write-In)

SELECT BOARD

For Three Years

Vote for not more than TWO

LINDA L. ESCOBEDO, 1783 Wedgewood Common
Candidate for Re-Election

Caucus Nominee

HENRY J. DANE, 58 Everett St

Caucus Nominee

KARLEN J. REED, 83 Whits End Rd

Caucus Nominee

DEAN S. BANFIELD, 73 Walden Ter

(Write-In)

(Write-In)

SCHOOL COMMITTEE

For Three Years

Vote for not more than TWO

COURTLAND L. BOOTH, 144 Wright Rd
Candidate for Re-Election

Caucus Nominee

TRACEY MARANO, 39 Partridge Ln

Caucus Nominee

(Write-In)

(Write-In)

CONCORD HOUSING AUTHORITY

For Five Years

Vote for not more than ONE

STEPHAN M. BADER, 7 River St

Caucus Nominee

(Write-In)

CONCORD HOUSING AUTHORITY

For Two Years

Vote for not more than ONE

CHARLES T. PHILLIPS, 65 Fairhaven Rd

Caucus Nominee

(Write-In)

CONCORD HOUSING AUTHORITY

For One Year

Vote for not more than ONE

STEPHANIE CHROBAK, 1 Thornton Ln

Caucus Nominee

(Write-In)

**Town of Concord
Select Board
January 25, 2021
Minutes**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on January 25, 2021 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Consent Agenda

- Town Accountant Warrants – January 21, 2021

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the consent agenda

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager's Report

Mr. Crane reported that the first responder's vaccination clinic was held from January 14-16. The clinic was conducted in partnership with Carlisle, Lincoln, Bedford, Maynard, and Sudbury, and resulted in 420 individuals being vaccinated, including Police, Fire, EMS, school nurses, Council on Aging Directors, social workers, and outreach staff from each of the six communities.

The Public Works Commission reviewed a request from 13B Commonwealth Avenue LLC for the allowance of over 2,600 gallons per day of wastewater capacity required for this mixed use development. 13B Commonwealth Avenue LLC has completed the conceptual review of a proposed building for 13B Commonwealth Ave. with the Planning Board and WCAC, as well as with the newly formed West Concord Cultural District Committee. As a result of those reviews there was a consensus to change the use of the proposed commercial building to be mixed use business/residential use. The PWC approved this request.

**Town of Concord
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In 1964, the Town voted to accept the provisions of Mass General Laws Ch. 40, §6C that authorized the Town at its own expense to remove snow and ice from private ways open to public use. The Select Board endorsed a policy of plowing private ways open to the public, according to standards set by the Public Works Commission. Winter maintenance crews have identified that several of these private roads have suffered deterioration from lack of repairs making them extremely difficult and sometimes unsafe to plow. Public Works will be notifying the owners of those roads that repairs will need to be made to allow for continued snow plowing services. The PWC acknowledged the need to do this and expressed their interest in providing abutters with reasonable time to make such repairs.

The Natural Resources Commission required that MassDOT install and monitor a fifth wildlife culvert under Route 2. The recently completed fifth and final year report on the tunnel use confirms safe passage by several wildlife species including beaver, mink, otter, woodchuck, deer, fisher, skunk, coyote, and red and grey fox. Bobcats continue to be observed using the tunnel, with increasing frequency.

The latest draft report from the NMI-Starmet Reuse Planning Committee is now available on the committee web page for public review and comment (<https://concordma.gov/2446/NMI-Starmet-Re-use-Planning-Committee>). The next committee meeting will be Friday, February 5, 2021 at 8:00 a.m. via Zoom.

The Police Department has replaced a patrol vehicle with a new Ford hybrid Police Interceptor Utility. Of the 8 marked patrol vehicles 5 are now hybrid.

At its January 21 meeting, the Finance Committee adopted guidelines for the FY22 budget:

	FY21 Budget	FY22 Tentative Guideline		
		FY22 Guideline Increment	% change	FY22 Guideline
Town Government	\$28,031,664	\$508,151	1.81%	\$28,539,815
CPS (K - 8)	\$40,777,193	\$739,172	1.81%	\$41,516,365
CCRSO Op Assessment	\$20,436,322	\$796,476	3.90%	\$21,232,798
	\$89,245,179	\$2,043,799	2.29%	\$91,288,978

Chair's Remarks

Ms. Escobedo stated that the Town Manager's one-year evaluation has been given to him, and it will be posted on the [Select Board's website](#).

