

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

Join Zoom Meeting

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

Meeting ID: 840 9239 5810

Passcode: 865209

+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

#	Agenda Item
1.	Call to Order
2.	4:05pm Executive Session: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body Estimated time to return to open session: 4:35pm
3.	Consent Agenda <ul style="list-style-type: none"> • Town Accountant Warrants: May 26, 2021; May 27, 2021 • Gift Acceptance: The Boston Foundation \$2,500.00 to the Nanae Gift Account
4.	Town Manager's Report
5.	Chair's Remarks
6.	Massachusetts School Building Authority Statement of Interest for Middle School Funding
7.	Request of Transfer for Right of First Refusal for 100 Elm Brook
8.	Request to State Legislative Representatives to include Battle Road Town Representatives on Commission for 250th Ann. of American Revolution
9.	Thoreau Farm-Battle Road Trail
10.	Proposed Select Board Summer Meeting Schedule
11.	Update on White Pond Improvement Project
12.	Committee Nominations
13.	Committee Appointments: Thomas Swaim of 28 Central Street to the Zoning Board of Appeals for a term to expire on April 30, 2024. John Cratsley of 10 Edmonds Road to a second term on the Community Preservation Committee to expire on April 30, 2025. Elizabeth Akehurst-Moore of 86 Holden Wood Road to a second term on the Zoning Board of Appeals to expire on April 30, 2024. Andrew Boardman of 110 Hillcrest Road to the Planning Board for a term to expire April 30, 2026. Josh Galper of 65 Stone Root Lane to the White Pond Advisory Committee for a term to expire on April 30, 2024.
14.	Committee Liaison Reports
15.	Miscellaneous Correspondence
16.	Public Comments
17.	Adjourn



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

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

Stephen Crane, Town Manager

MEMORANDUM

To: Chair Escobedo and Members of the Board

From: Stephen Crane, Town Manager

Date: June 1, 2021

Re: Town Manager Report

Vaccine Update

No update.

Extension of Open Meeting Law Provisions and Outdoor Dining

Attached is a copy of the bill recently filed by the Governor that extends certain provisions that were enacted as part of the emergency orders during the pandemic. The OML provision would allow public bodies to “conduct deliberations entirely by remote means in a manner consistent with” the Governor’s OML Executive Order from last March.. Under this provision, public bodies would not have to make any adjustments to their pandemic-era practices until September 1, as long as those practices comply with the Governor’s executive order. Public bodies could still choose to end remote meetings and observe the standard OML requirements. All pandemic-era provisions for remote meetings would be repealed on September 1 unless the Legislature passed an additional bill. In addition to this bill, Town Counsel has been working with the Massachusetts Municipal Association to make remote meetings possible permanently. The bill also extends outdoor dining approvals through November 29. Hearings on the bill are scheduled for early next week.

Meeting Room Reservations

As noted in the last report, to ensure that boards and committees have the opportunity to use one of available meeting spaces, room reservations will only be accepted for up to 30 days for non-executive, non-regulatory boards and committees. This is to avoid one committee reserving a room for multiple weeks to the exclusion of use by other committees. This restriction will be temporary and lifted once Town buildings return to pre-pandemic configurations.

Below is the inventory of meeting rooms and projected availability. Minuteman Media Network has the ability to set up to record and broadcast from any meeting room that is connected to the Town network.

- Meeting rooms - Available for staff only
 - EOC
 - 135 Keyes

- CMLP Engineering
- Meeting Rooms - Available for boards/committees
 - 55 Church Basement
 - 141 Keyes - 1st Floor
 - CMLP - Public meeting room
 - CMLP - Operations meeting room
 - Harvey Wheeler Auditorium
 - Harvey Wheeler Clock Tower Rm
 - Library Trustees Room
 - Library Basement Conf. Room
 - Folwer Conf. Room

- Meeting Rooms - not available (all available to public except Town House)
 - 55 Church 2nd Floor (available August)
 - 141 Keyes Rd - 2nd Floor (available June 15)
 - Hunt (Sept)
 - Town House Hearing Room (Aug)
 - Select Board Rm (July)
 - Harvey Wheeler - Conf. Rm B (June 10)
 - Harvey Wheeler - Conf. Rm C (Sept)

CPW

Commonwealth Avenue Complete Streets Project: This project includes improvements to sidewalks, crosswalks, parking, signage, etc. on Commonwealth Ave between Church St and Laws Brook Rd. The design being performed by consultant, TEC is approximately at the 25% level. With the assistance of Director Rasmussen, arrangements have been made for CPW Engineering to present the design to the area community via a meeting of the West Concord Advisory Committee on Tuesday June 2, 2021 at 7:00 p.m. on Zoom:

E-Mowers: Concord Public Works Highway & Grounds Division has purchased one 60” Zero-Turn Mean Green Mower and two 48” Mean Green Stand-On Mower Units. These are commercial, battery electric powered mowers that will replace one diesel (60”) and one gas (48”) powered mower currently used by the Highway & Grounds Division. One 48” unit will be used for Conservation land maintenance via the Facilities Department. These mowers are currently in service and used to maintain Concord’s parks and open public spaces.



CFD

This week, Lieutenant David Nichols was awarded the certification of Fire Investigator I. This certification is attained after successfully passing a written exam. To sit for the exam, the candidate must have met certain benchmarks in education, training, and experience. Lt. Nichols education includes a bachelor degree in criminal justice, his training is extensive in fire

investigation including two on-campus courses at the National Fire Academy, one course related directly to investigative technique and the other focused on courtroom testimony. Lt. Nichols's experience includes seven years as a Concord Fire Department Fire Investigator and a member (former chair) of the District 14 Fire Investigation team. Lt. Nichols has investigated over 100 fires in Concord and the region with the team. This is great accomplishment which adds a tremendous amount of value to our investigative team.

Two new firefighters started this week. Stephanie Hamelin and Connor Finerty began work on Monday and following a two-week training program they will be assigned to shifts awaiting placement at the Massachusetts Fire Academy.

Cemetery Committee

Rod Reidel and Rebecca Purcell have been appointed to the Cemetery Committee.

IT

The Office 360 conversion continues with over 150 email accounts migrated to the cloud. The Department is also working to improve wifi access at the Doug White fields in advance of Town Meeting. Finally, there is currently a 76% completion rate of the first assignment of the cybersecurity training; the state's average completion rate is only 29%.

DPLM

Bruce Freeman Rail Trail: The next meeting of the BFRT Advisory Committee will be held next Thursday, June 3. Three items to be included on the agenda are: a report and discussion of the trail counts conducted during the week of May 17th, a discussion of possible improvements at the West Concord parking area to improve accessibility, and a request to conduct a story-walk along the BFRT in August 2021.

Warner's Pond: Division staff are preparing to issue a Request for Proposals to select a consultant to finalize design plans and obtain permits to dredge a portion of the pond and improve the boat launch access. As a consequence of its large watershed to pond ratio, and the impounded nature of the pond, much of Warner's Pond has filled in with sediments that have made the pond shallower and more susceptible to excessive weed growth, particularly from highly invasive exotic plant species such as variable watermilfoil, fanwort, and water chestnut. Since at least the 1980s, the pond has undergone eutrophication and sediment deposition that has impaired recreational uses, leading to a decreased use by canoeists, kayakers, and anglers, as well as diminished ecological value from the establishment of invasive plants. Exotic, invasive species of plants dominate the pond today, and open water areas are dwindling. Due to the pond's high flush rate (0.949 days), limited dredging has been identified as the most effective approach to bring about a successful change for the pond's ecological health and to improve recreational opportunities. In addition to a local Order of Conditions, a DEP 401 Water Quality Certification, Chapter 91 license and permit, and authorization from the US Army Corps of Engineers will be required.



Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds—Christopher Heights

The Town of Concord and the City of Newton, have completed an environmental review record for the following project that is proposed for funding with HOME Investment Partnerships Program (HOME) funds.

- Project Title: Christopher Heights of Concord

For the Purpose Of: New construction of an 83 unit assisted living facility on a vacant six-acre parcel. The facility will consist of one three-story building, including driveways, parking, wastewater disposal, stormwater management improvements, utilities and landscaping. There will be seventy-one (71) studio/alcove apartments, and twelve (12) one-bedroom units.

- Location: 6X Winthrop Street, Concord, MA 01742
- Estimated HOME Funding: \$ 1,336,398.40
- Estimated HUD Funding: \$ 1,336,398.40
- Estimated non-HUD Funding: \$16,093,981.20

The Town of Concord has drafted a combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds for this project. [Available here is a copy of the combined notice](#). Written comments will be accepted by the Town of Concord Planning Division until 5 p.m. on June 4, 2021. The City of Newton will then submit the notice to the U.S. Department of Housing and Urban Development, which will accept public comment for fifteen days following the submission date.

SENATE No. 2452

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE · BOSTON, MA 02133
(617) 725-4000

KARYN POLITO
LIEUTENANT GOVERNOR

May 25, 2021

To the Honorable Senate and House of Representatives,

On May 17, 2021, I announced that the Commonwealth will take the final steps in reopening Massachusetts and lifting restrictions related to the COVID-19 pandemic. Most restrictions, including limitations placed on businesses, will be rescinded effective May 29. On June 15, I will end the State of Emergency that I declared on March 10, 2020.

In order to manage an orderly transition from emergency measures adopted by executive order during the period of the State of Emergency, I am filing this legislation to temporarily extend three of these emergency measures beyond June 15.

The first measure I am proposing to extend makes certain adjustments to the Open Meeting Law. Under an executive order I issued on March 12, 2020, public bodies have been allowed to hold fully remote or virtual meetings, so long as they provide an adequate, alternative means — generally a web-based live stream of their proceedings — for the public to access these meetings. In addition, public bodies have been permitted to meet any quorum requirement in reliance on members who are participating remotely. These measures were primarily intended to allow state and local boards and committees to continue to conduct their work safely during the pandemic, but both the public and members of these public bodies have found these virtual meeting options to be beneficial. In order to allow time for full consideration and debate of possible longer-term modifications to the Open Meeting Law, I am proposing legislation that would extend these current special allowances, as established in COVID-19 Order No.1, until September 1, 2021.

The second measure I am proposing to extend will provide certainty for restaurants that have been successfully offering outdoor dining under an expedited municipal permitting process established by executive order. This process has allowed municipalities to more quickly approve restaurants' requests for new or expanded allowances to provide outdoor table service and outdoor alcohol service. Without legislative action, the special permits issued under this executive order will expire 60 days after the end of the State of Emergency. The legislation I am filing would permit cities and towns to extend permits granted through the process authorized by executive order through November 29, 2021, or an earlier date chosen by the municipality.

Finally, I am proposing to extend special surprise billing protections for patients who receive COVID-related emergency and inpatient services. While the health care bill I signed into law on January 1, 2021 established surprise billing protections for patients, those protections only apply to non-emergency services, and the vast majority of COVID hospitalizations occur on an emergency basis. The federal "No Surprises Act" passed at the end of 2020 does include protections for both emergency and non-emergency services, but it does not become effective until January 1, 2022. Without a state law provision to prohibit providers from balance billing, there will be a gap in protections for patients until those federal protections take effect. I am therefore proposing legislation to extend the surprise billing protections established in COVID-19 Order No. 61 until January 1, 2022.

I am grateful for our administration's partnership with the Legislature throughout this pandemic, and I look forward to continuing to work with you as the Commonwealth finally and fully emerges from this crisis. I urge your favorable consideration of this legislation prior to June 15 to ensure that these important provisions will remain in place beyond the State of Emergency.

Respectfully submitted

Charles D. Baker,
Governor

SENATE No. 2452

Senate, May 25, 2021 -- Message from His Excellency the Governor recommending legislation to temporarily extend certain measures adopted in the state of emergency

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to temporarily extend certain measures adopted in the state of emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for a temporary continuation of certain special measures adopted by executive order to address the COVID-19 state of emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience., therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any provision to the contrary in chapter 30A of the
2 General Laws or in 940 CMR 29, and notwithstanding the termination of the state of emergency
3 concerning the novel coronavirus disease outbreak declared by the Governor on March 10, 2020,
4 public bodies may conduct deliberations entirely by remote means in a manner consistent with
5 the allowances of the Governor’s Order Suspending Certain Provisions of the Open Meeting
6 Law, G. L. c. 30A, § 20, dated March 12, 2020, provided that a public body complies with all of
7 the requirements specified in said Governor’s Order.

8 SECTION 2. Notwithstanding chapter 40A of the general laws, or any special permit,
9 variance or other approval thereunder, or any other general or special law to the contrary, and

10 notwithstanding the termination of the state of emergency concerning the novel coronavirus
11 disease outbreak declared by the Governor on March 10, 2020, a chief executive or local
12 licensing authority of a city or town may elect to extend until November 29, 2021 or until an
13 earlier date any approval granted to permit or expand outside table service or outdoor alcohol
14 service that has issued under the terms of and through a process adopted in accordance with (i)
15 section 1 of the Governor's Order Making Certain Phase III Adjustments, dated September 10,
16 2020; and (ii) section 4 of the Governor's Order Clarifying the Progression of the
17 Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening
18 Preparations at Phase II Workplaces, dated June 1, 2020.

19 SECTION 3. Notwithstanding chapter 260 of the acts of 2020 or any other general or
20 special law to the contrary, and notwithstanding the termination of the state of emergency
21 concerning the novel coronavirus disease outbreak declared by the Governor on March 10, 2020,
22 the provisions of the Governor's Revised Order Expanding Access to Inpatient Services, dated
23 January 21, 2021, that prohibit balance billing shall continue to prohibit a health care provider, as
24 defined in section 1 of chapter 111 of the General Laws, from billing an insured for any balance
25 or other amount above the reimbursement paid by a carrier for medically necessary emergency or
26 inpatient services provided to the insured for COVID-19 related treatment, including all
27 professional, diagnostic and laboratory services. For purposes of this section, the term carrier
28 shall include the Group Insurance Commission and all Commercial Health Insurers, Blue Cross
29 and Blue Shield of Massachusetts, Inc., and Health Maintenance Organizations regulated by the
30 Division of Insurance.

31 SECTION 4. Section 1 is hereby repealed.

32 SECTION 5. Section 3 is hereby repealed.

33 SECTION 6. Section 4 shall take effect on September 1, 2021.

34 SECTION 7. Section 5 shall take effect on January 1, 2022.

ASSIGNMENT OF PURCHASE RIGHTS

This Assignment of Purchase Rights (“Assignment”) is made as of the ____ day of June, 2021.

WHEREAS, the owner of record of the real property known and numbered as 100 Elm Brook Lane, Concord, Massachusetts (the “Property”), has, pursuant to that certain “Affordable Housing Covenant” recorded in the Middlesex South Registry of Deeds in Book 35259, Page 335 (the “Covenant”), given the Town of Concord (the “Town”), as the named Covenant Holder, Notice of Intent to Sell the Property; and

WHEREAS, the Town desires to assign all of its rights under the Covenant to exercise its rights to purchase the Property as set forth in the Covenant to the Concord Housing Development Corporation (“CHDC”), a Massachusetts non-profit corporation, in order to preserve the Property as an affordable housing unit within the Town; and

WHEREAS, the CHDC has agreed to accept the Assignment of the Town’s purchase rights under the Covenant,

NOW THEREFORE, pursuant to a vote taken by the Concord Select Board at its meeting held on June _____, 2021, the Town, acting by and through its Town Manager, being duly authorized, hereby assigns all of its rights to purchase the Property pursuant to the Covenant to the Concord Housing Development Corporation.

For title to the Property, see Unit Deed recorded in the Middlesex South Registry of Deeds in Book 35259, Page 352.

TOWN OF CONCORD

By: Stephen Crane
Its Town Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of June, 2021, before me, the undersigned notary public, personally appeared Stephen Crane, Concord Town Manager, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Town of Concord.

Notary Public
My commission expires:

This Assignment of Purchase Rights from the Town of Concord is hereby accepted by the Concord Housing Development Corporation as of this _____ day of June, 2021

CONCORD HOUSING
DEVELOPMENT CORPORATION

By: Lee S. Smith
Its Chair of the Board of Directors

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ___ day of June, 2021, before me, the undersigned notary public, personally appeared Lee S. Smith, Chair of the Concord Housing Development Corporation Board of Directors, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the Concord Housing Development Corporation.

Notary Public
My commission expires:



**Concord Housing
Development Corporation**

To: Stephen Crane, Town Manager; Linda Escobedo, Chair, Select Board
From: Lee Smith, Chair, Concord Housing Development Corporation
Re: 100 Elm Brook Lane
Date: 5/27/21

I am writing on behalf of the Concord Housing Development Corporation whose Board of Directors voted at their open public meeting on May 19, 2021 to offer to assist the Town with the resale of 100 Elm Brook Lane, a condominium unit subject to an affordable housing deed restriction. The project provides an opportunity to use Town funds previously appropriated for affordable housing purposes to create another unit of affordable housing that can be included on the State Subsidized Housing Inventory (SHI).

This request is being made at the behest of the homeowner who has expressed an interest in selling the home. The amount needed to complete the transaction is estimated to be up to \$570,000. The CHDC also requests that Town Counsel to assist in the transaction in support of the Town's interest.

Requested Actions: Authorize the Town Manager to execute an assignment of Town's right of first refusal to CHDC; Authorize the Town Manager to commit \$570,000 to CHDC to acquire, renovate and sell 100 Elm Brook Lane to an 80% AMI eligible purchaser and retain \$50,000 from the proceeds of the sale for the CHDC Small Grant Program; and authorize the Town Manager to request that Town Counsel assist CHDC with the transactions.