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Concord Housing Authority LLC PILOT Agreement

Concord Housing Authority (CHA) Director Marianne Nelson stated that CHA is looking to convert 18 housing units administered by the federal Department of Housing and Urban Development (HUD) to Project Based Section 8 units owned by CHA. If the Select Board approves this request, the units will still be subsidized by HUD through vouchers rather than through capital funding to CHA. Ms. Nelson explained that HUD gave housing authorities with less than 50 units the opportunity to convert the units, and HUD cannot keep pace with the capital improvements needed to maintain these units. Ms. Nelson noted that because the market rate rentals are so high in Concord, CHA will get more funding from HUD per unit if they become project based.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: that the Select Board sign the PILOT Agreement for 18 affordable units in Concord.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Protection of Affordability Status for CHA Reposition Properties

Regional Housing Services Office Director Liz Rust stated that the project agreement between HUD and the CHA for this transaction will take the form of a 20-year Housing Assistance Payment contract (HAP), which operates similar to a Project-Based Section 8 contract. The HAP Contract confirms the terms of affordability related to income eligibility, tenant selection, and rent determination.

Ms. Rust raised the question of whether or not Concord should include an additional affordable housing restriction to preserve the affordability of these units if the HAP Contract is not renewed by the federal government in the following 20 years. Ms. Rust acknowledged that this is not the current situation, but it would legally maintain the affordability of these units regardless of HUD's actions in the future.

At this time, the Select Board members did not take a vote to require an additional local affordability restriction on these units, and agreed that the HAP Contract was sufficient to maintain the affordability of these units.

**Town of Concord
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Select Board Submission for 2020 Annual Report

Select Board members noted grammatical changes to their [draft entry for the 2020 annual report](#). Ms. Bates will incorporate these changes before sending to Town staff for their inclusion in the annual report.

Select Board Town Staff Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Town Accountant, Mary Barrett, for a term retroactively beginning June 1, 2020, and set to expire May 31, 2023.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Select Board Confirmation of Town Manager Staff Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the Town Manager appointments of Town Clerk Kaari Tari, Chief Financial Officer Kerry Lafleur and Assistant Town Accountant Erin Mulcahy for terms retroactively beginning June 1, 2020 and set to expire May 31, 2021.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

The Select Board thanks the staff appointees for their service to the Town.

Committee Nominations

Joseph Rogers of 20 Tracy Street to the Agriculture Committee as an Associate Member for a term to expire April 30, 2022

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Committee Reappointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Kate Yoder of 79 Deer Grass Lane, and Margot Kimball of 21 Winthrop Street to the West Concord Cultural District Committee for terms to expire on April 30, 2023.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Abstain

Committee Liaison Reports

Mr. Johnson reported that the Community Preservation Committee voted on their funding recommendations. The CHDC's buy-down fund is 233,000.00.

Ms. Bates reported that the Economic Vitality Committee discussed a new CDBG micro-enterprise grant. There are new PPP funds that are available as well. The Town of Lexington and Minuteman National Historical Park announced that the Patriot's Day events will be held virtually. The Economic Vitality Committee also discussed the future of outdoor dining beyond the pandemic. The Personnel Board is studying the Personnel Bylaw structure, and whether or not to move forward with a warrant article this year.

Ms. Hotchkiss reported that the Comprehensive Sustainable Energy Committee hosted a presentation from the Concord Municipal Light Plant's heating coaches. Ms. Hotchkiss commended the steps that CMLP is taking to help the Town implement its climate action goals. The Board of Health is looking for skilled nurses to administer vaccines. The Agriculture Committee discussed the Spring Forum, which will take place at Walden Woods, and will display equipment used by local farms.

Ms. Ackerman attended the West Concord Junction District Committee, where they are applying to the Massachusetts Cultural Council to receive a \$7500 grant to create a map depicting the district that they hope will be widely displayed distributed in the area. The Finance Committee voted on the FY22 Budget Guideline, and heard a presentation from the Middle School Building Committee on the status of the project.