**Concord Housing
Development Corporation**

To: Stephen Crane, Town Manager; Linda Escobedo, Chair, Select Board
From: Lee Smith, Chair, Concord Housing Development Corporation
Re: 100 Elm Brook Lane
Date: 5/27/21

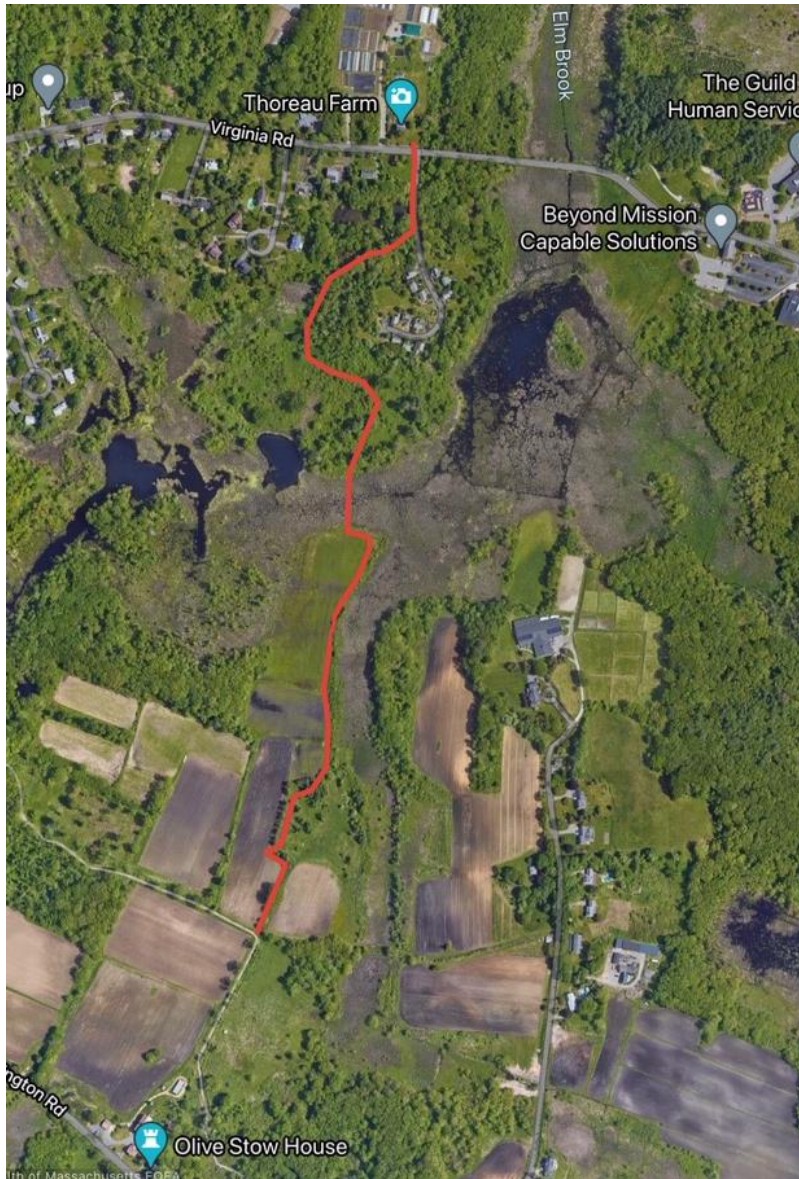
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A Pathway to Join the Thoreau Birthplace to the Battle Road Trail

Phase Two – Detailed Layout and Cost Estimates



Prepared by Bill Giezentanner
March 2021

Ecological Extension Service
Massachusetts Audubon Society
208 South Great Road
Lincoln, Massachusetts 01773

781 259 2159
781 259 2359 (fax)

Introduction

In 2012 the Mass Audubon Ecological Extension Service prepared a report at the request of the Thoreau Farm Trust to explore the concept and feasibility of a footpath to connect Thoreau Farm, the birthplace of Henry David Thoreau, owned by the Thoreau Farm Trust and located at 341 Virginia Road, with the Battle Road Trail of the Minuteman National Historical Park as it runs north of Lexington Road (see Figure 1).

The Thoreau Farm Trust, a nonprofit organization, protects the farmhouse in which Henry David Thoreau was born in 1817 and offers educational programs that address his life and writings, and his relevance to our world today. A rarity now in Concord, the restored farmhouse is surrounded by fields and woodland, and still evokes the 19th century of Thoreau's time.

The Minuteman National Historical Park protects land and locations associated with the beginning of the American Revolution, specifically those associated with the British march on Lexington and Concord on April 19, 1775. The Battle Road Trail is a 5.5-mile walking, cycling and wheelchair accessible path interpreting the events of that day and life in Concord in the 18th century.

The purpose of this footpath would be to:

- provide a connection between these two historic destinations,
- provide opportunities for visitors primarily interested in one of these destinations to learn about the other,
- accommodate a diversity of trail users (handicapped accessible to the extent practicable)
- extend a network of existing walking paths that stretch to the north and south.

The 2012 report included a summary of discussions of the concept with landowners and neighbors, investigated options for a trail route, proposed methods for constructing a trail, and estimated costs for creating the trail. The 2020 Phase One update built on the earlier work and included a more detailed evaluation of route alternatives and updated cost estimates. This Phase Two report will provide a detailed layout for the trail and realistic cost estimates for the purpose of raising funds for the project.

Because of an extensive area of wetlands associated with Elm Brook, any route for the trail to arrive at the Thoreau Farm on Virginia Road would have to cross land owned by the Elm Brook Lane Homeowners Association, the Town of Concord, and the National Park Service (Figure 1). Elm Brook Lane is a residential neighborhood of 12 houses on a ¼-mile cul-de-sac. The development was created by the Concord Housing Authority in 2002. Individual property owners own a small lot around each house, while the Elm Brook Lane Homeowners Association owns the common land around the houses. The Town of Concord holds a Conservation Restriction (CR) over the Association land which includes the right of public access. The Town of Concord also owns the parcel south of Elm Brook Lane, known as the Hebb Land. This parcel, formerly part of a farm including the Elm Brook Lane parcels, was acquired in 1999. The land is under the control of the Concord Board of Selectmen.

The 2012 planning effort included conversations with each landowner and sought input on the concept and on generally preferred trail routes across the various parcels. Jeff Collins of the Mass Audubon Ecological Extension Service walked the area paying attention to indications of soil wetness, views, and options for placing a walking trail. Historic aerial photographs, available through Google Earth, and Town of



Figure 1

-  Town of Concord
-  Minuteman National Historical Park
-  Town of Concord CR

0 250 500 1,000 Feet



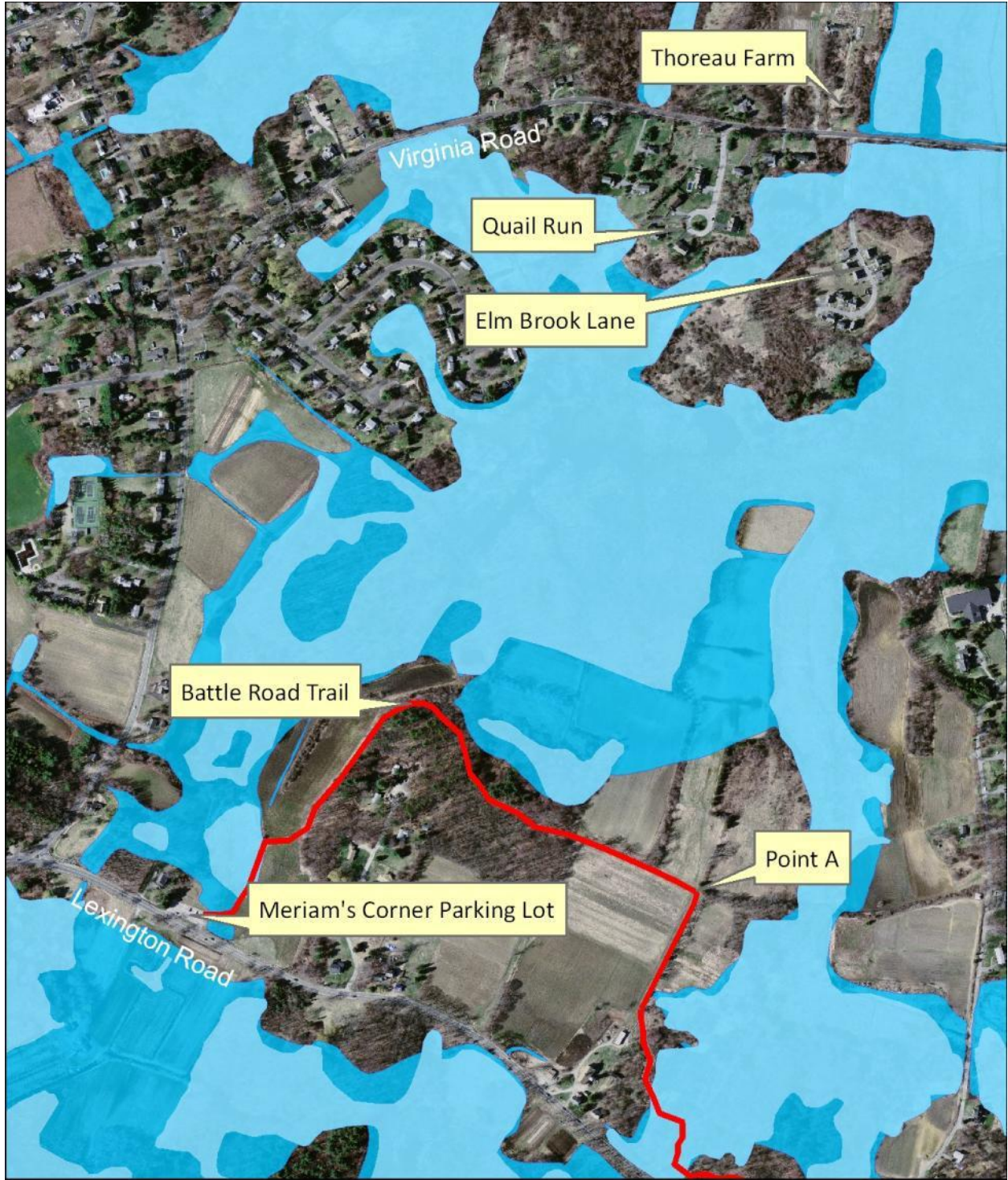


Figure 2 -- Wetlands between Thoreau Farm and the Battle Road Trail

-  DEP Wetlands
-  Concord Wetlands Conservancy District

0 250 500 1,000 Feet



Concord and MassGIS data were used to map the floodplain and wetlands. Aerial photos and field investigations were used to determine vegetation. Representatives of Thoreau Farm Trust, National Park Service, the Town of Concord, and the Elm Brook Lane Homeowners Association walked the potential trail areas in the Spring of 2012 to view and discuss potential trail alignments.

This Phase One effort to update the 2012 proposal began with two stakeholders' meetings arranged by the Thoreau Farm Trust – one with the residents of Elm Brook Lane and one with the National Park Service in October 2019.

In addition to these meetings Bill Giezentanner visited the site several times between November 2019 and March 2020 (Nov. 27, Dec. 5, Jan. 20, and Feb. 20) to explore the possible alternatives and see the area under a variety of weather conditions. Many of the same sources of information, Town of Concord and MassGIS, aerial photos, and Google maps were examined to update any data. In addition, information from the Soil Survey of Middlesex County was added to the Phase One report to show more clearly the factors that could influence trail construction such as soil depth, permeability, depth to water table, and frequency of flooding or ponding.

The first phase of this update was to delve more deeply into alternatives to the route proposed in 2012, partly to meet requirements of the National Park Service, but also to fully explore the possibility that a better alternative might be found. The conclusion of Phase One showed Alternative C (almost the same route as was proposed in 2012) as the shortest route with the least cost and least environmental impact. This second phase report includes a more detailed layout of the trail, a work outline for building the trail segments, and detailed budget estimates for permitting and construction.

The proposed route (Alternative C shown on the cover of this report) begins at the Battle Road Trail where the Battle Road Trail turns south toward the Olive Stow House. The proposed route runs along the eastern edge of the field until it reaches an historic stone wall. It skirts around this stone wall and enters a grove of cedar trees where it continues through the grove and comes out along the edge of the next field. It then proceeds along the field edge until it reaches the Elm Brook wetlands where it would cross the wetlands by a proposed boardwalk to the Hebb land. It proceeds through the Hebb land and around the Elm Brook Lane neighborhood to the Thoreau Farm. The total distance for Alternative C is approximately 4,150 feet.

Trail Layout

During the Summer of 2020, the approximate route of the trail was flagged, bushwhacked, and modestly cleared to better evaluate the route in detail and allow the project team to invite town and National Park representatives to experience the potentials of the trail to connect the two historic sites. The cleared route also served as a means of allowing more accurate cost estimates. Because of dense stands of invasive plants

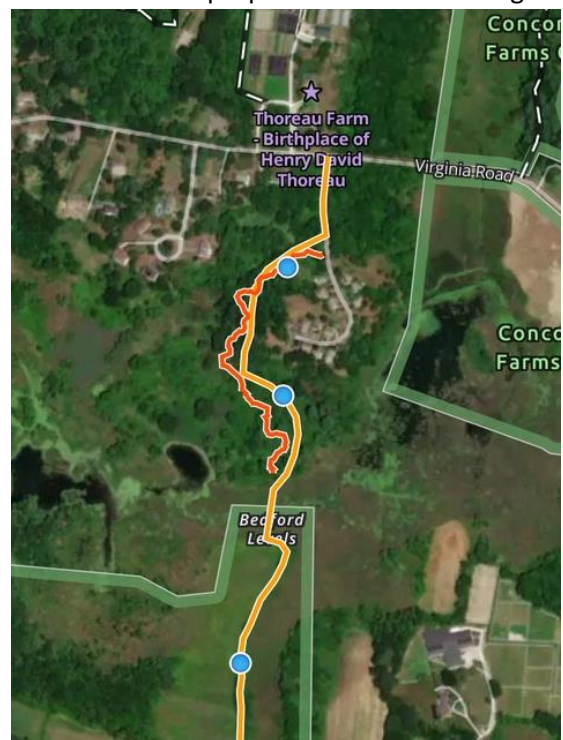


Figure 3 - GPS track of first bushwhacked route

and brambles the cleared route around the Elm Brook Lane neighborhood and through the Hebb Land (shown in orange in Figure 3) deviates from the proposed route as it passes through the Hebb land and around the Elm Brook Lane neighborhood. Subsequently, with help from volunteers with the Concord Trails Committee, a route was cleared that more closely follows the originally proposed route (Figure 4 – shown in green).

The layout minimizes environmental impacts and cost. It crosses the Elm Brook wetlands at their narrowest location.

The total layout is approximately 4,150 feet long. It includes 2,200 feet along the agricultural fields owned by the National Park Service; a 270-foot raised boardwalk crossing of the Elm Brook wetlands; and 1,675 feet from the Elm Brook crossing to the Thoreau Farm site as it passes around the Elm Brook Lane neighborhood and crosses the Hebb land. The width of the treadway is proposed to be 42 inches except for the helical pier boardwalk and other boardwalks which are proposed to be 4-foot wide with 8-foot-wide bump-outs. Wheelchair access will require bump-outs at least every 300 feet so two wheelchairs going in opposite directions can pass.

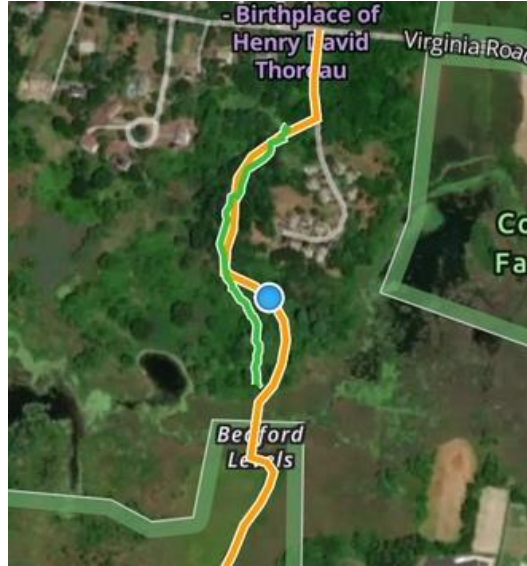


Figure 4 - GPS track of second cleared route

Work Outline for Building Trail

From Battle Road north

Trai Segment	Reference	Soil Condition	Work Needed/Comments
1 0 to 345 feet	Hedgerow along field (345 ft.)	Upland, moderate permeability, not in floodplain (FP), seasonally muddy	Clearing, leveling, geotextile base, gravel trail mix
2 345 to 495 feet	Along edge of cedar grove and stonewall (150 ft.)	Upland, moderate permeability, not in floodplain, seasonally muddy	Some clearing up to stone wall, leveling, geotextile base, gravel trail mix. Note: do not disturb historic stone wall.
3 495 to 980 feet	Inside of cedar grove (485 ft.)	Upland, moderate permeability, not in floodplain	Some clearing – treadway can be natural surface (gravel may be required to accommodate wheelchair use)
4 980 to 1,665 feet	Along edge of field with alder hedgerow to right and cattail marsh beyond (685 ft.)	Within wetland Buffer Zone (BZ). Moderate permeability, seasonally muddy, in floodplain	Leveling, geotextile base, gravel trail mix; or boardwalk

5 1,665 to 2,205	Along edge of field with alder hedgerow to right and cattail mars beyond (540 ft.)	Within wetland Buffer Zone. In floodplain, moderate permeability	Boardwalk (4-feet wide with curbs on each side and two 8-foot-wide bump-outs to accommodate wheelchair use)
6 2,205 to 2,475	Crossing of Elm Brook wetland (cattail marsh – 270 ft.)	Wetland crossing	Helical pier raised boardwalk (4 feet wide with two 8-foot bump-outs and handrails) – 4 feet above the water surface
7 2,475 to 4,150	Along a cleared way from the Elm Brook crossing to the street crossing to the Thoreau Farm (1,675 feet)	Upland, moderate to rapid permeability, some in floodplain and wetland Buffer Zone	Some clearing and leveling – treadway can be natural surface (gravel base would be required to accommodate wheelchairs)

Trail Surface Types

Building the proposed trail could involve at least four types of surfaces: Natural surface (with gravel base if intended to be accessible) and three types of structures; geotextile and gravel trail mix because of deep and wet soils, a 270-foot raised boardwalk built on helical piers, and boardwalks built on either an aluminum post/auger system or a puncheon system where the agricultural land is too wet and muddy. These four alternatives are described in more detail in Appendix A – Construction Details.

The proposed crossing of the Elm Brook wetlands and the boardwalks could be accessible. The geotextile trail and trail on natural surface would need a gravel trail mix suitable for wheelchair use if the trail is to be accessible. One option that has been discussed has been to make the trail accessible from its connection to the Battle Road to and including the Elm Brook wetlands crossing, but not including the natural surface trail around the Elm Brook Lane neighborhood. Stairs down from the raised boardwalk (segment 6) onto the Hebb land would help discourage bicycle use.



Figure 5- Edge of field at intersection with Battle Road (Jan. 16, 2021)

This report presents four alternatives for the use of these trail surfaces in Appendix B – Cost Estimates. **Alternative 1** uses geotextile with gravel trail mix for all the sections that are too wet and muddy for a natural surface (trail segments 1, 2, 4, and 5). It is the least expensive but involves the most expense to create compensatory flood storage by excavating and removing 240 cubic yards of soil.

Alternative 2 uses a combination of geotextile with gravel trail mix and puncheon boardwalks for these wet and muddy segments (geotextile with gravel trail mix for trail segments 1,2, and 4; puncheon

boardwalk for segment 5). This alternative reduces the amount of excavation to create compensatory flood storage to 145 cubic yards but increases costs.

Alternative 3 uses a combination of geotextile with gravel trail mix, puncheon boardwalks, and aluminum post/auger boardwalks for these wet and muddy segments (geotextile with gravel trail mix for trail segment 1 and 4; puncheon boardwalk for segment 2; and the aluminum post/auger boardwalk for segment 5). This alternative reduces the amount of excavation to create compensatory flood storage to 133 cubic yards but increases cost.