Ms. Escobedo attended the Concord Housing Development Corporation, where they discussed the Emerson Annex buy-down opportunity to keep this property affordable. They also discussed the future of the housing to be developed at 1440 Main Street. The committee suggested that the Town should be looking for funding to make these units affordable. The Tax Fairness Committee discussed their interim funding options since their home rule petition was not passed by the

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legislature for this past year. The Financial Audit Advisory Committee reviewed the 2020 Town Audit, which will be presented to the Select Board at a future meeting.

Miscellaneous Correspondence

The Select Board received correspondence regarding safety concerns for the multiple uses at Junction Park.

Public Comments

Diane Proctor of 57 Sudbury Road asked why the Town staff appointments earlier on the agenda were only valid through May 31, 2021. Mr. Crane explained that these appointments are governed by state statute to be one-year appointments, and it does not reflect a Town personnel decision.

Adjourn to Executive Session with respect to collective bargaining for Concord Public Works Highway & Grounds, as an open meeting may have a detrimental effect on the bargaining position of the Town, and the chair so declares.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to adjourn to Executive Session with respect to collective bargaining for Concord Public Works Highway & Grounds, as an open meeting may have a detrimental effect on the bargaining position of the Town, and the chair so declares.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=s87g9hoK0nA&list=PL1TTzrWEKOOkHKXNLQprEz0f0ofHYKj8->

Meeting Documents: <https://concordma.gov/DocumentCenter/View/27600/January-25-SB-Packet>

TOWN OF CONCORD
Junction Village Open Space Task Force
Committee Charge

A. Purpose

The Concord Housing Development Corporation (CHDC) owns a 12.8 acre site known as the Junction Village property located at the end of Winthrop Street in West Concord. The site, formerly owned by the State, is designated to be used exclusively for affordable housing and open space purposes. A Comprehensive Permit ~~was~~ approved for the development of an affordable assisted living facility on approximately half of the site in 2017. The CHDC is interested in having assistance from Concord residents and a public process for the planning and design of the remaining half of the site as public open space, and has asked the Town to appoint a Junction Village Open Space Task Force to assist in the planning and design of the open space.

The Select Board establishes the Junction Village Open Space Task Force with the following duties and responsibilities and membership.

B. Duties and Responsibilities

The Junction Village Open Space Task Force shall work with the CHDC and with Town staff in the Department of Planning and Land Management and the Regional Housing Services Office to prepare an Open Space Master Plan. After reviewing relevant plans and reports, the Task Force will engage in a public planning process for the 6.68 acres of resource area identified in the comprehensive permit for conservation restriction as well as the 1.43 acres of open space identified as the 'triangle' or meadow area. The Plan shall consider the proposed location of a pedestrian sidewalk and path along the driveway to the facility and connection to the Bruce Freeman Rail Trail across a meadow area. The Plan shall incorporate accessible and assessed trails for public use as well as defining areas for habitat protection and advancement.

The Open Space Master Plan shall include:

- A description of the conservation values of the proposed resource area
- A tree inventory of trees 12-inches and greater diameter at breast height (DBH)
- Invasive species identification and remediation plan
- Location and design of trails, meadow areas, habitat
- Site furnishings (such as benches, bike racks and informational signs)
- Consideration of areas suitable for public artwork
- [Reference to the historical significance of the area](#)
- [Definition of intended public use supported by outreach to a broad range of potential users including individuals with accessibility issues, young and older citizens, outdoor enthusiasts, birdwatchers, joggers, area shoppers and residents, bikers, etc.](#)
- Inclusion of areas for contemplation and/or gathering of small groups
- Consideration of non-motorized boat/kayak/canoe access to the Assabet River

The Open Space Master Plan is expected to provide sufficient information to secure funding for design and construction, and for preparation of a Conservation Restriction. The Plan shall satisfy the Site Planting Plan requirement in the 2017 Comprehensive Permit and include preparation of a Baseline Documentation Report of the restricted land that shall be conducted in accordance with Mass Audubon's Massachusetts Conservation Restriction Stewardship Manual (March 2006), or as approved by the Division of Natural Resources. The Plan should include

basic design specifications, preliminary or estimated costs, phasing recommendations (as appropriate) and a long-term maintenance plan with associated costs.