Alternative 4 uses a combination of geotextile with gravel trail mix and aluminum post/auger boardwalks for these wet and muddy segments (geotextile with gravel trail mix for trail segment 1 and 2; and aluminum post/auger boardwalk for segments 4 and 5). This alternative eliminates the need to create compensatory flood storage but increases cost.

The trail segment 7, across the Hebb land and around the Elm Brook Lane neighborhood could be built without permits and by volunteer labor if it is less than 3 feet wide.

Permitting

Mass Audubon was a major participant in the adoption of the Wetlands Protection Act (WPA) in the early 1960s whose purpose is to protect these important habitats. At the same time, Audubon believes for people to value natural resources they must have some degree of familiarity and knowledge of them. For that to happen access is key. Providing access to natural areas is a keystone of Mass Audubon's mission and it has considerable experience in developing trails and boardwalks and working with the regulations.

As indicated in Figure 2, a large portion of this proposed trail is in or adjacent to wetlands subject to Concord, state and federal jurisdiction, or their legally defined buffer areas and the 100-year floodplain and will require the issuance of permits under local, state, and potentially federal regulations. Each of these regulations requires that impacts to wetlands be avoided where practicable, minimized to the extent feasible, and that unavoidable impacts be mitigated. It is worth noting that the DEP Wetlands regulations at 310 CMR 10.02 (b) state "The following minor activities, provided that they comply with 310 CMR10.02(2)(b)1., are not otherwise subject to regulation under M.G.L. c. 131, § 40: a. Unpaved pedestrian walkways less than 30 inches wide for private use and less than three feet wide for public access on conservation property". This provision could apply to the section north of the proposed wetlands crossing (segment 7) if it is not intended to be made accessible. All the area south of the wetlands crossing (segments 1, 2, 3, 4, and 5) require structures because of the wet soils if the trail is to be open year-round. Such structures would be subject to wetland regulations regardless of width.

The alternatives analysis conducted in Phase One of this study shows that the preferred option, Alternative C, avoids wetlands to the extent practicable and minimizes wetland and flooding impacts by using minimum trail widths and structures or the creation of compensatory flood storage, to provide year-round use.

The precise analysis of work within jurisdictional wetland areas, the amount of wetland impact, and any mitigation will be determined during the subsequent design phase of the project when wetland boundaries will be delineated and precisely located. Following this step, the appropriate local, state, and federal permit applications would be prepared and submitted.

The chart below indicates the types of impacts anticipated by the proposed trail surface alternatives.

Trail surface	Impacts	Regulation
Natural surface	Alter soil and vegetation (gravel fill if intended for wheelchair use)	Local and state WPA if more than 3 feet wide or intended for wheelchair use
Geotextile and gravel fill Note: Located on edge of agricultural fields.	Places fill Loss of flood storage (in floodplain)	Local and state WPA Corps of Engineers if fill is in wetland
Elevated helical pier boardwalk or aluminum post/auger boardwalks Note: Helical pier supported boardwalk crosses Elm Brook wetlands.	Minor	Local and State WPA

It is our opinion that it would be feasible to secure the necessary permits for this project, and that the trail can be designed and constructed in accordance with the appropriate regulatory performance standards. However, additional coordination between the design/construction team and the Concord Natural Resources Department is necessary prior to initiating the final design and permitting process. For example, fill in wetland and loss of flood storage capacity can be permitted if there is mitigation. For example, WPA can allow up to 5,000 sf of wetland alteration with replacement. The replacement in this case could be allowing 5,000+ sf of the adjacent farmland to revert to cattail marsh. Fill in the floodplain could be allowed if compensatory flood storage is provided – excavating and removing soil out of the floodplain. Permitting will also require additional design, especially for the helical pier boardwalk and to determine the exact quantities for some of the impacts.

The Notice of Intent (NOI) permit application should include the work to be done and a request for on-going maintenance in perpetuity. Maintenance will include trimming brush and replacing boards or repairing the boardwalk structures.

The budget outlined in the appendix includes an estimate of costs for permitting but no estimate for additional design.

Conclusion

This new trail link would provide visitors to Thoreau Farm an opportunity to explore Minuteman National Historical Park and vice versa, would serve as local walking path for residents of Elm Brook Lane and employees of businesses along Virginia Road. In addition, the helical pier boardwalk across the marsh would be an attractive destination for close observation of this natural community that is otherwise difficult to experience up close.

In the larger context, this trail link would connect the Battle Road Trail with trails that lead north from Thoreau Farm through the Town of Bedford's Vanderhoof Conservation Area and Mary Putnam Webber Wildlife Preserve and on to the Minuteman path extension, contributing to a network of trails serving Concord and surrounding communities.

The proposed trail promises to link two exceptional historic places and periods: the 18th century Battle Road and the War of Independence with the house where one of America's most influential 19th

century writers was born. The near mile long walk through farmland, wetlands, and woods will offer visitors a deeper understanding of these natural landscapes.

Four alternative cost estimates provided in Appendix B range from approximately \$215,000 to \$300,000 (including a rough estimate for permitting), depending on several options and on requirements that may be imposed during the permitting process. The mass Audubon Ecological Extension Service recommends alternative 4 in Appendix B because it avoids fill in the floodplain and is the most likely to be approved by the town and Massachusetts Department of Environmental Protection. The Appendix also shows several potential additions for a recommended upgrading of boardwalk decking from pressure treated wood to more long-lasting black locust. The added cost for black locust will save maintenance costs over time.

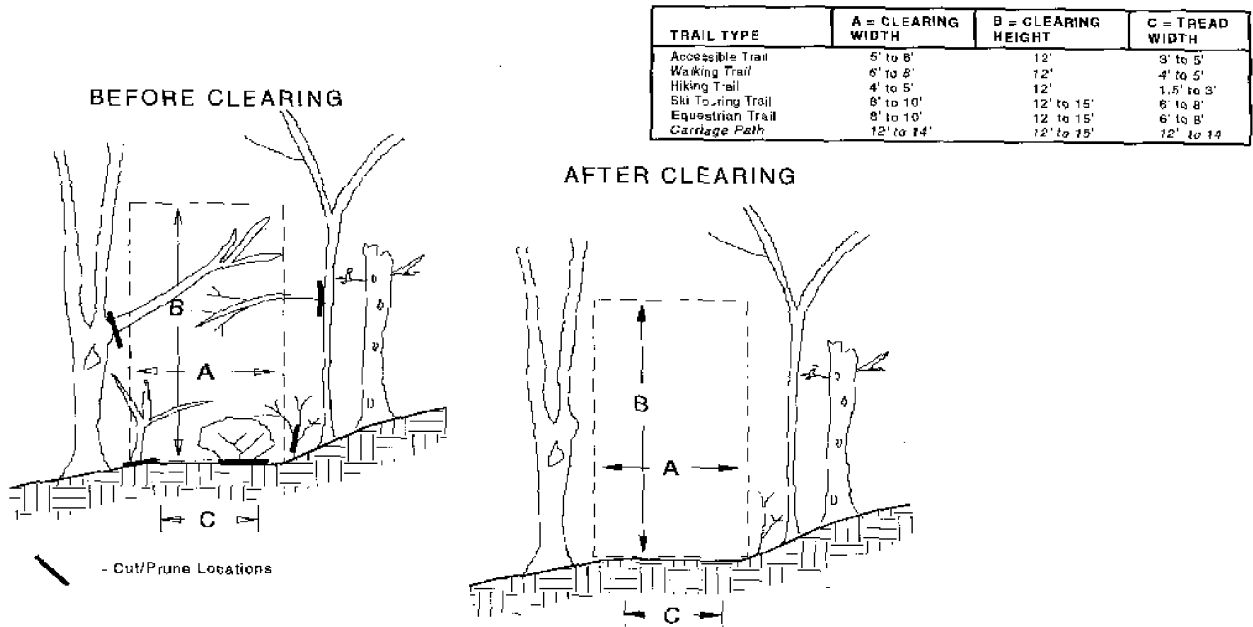
The fundraising goal should also include an amount (10% of the total amount) to endow on-going maintenance.

Appendix A – Construction Details

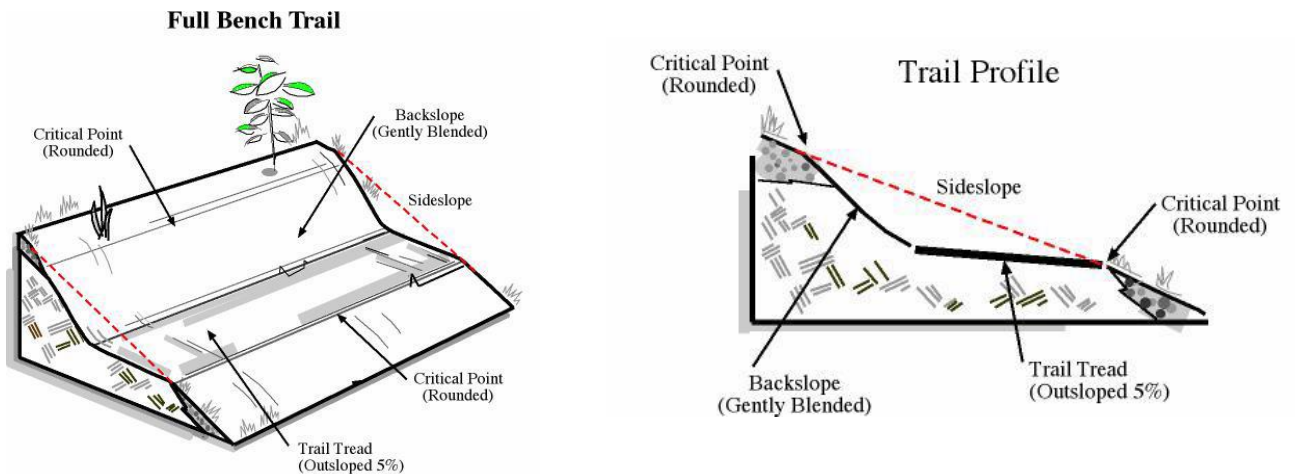
The following includes drawings and details for each trail type: Natural Surface, Helical Pier Boardwalk, Puncheon Boardwalk, and Aluminum Post/arguer Boardwalk.

Natural Surface Trail

Much of the route can be on natural surface. A walking tread of 3 ½ feet is proposed. The first step after laying out the route would be clearing – removing brush, saplings, and overhanging limbs.

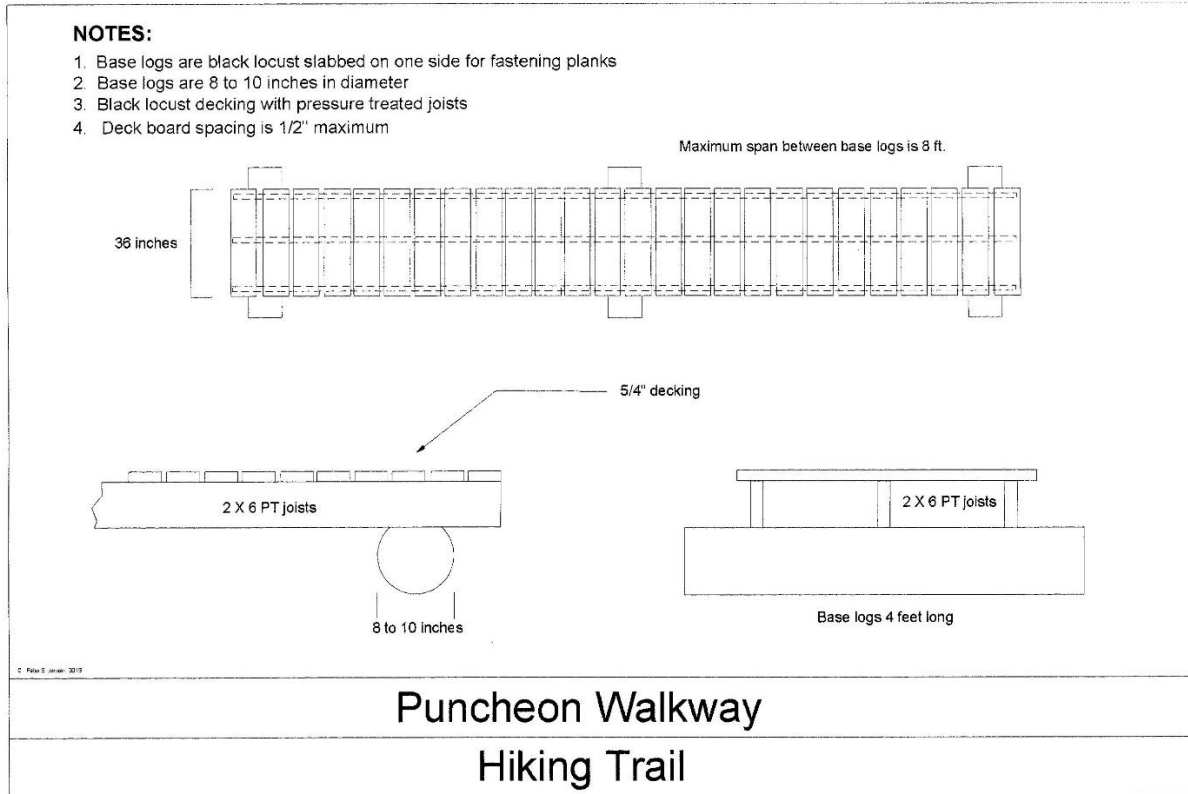


In many areas no other preparation will be necessary. In some areas it may be necessary to prepare a tread where the cross slope needs to be more level. This will require a bench-cut that can be done with hand tools.



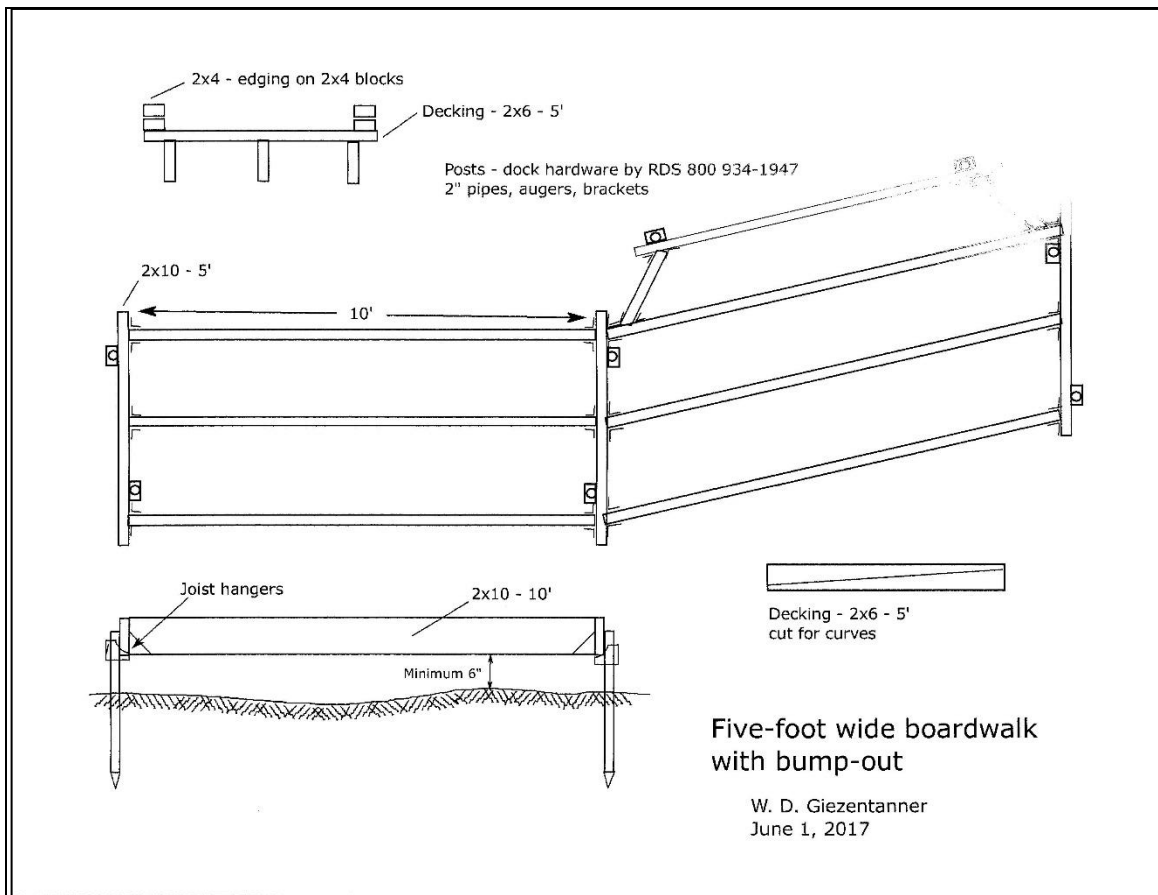
Puncheon Boardwalk

A puncheon boardwalk is simple to build and involves little soil disturbance. It is built on 8 to 10-inch black locust logs, with pressure treated stringers. The black locust logs are pinned to the ground with lengths of rebar so that they cannot float away. The drawing indicates a 36" tread, but it can just as easily be 42 or 48 inches.



Aluminum Post/Auger Boardwalk

Another method of crossing a wet area is a system developed using aluminum dock hardware. It can also be easily built with hand tools and the posts are twisted into the soil with a pipe wrench. Mass Audubon has used this system for a project at the Red Maple Swamp Trail for the US Fish and Wildlife Service at their Weir Hill site in Sudbury, MA and for a 600 ft. boardwalk at its Nahant Thicket Sanctuary in Nahant.



Note: Can be modified to 4 foot wide.

Helical Pier Boardwalk

The Elm Brook wetland crossing will require a contractor installed helical pier system. The piers are driven into place with power equipment. Again, the advantage is minimal disturbance in comparison to digging holes for posts or driving pilings.



a)



b)

a) The completed wildlife viewing platform at Benfield Conservation Land in Carlisle, Mass., and b) the helical pier supports installed in the marsh. Photos courtesy of Carlisle Conservation Fund.



c) Promotional photo from helical pier installer

Geotextile Trail

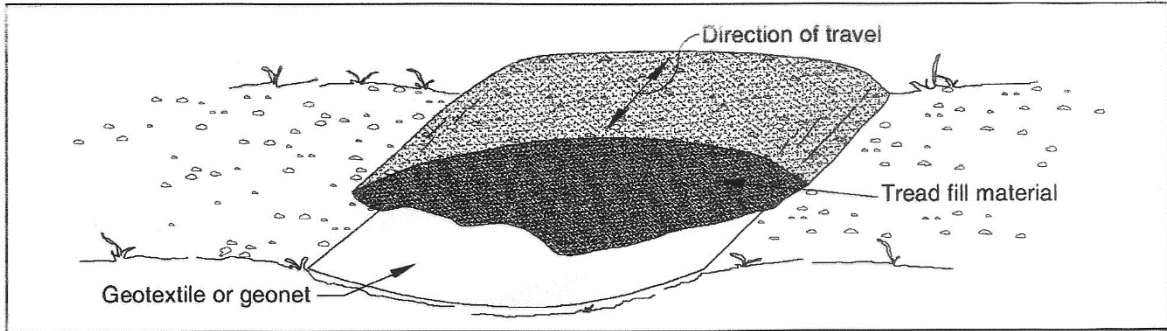


Figure 10—Typical placement of geotextile or geonet through flat, boggy areas.