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In order to provide the Task Force with basic information needed to begin the planning process, the CHDC will provide funding for a qualified consultant to collect additional information about the site that shall be incorporated into the existing Survey plan as follows:

- Delineation of the existing 200-foot Riverfront Area;
- Location and identification of significant trees (12-inch DBH or greater);
- Location and identification of large patches of invasive plant species;
- Location of meadow areas and site features (such as the existing two stands of sumac);
- The location of the existing/proposed emergency access easement over the Massachusetts Department of Corrections property;
- The location of the proposed drainage easement area as shown on the approved 2017 Comprehensive Permit plan.

The CHDC will also engage the services of a Landscape Architect with specialties in designing in ecologically sensitive areas, as well as trails, meadows, and recreational facilities to assist the Task Force with preparing the Junction Village Open Space Master Plan and facilitating a public outreach process. The Landscape Architect must be familiar with Open Space planning from a municipal perspective, sustainable design and practices/methods to ensure long-term community goals and be willing to work closely with the project stakeholders for development of the plan.

Milestones of the Junction Village Open Space Master Plan process:

- Working with staff from the Department of Planning & Land Management and the Regional Housing Services Office, review and analyze the 2016 Junction Village Open Space Planning Study and the approved 2017 Comprehensive Permit along with other relevant plans
- Plan and conduct a public process to receive public input
- Using input from the public process and from CHDC, refine and develop preliminary plans for the Junction Village Open Space and present an interim report to the CHDC and Select Board
- Present findings and initial recommendations in a public forum to receive feedback from Town citizens on the proposed Plan and incorporate additions and revisions as needed.
- At the conclusion of its work, the task force shall submit a final Junction Village Open Space Master Plan to the CHDC and the Select Board by September 20~~23~~¹⁹.

The Town Manager is responsible for assigning appropriate staff to assist the Task Force in this work. The CHDC is responsible for overseeing the funding and contracting associated with development of the Open Space Master Plan.

C. Membership

The Junction Village Open Space Task Force shall be appointed and charged by the Select Board. Members will be appointed for a ~~two-one~~ year term (to be extended for an additional six months if needed). The Task Force shall consist of five voting members, as follows:

- One member from the West Concord Advisory Committee (recent or current);
- ~~One member from the Natural Resources Commission (recent or current);~~
- One member from the ~~Natural Resources Historical~~ Commission (recent or current);

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- One member from the Commission on Disability or Council on Aging (recent or current);
• ~~Two~~ One members at large.

In making appointments to the Task Force, the Select Board shall endeavor to find qualified candidates who represent a variety of backgrounds and interests. The goal is to have a Task Force which has a mix of gender, age and geographic distribution from the community.

D. Other Considerations

The Task Force shall appoint a Chair and Vice Chair to guide its efforts and a Clerk to maintain the record of the Task Force. The Task Force shall establish regular meetings and shall abide by the Massachusetts Open Meetings Law and Town General Bylaws.

The Junction Village Open Space Task Force 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, the Open Meeting Law, Public Records Law and Conflict of Interest Law. The Committee shall consult with the Town Manager concerning the allocation of town staff or financial resources toward this effort.

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DRAFT

Memo



To: Concord Select Board

From: Kate Hanley, Sustainability Director, on behalf of Climate Action Advisory Board
Jake Swenson, Chair of Concord Climate Action Advisory Board

CC: Stephen Crane, Town Manager

Date: February 17, 2021
Home rule petition – “AN ACT AUTHORIZING THE TOWN OF CONCORD TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION”

Re: CERTAIN CONSTRUCTION”

Concord’s Climate Action Advisory Board (CAAB) requests that the Concord Select Board sponsor a home rule petition for 2021 Annual Town meeting titled “AN ACT AUTHORIZING THE TOWN OF CONCORD TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION.”

Electrification of buildings is critical to achieving the Town’s climate goals of 80% greenhouse gas emissions reduction by 2050 and the Commonwealth’s goal of net zero emissions by 2050. It is one of 22 priority actions in Sustainable Concord, Concord’s climate action and resilience plan.

On February 8, 2021, the Select Board approved a non-binding resolution, requested by CAAB, to be sent to the state legislature, Governor, and state agencies calling for a commitment to a just transition away from fossil fuels to decarbonization of buildings in the Commonwealth by acting at the state-level and allowing rapid municipal action. The resolution was the first step in a broader strategy to accelerate electrification of buildings in Concord, developed thanks to Concord’s participation in a program run by RMI to help Massachusetts communities understand local policy options.