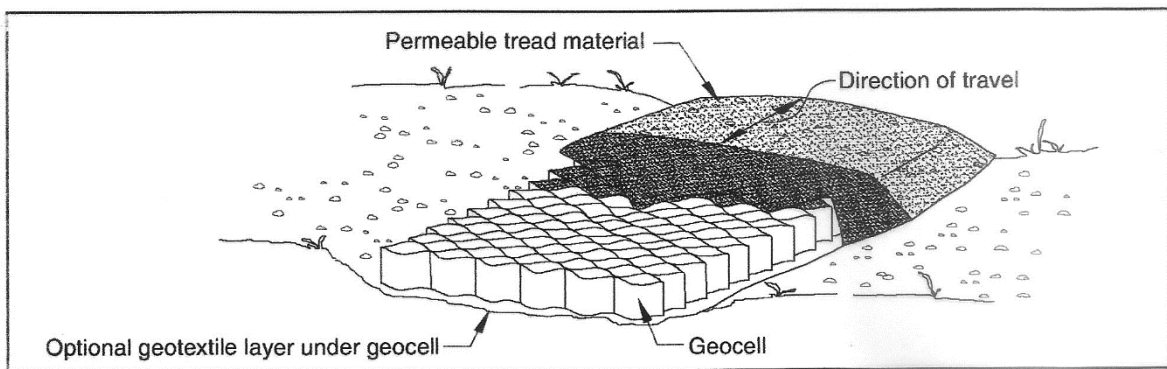


Figure 11—Geocell with geotextile and permeable tread material.

Geosynthetics usually are placed directly on the ground without excavation. Many illustrations show the various applications with a sag in the native soil surface along the center of the trail alignment. This sag is caused by adding the weight of the tread fill. The actual amount of settlement is very site specific and depends on soil type,

Appendix B – Cost Estimates

Note: Cost per linear foot for geotextile and gravel fill, puncheon, helical pier boardwalk, handrails, and compensatory flood storage were provided by SumCo. Cost for the aluminum post/auger boardwalk are based on the recent Mass Audubon project in Nahant, also built by SumCo.

Alternative 1 without puncheon or boardwalk

Trail Surface	Length	Width	Cost/ln. ft.	Total Cost	Notes
Section 1 – Geotextile and gravel fill	345'	42"	\$15	\$5,175	This is a "bare bone" estimate that involves 335 cu. yds. of fill (240 cu yd in the floodplain) and is likely not going to be permitted. It also does not include black locust decking and will cost more in the long run in increased maintenance. Black locust decking on the helical pier boardwalk would add \$16,800.
Section 2 – Geotextile and gravel fill	150'	42"	\$15	\$2,250	
Section 3 – Natural surface	485'	42"	\$8	\$3,880	
Section 4 – Geotextile and gravel fill	685'	42"	\$15	\$10,275	
Section 5 – Geotextile and gravel fill	540'	42"	\$15	\$8,100	
Section 6 – Helical pier boardwalk	270'	48"	\$380	\$102,600	
Handrails for Section 6	540'		\$41	\$22,140	
Section 7 – Natural surface	1,675'	42"	\$8	\$13,400	
Compensatory flood storage	240 cu. yds.		\$136.30/cu. yd	\$32,465	
Subtotals	4,150'			\$186,885	
Contingency (15%)				\$28,000	
Total				\$214,885	

Alternative 2 using some puncheon and no aluminum post/auger boardwalk

Trail Surface	Length	Width	Cost/ln. ft.	Total Cost	Notes
Section 1 – Geotextile and gravel fill	345'	42"	\$15	\$5,175	This substitutes puncheon boardwalks for a portion of the geotextile and gravel fill trail and reduces the amount of fill (total 216 cu yd: 145 cu yd in floodplain) and associated compensatory storage requirements. It does not include the recommended black locust decking and therefore will cost more in the long run in increased maintenance. Black locust decking on the helical pier boardwalk would add \$16,800, and for the puncheon sections it would add \$29,260.
Section 2 – Geotextile and gravel fill	150'	48"	\$15	\$2,250	
Section 3 – Natural surface	485'	42"	\$8	\$3,880	
Section 4 – Geotextile and gravel fill	685'	42"	\$15	\$10,275	
Section 5 – Puncheon boardwalk	540'	42"	\$80	\$43,200	
Section 6 – Helical pier boardwalk	270'	48"	\$380	\$102,600	
Handrails for Section 6	540'		\$41	\$22,140	
Section 7 – Natural surface	1,675'	42"	\$8	\$13,400	
Compensatory flood storage	145 cu. yds.		\$136.30/cu. yd	\$18,790	
Subtotals	4,150'			\$221,710	
Contingency (15%)				\$33,250	
Total				\$254,960	

Alternative 3 using some puncheon and aluminum post/auger boardwalk in most sensitive area

Trail Surface	Length	Width	Cost/ln. ft.	Total Cost	Notes
Section 1 – Geotextile and gravel fill	345'	42"	\$15	\$5,175	This substitutes puncheon boardwalks and aluminum post boardwalk for portions of the geotextile and gravel fill trail and reduces the amount of fill (total 205 cu yd; 133 cu yd in floodplain) and associated compensatory storage requirements. It also does not include recommended black locust decking and therefore will cost more in the long run in increased maintenance. Black locust decking on the helical pier boardwalk would add \$16,800, and for the aluminum post sections it would add \$29,260.
Section 2 – Geotextile and gravel fill	150'	48"	\$15	\$2,250	
Section 3 – Natural surface	485'	42"	\$8	\$3,880	
Section 4 – Geotextile and gravel fill	685'	42"	\$15	\$10,275	
Section 5 – Aluminum post/auger boardwalk	540'	42"	\$90	\$48,600	
Section 6 – Helical pier boardwalk	270'	48"	\$380	\$102,600	
Handrails for Section 6	540'		\$41	\$22,140	
Section 7 – Natural surface	1,675'	42"	\$8	\$13,400	
Compensatory flood storage	133 cu. yds.		\$136.30	\$18,150	
Subtotals	4,150'			\$226,470	
Contingency (15%)				\$33,970	
Total				\$260,440	

Alternative 4 using aluminum post/auger boardwalk within the floodplain

Trail Surface	Length	Width	Cost/ln. ft.	Total Cost	Notes
Section 1 – Geotextile and gravel fill	345'	42"	\$15	\$5,175	This alternative uses aluminum post boardwalk for portions of the geotextile and gravel fill trail and eliminates fill in the floodplain and associated compensatory storage requirements. It does not include recommended black locust decking and therefore will cost more in the long run in increased maintenance. Black locust decking recommended on the helical pier boardwalk would add \$16,800, and for the aluminum post sections it would add \$29,260.
Section 2 – Geotextile and gravel fill	150'	42"	\$15	\$2,250	
Section 3 – Natural surface	485'	42"	\$8	\$3,880	
Section 4 – Aluminum post/auger boardwalk	685'	42"	\$90	\$61,650	
Section 5 – Aluminum post/auger boardwalk	540'	42"	\$90	\$48,600	
Section 6 – Helical pier boardwalk	270'	48"	\$380	\$102,600	
Handrails for Section 6	540'		\$41	\$22,140	
Section 7 – Natural surface	1,675'	42"	\$8	\$13,400	
Subtotals	4,150'			\$259,695	
Contingency (15%)				\$38,950	
Total				\$298,645	

Costs for Permitting (estimate)

Task	Hours	Hourly Rate	Total
Wetlands Flagging	10	\$125	\$1,250
GPS & GIS	16	125	\$2,000
Preparation of NOI	24	125	\$3,000
Abutter lists			\$200
Abutter mailings			\$200
Printing NOI			\$300
WPOA Filing Fee			\$500
Local Filing Fee			\$3,000
Advertisements			\$200
Total			\$10,550
Additional design			?

DRAFT

Select Board Calendar 2021

Proposed Summer Schedule

(June 14 no SB Regular meeting; rain date for ATM)

June 21 Regular meeting

June 28 Regular meeting

(July 5 no meeting)

July 12 Regular meeting

July 19 Focused meeting

July 26 Regular meeting

(Aug 2 no meeting)

Aug 9 Regular meeting

Aug 16 Focused meeting

August 23 Regular meeting

(Aug 30 no meeting)

Sep 7 **TUES** Regular meeting

Jeremy Romanul

From: Richard Fahlander <richardfahlander@gmail.com>
Sent: Tuesday, May 25, 2021 1:14 PM
To: Jeremy Romanul
Cc: Nat Welch
Subject: Reformatory Branch Discussion

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jeremy,
Please share this note with members of the board. Thank you.
Richard

Dear Select Board Members,

I realize that you are in the throes of Town Meeting prep and apologize for adding a bit more to your plate. As you know, several months ago the Bruce Freeman Rail Trail Advisory Committee requested that the Select Board begin a discussion to address the future of the Reformatory Branch Trail in light of Bedford's decision to pave its portion. I would like to provide an update on the status of that request at the next meeting of the advisory committee on June 3rd.

The next CPA funding cycle is beginning and it is possible that a request for a feasibility study funding might come to the Community Preservation Committee. It could be helpful to get a sense of the Select Board's position on the need for such a study. Also, I have been informed that some residents are prepared to put a petition article for a study on the warrant for next year's town meeting. At the same time, other residents are actively organizing opposition to the Town taking any action whatsoever.

The many issues that need attention along the Reformatory Branch Trail can only be addressed by an inclusive, comprehensive, and collegial planning process. We look for the Select Board's guidance and leadership in that regard.

Take care,
Richard

Jeremy Romanul

From: tbarveyan <tbarveyan@yahoo.com>
Sent: Monday, May 31, 2021 10:31 AM
To: Linda Escobedo; Susan Bates; Terri Ackerman; Jane Hotchkiss; Matthew Johnson; Henry Dane; Jeremy Romanul
Cc: Mark Gailus; julie rohwein; Diane Proctor; K Reed
Subject: Re: Mr. Fahlander's letter in your June 1 meeting packet regarding the Reformatory Branch Trail
Attachments: 210204-BFRTAC Letter to Select Board re RBT (1).pdf
Follow Up Flag: Follow up
Flag Status: Flagged

May 31, 2021

Dear Members of the Concord Select Board,

Re: The letter by Mr. Fahlander in your packet, regarding the Reformatory Branch Trail and asking for your consideration of a feasibility study:

<https://concordma.gov/DocumentCenter/View/29850/June-1-SB-Select-Board-Packet> page 16.

Mr. Fahlander is correct that many citizens are concerned about the BFRTAC co-Chairs' and other associates' attempts to convince you to start a discussion with regards to expanding and resurfacing the Reformatory Branch Trail. (Although claiming that we are "actively organizing" is a panicked exaggeration, especially when compared with their longstanding unauthorized (unofficial) collaborations with outside non-Concord parties who also want the trail paved.)

The reasons we do not want you to act on this letter are:

1) The Reformatory Branch Trail is already a cherished multi-use trail, used by walkers, hikers, bikers of all speeds and experience, bird watchers, joggers. It's natural qualities are unique. Its proximity to Great Meadows, its tree canopy, the wildlife it shelters, including endangered species, the solace it provides to all of its users.

2) More importantly:

a) The BFRTAC's letter which stresses that something be done about the Reformatory Branch Trail is full of untrue statements and reasons: (I am attaching that letter for reference. The online link to the letter has been disappeared.)

-- Bedford has not secured funding to pave to the Concord line. (We provided documentation for this in an earlier correspondence.)

-- The construction of the funded portion is going to start in spring 2023 - not be finished by then.

<https://www.bedfordma.gov/department-of-public-works/webforms/minuteman-bikeway-extension-project>

-- Citizens have not been asking to have a discussion on the matter (which Mr. Fahlander now confirms.) They have been reacting to the actions of the co-Chairs and their associates.

-- The 1995 Concord Bicycling study does not advise to be proactive about the Reformatory Branch Trail. On the contrary, it stresses that it should remain a walking path.

b) Moreover, evidence was discovered, after they submitted the letter to you, that the co-Chairs, along with the Concord Transportation Advisory Committee's bicycling interests member, as well as the Trails

Committee steward (!) for the Reformatory Branch Trail, have been working with the Bedford Bicycling Committee, which would like Concord to pave its portion of the trail. <https://www.youtube.com/watch?v=0QS2XdZRoKs> a video which we shared with you earlier. (Min 48'- 1:13')

It is mentioned during the meeting that when Bedford voted to pave its portion, it was (untruthfully) told that Concord was also planning to pave.

Note that the Concord gentlemen were not asked to go and speak to the Bedford Committee by their respective committees, yet they behave and are perceived and received as representatives of Concord interests.

The Bedford Committee's minutes of that meeting refer to them as Concord Rails-to Trails co-Chairs and members who desire to pave their portion of the Reformatory Branch Trail. <https://www.youtube.com/watch?v=7nIVWo820Ak&list=PLtnwzenFQyuuXoNYzbxUVLdWL1Jv07OVb&index=2> text at minute 7':55"

During their February 3rd meeting, Bedford Bicycling Committee members joke that it is good they are "goading" Billerica and Concord into paving their trails.

Please do not honor the BFRTAC co-Chairs' letter. True, it was signed by other members of the Committee, but we doubt that two brand new members and the other long time member were aware of the untruths in the letter or of the unauthorized collaborations with Bedford. We think they, too, may have been misled.

The co-Chairs' earlier letter to you from October also indicate that they want to pave, which was also how their October 1 (non-quorum) discussion was related to you by liaison Terri Ackerman at your October 5 meeting.

This is not the time to discuss "feasibility studies." This is time to have honest and transparent discourse, with each party being upfront about their goals, and without fabricating untruthful excuses.

As we have indicated before, the Reformatory Branch Trail, a current, multi-use, lovely trail, is being targeted from many angles of outside interests. Another half-truthful attempt was made when Mr. Posner presented to you about Nashoba Regional Greenways Project, with stressing "signage and safety" related funding applications. The presentation was inserted last minute into your March 15 meeting by the Town Manager, who mistakenly introduced Mr. Posner as the "Chair" of the Bicycling Subcommittee of the Transportation Advisory Committee. Not only had the Bicycling Subcommittee did not discuss the Nashoba Greenways in its only meeting so far (in March,) but Mr. Posner has not yet been elected chair either (though it is likely.) The presentation was made with incomplete documentation which did not disclose all the goals of the Nashoba Regional Greenways Project, which includes Rails-to Trails connections and using conservation paths.

We remain disappointed that your minutes of the March 15th meeting do not mention the Select Board comments. They do not mention that the Select Board heard this presentation as a "safety" issue (Mr. Johnson stressed that and suggested we were extrapolating in our concerns. He had not seen the entire documentation.) They do not mention the presence of Planning Director Marcia Rasmussen at that meeting, and her comments that she has been participating in Nashoba Greenways meetings as an individual.

There is no democratic process or transparency in the manner in which the Reformatory Branch Trail is being brought to your attention.

Please do not support these approaches.

Thank you,

Tanya and Mark Gailus

--Please post this letter (in addition to my other unrelated letter about extending Open Meeting Law emergency regulations.)

Jeremy Romanul

From: tbarveyan <tbarveyan@yahoo.com>
Sent: Saturday, May 29, 2021 2:25 PM
To: Linda Escobedo; Susan Bates; Terri Ackerman; Jane Hotchkiss; Matthew Johnson; Henry Dane; Jeremy Romanul
Subject: Fw: June 1 Hearing on S. 2452

Dear Members of the Select Board,

Forwarding our letter to the Senate Ways and Means Committee about the extension of provisions for remote participation in public meetings, asking that the same means of participation be allowed for the members of the public as utilized by the public body during its meeting.

Please post in your meeting packet.

Best regards,

Tanya B. Gailus

----- Forwarded Message -----

From: Tanya Barveyan <tanyamb77@post.harvard.edu>
To: senatecommittee.ways&means@masenate.gov <senatecommittee.ways&means@masenate.gov>
Cc: State Sen. Mike Barrett <mike.barrett@masenate.gov>; Gouveia Tami - Rep. (HOU) <tami.gouveia@mahouse.gov>; president@lwwcc.org <president@lwwcc.org>; lwwma@lwwma.org <lwwma@lwwma.org>; Linda Escobedo <lescobedo@concordma.gov>; Mark Gailus <mark_gailus@yahoo.com>
Sent: Saturday, May 29, 2021, 02:09:23 PM EDT
Subject: June 1 Hearing on S. 2452

May 29, 2021

Dear Members of the Senate Ways and Means Committee:

Re: Your **June 1, 2021 Hearing on S.2452**, An Act to Temporarily Extend Certain Measures Adopted in the State of Emergency. Sponsored by His Excellency the Governor Charles D. Baker.

Re: Section 1: Please require an addition that public bodies are obligated to provide the same means of participation to the members of the public as they utilize themselves.

Section 1 of S. 2452 proposes the continuation of the Governor's March 10, 2020 emergency declaration provisions for temporarily relaxing some in person meeting requirements of the Open Meeting Law.

The emergency order of March 10, 2020 allowed public bodies to provide live time access to the public through remote means in its Section 1, and it allowed public bodies to meet through remote participation in Section 2, as two independent sections.

We ask that any extension of measures allowing remote participation require that members of the public shall be entitled to the same participation options as exercised by a quorum of a public body's members.

If a public body meets in the same physical space, members of the public should be allowed in as well, just as before.

Explanation: During the COVID-19 crisis, the Governor's emergency measures were swift and appropriate in their urgency. However, while providing remote participation to everyone, they already did take away some of the privileges that the public had during in person meetings, such as being able to associate with each other, or knowing of each others' existence, or of distributing contact or other information to each other -- all this, even if the Open Meeting Law does not require public bodies to take public comment during meetings.

Remote observation by the members of the public takes away these previously assumed givens inherent in the assumptions of the Open Meeting Law.

When COVID 19 emergency was still present, most boards and committees met remotely themselves.

To allow public bodies to meet in person (which they are likely to do without a Covid health emergency,) while allowing them to restrict public observation to remote means is not in the spirit of transparency and participation that the Open Meeting Law endeavors to provide. It also creates a vulnerable setting for deliberate or unintentional violations to the Open Meeting Law, before and after meetings, outside of any public view.

Therefore, please add a provision to Section 1 of S. 2452, requiring that the public be able to attend any meeting through the same means provided for members of a public body.

Thank you,

Tanya B. and Mark Gailus
62 Prescott Road
Concord, MA