The next step is a home rule petition to request the authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions. The Select Board was prepared to move Article 40 at 2020 Town Meeting, to do exactly that, through a bylaw prohibiting the expansion of fossil fuel. This article was not moved because in the summer of 2020 the Attorney General decided that a similar article in Brookline was not allowable by state law. It is CAAB’s understanding that a home rule petition is a viable and practical strategy to move forward with prohibiting new fossil fuel infrastructure.

The following document is an initial draft of the home rule petition for your consideration.

The purpose of this article is to request authority from the legislature through Home Rule Legislation to protect the health, safety and welfare of town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change, that threaten the Town and its residents.

This article seeks Town Meeting approval to establish a new Town Bylaw that would require that all new construction to be fossil fuel free. The Building and Inspections department would enforce this bylaw and the Town Manager or designee would hear and resolve complaints of a decision issued by the building department.

ARTICLE XX

HOME RULE LEGISLATION/BYLAW AMENDMENT

“AN ACT AUTHORIZING THE TOWN OF CONCORD TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION”

To determine whether the Town will vote to request home rule legislation substantially in the form below to establish the authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions approved by the voters in Article 51 in 2017, notwithstanding the State Building Code, the Gas Code, M.G.L. c. 164 or any other law of the Commonwealth regulating natural gas as a residential utility; and further to vote to establish a new section of Title VI of the Town Bylaws prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Concord, and to set forth the terms and scope of such prohibition, including exemptions or waivers to same; or take any action related thereto.

SECTION 1. Notwithstanding chapter 164 of the General Laws, section 13 of chapter 142 of the General Laws, the State Building Code, or any other general or special law or regulation to the contrary, the town of Concord is hereby authorized to adopt and further amend general or zoning by-laws that restrict new construction or major renovation projects that do not qualify as fossil-fuel-free, as defined in section 4 of this act.

SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other general or special law or regulation to the contrary, the Building Inspector of the town of Concord, or any designee thereof, shall be authorized to enforce restrictions on new construction that do not qualify as fossil-fuel-free, as defined in Section 3 of this act, including through the withholding of building permits.

SECTION 3. As used in this act, the term “fossil-fuel-free” shall refer to construction that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of its operation.

SECTION 4. This act shall take effect upon its passage and shall authorize any pending bylaw already approved by Concord’s Town Meeting consistent with Sections 1 through 3 above.

SECTION 5. If any provision or section of this act is invalidated, the remainder shall survive in full force and effect.

ARTICLE XX

SUBMITTED BY: Select Board

To see if the town will amend the General Bylaws by adopting a new bylaw entitled:

“Prohibition on the Expansion of Fossil Fuel Infrastructure for New Construction” as set forth below.

1. Purpose

This Bylaw is adopted by the Town of Concord, under its Home Rule powers and its police powers the authority granted by Article 89, § 6, of the Amendments to the Massachusetts Constitution, and by Mass. Gen. Laws, ch. 40, § 21(1) and (18), § 21D, and ch. 43B, § 13, to protect the health, safety and welfare of the inhabitants of the town from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change, and from fuel leaks and explosions that threaten the Town and its inhabitants.

2. Definitions

For the purposes of this bylaw, the following definitions shall apply:

“Building” shall have the same meaning as set forth in Section 1.3.4 of the Concord Zoning Bylaw, provided that the pertinent structure is or will be furnished with a heating or hot water system.

“On-Site Fossil Fuel Infrastructure” shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

“On-Site Fossil Fuel Infrastructure” shall mean any assemblage of materials and equipment, including pipes, tanks, storage units, valves, gauges, and other appurtenances, incorporated in a building or its surrounding premises, designed to be used for the purpose of supplying fossil fuel to the building and its premises for on-site combustion. Fossil fuel is defined as fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent. For the purposes of this bylaw, such infrastructure shall include:

1. In the case of natural gas, a supply line that runs from the gas meter to the building and its premises, including a gas supply line running directly to a heating system, a water heater, cook stove, clothes dryer, or other appliances or equipment.
2. In the case of propane gas, a supply line that runs from a propane tank to any appliances or equipment.
3. In the case of fuel oil, also known as heating oil, a supply line that feeds directly from the tank to a furnace or boiler to produce heat.

“New Building” shall mean any new construction that will require heating and/or cooling and that is associated with a valid building permit application on or after the effective date of this bylaw, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building, or (c) of a new accessory building constructed on an existing residential or commercial property.

3. Limitation on the Issuance of Town Permits; Effective Date

Effective January 1, 2022, no applications for building permits shall be accepted by the Town for the construction of a New Building that includes the installation of On-Site Fossil Fuel Infrastructure, except as otherwise provided in section 4.

Effective Date” shall mean January 1, 2022, or six months following the date by which the Town is authorized by Special Act to regulate fossil fuel infrastructure by the Commonwealth of Massachusetts, whichever is later in time.

4. Applicability and Exemptions

4.1. As of January 1, 2022, this bylaw shall apply to all permit applications for New Buildings proposed to be located in whole or in part within the Town.

4.2. The provisions of this bylaw shall not apply to (i) the development of new affordable housing, as defined in G.L. ch. 184, § 26; (ii) to cook stoves and ovens used in restaurants or commercial kitchens; (iii) any fossil fuel infrastructure the exclusive purpose of which is to fuel backup electrical generators; (iv) public utilities, their operations, or installations.

4.3. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.

5. Administration

5.1 Enforcement

The Building and Inspections Department is hereby authorized to enforce the provisions of this bylaw.

5.2 Appeal

Any applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the person or entity established by the Town Manager to hear and resolve such appeals within 20 days from the date of such denial.

6. Severability

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

Jeremy Romanul

From: Karlen R <kreedtelecom@gmail.com>
Sent: Monday, February 22, 2021 8:19 PM
To: Linda Escobedo; Jane Hotchkiss; Susan Bates; Terri Ackerman; Matthew Johnson
Cc: Stephen Crane; Jeremy Romanul; Christopher Carmody
Subject: Please vote in favor of the Regional Emergency Communications Center

2.22.21

Dear Members of the Select Board, I am writing you to encourage you to vote in favor of allowing the Regional Emergency Communications Center (RECC) proposal to move forward and to allow the Town's public safety officers to apply for funding from the State 911 Department, as they explore the feasibility of creating a regional (Concord/Acton) 911 call center.

In addition to the material and the discussion presented at the Feb. 22 Select Board meeting, I base my recommendation on my past professional experience as a staff attorney with the Massachusetts Department of Telecommunications and Cable (DTC), the state agency which approves the State 911 budget each year.

Part of that annual review involved a close look at the proposed expenses, which included the several grant programs run by the State 911 Department. The purpose of the grant programs, in general, is to train dispatch personnel and to incentivize efficient use of funds for advanced telecommunications for wireline and wireless 911 calls.

One major efficiency noted in the State 911 dockets is the regionalization of call centers, for the very reasons expressed during the Feb. 22 Select Board meeting. Massachusetts has over 200 911 call centers, called "PSAPs" or "public safety answering points."

In monitoring the State 911 docket over the years I was with the DTC, the primary concern with regionalization was whether the local public safety personnel could agree on who was in charge. That topic, specifically, was expressed by our Fire Chief, Tom Judge, during the Feb. 22 meeting. He and the other fire and police chiefs present, though, expressed sincere agreement that they could work together and could create a satisfactory governance structure for the regional call center. They also agreed that moving to a regional call center was a smart move, in part because it allows access to State funding for advanced telecom equipment and additional dispatch personnel during surge events.

Chief Judge and Chief O'Connor, along with our Town Manager and their counterparts in Acton, all appear to be in agreement on this point. Additional state funding from the State 911 Department is available, courtesy of Massachusetts landline and wireless phone owners. I am convinced we should explore the formation of the RECC, and we should encourage the public safety officials to apply for the grants necessary to flesh out the proposed joint venture.

Here is a link to the 911.gov website that explains the state-wide push to regionalize 911 call centers in

Massachusetts: https://www.911.gov/project_ng911publicsafety/fire/transitioning_NG911_massachusetts.html

Please vote in favor of the continued exploration of the regional 911 call center. Thank you.

Karlen Reed, 83 Whits End Road, Concord, MA.