

**TOWN OF CONCORD
SELECT BOARD MEETING
APRIL 4, 2022 | 6:30 PM
TOWN HOUSE
22 MONUMENT SQUARE**

MEETING SECOND FLOOR OF TOWN HOUSE AND VIA ZOOM

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlaz091CczdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Passcode: 865209

(updated 3-31-22)

AGENDA

#	Time*	Agenda Item
1.	6:30pm	Call to Order
2.		Consent Agenda <ul style="list-style-type: none"> • Town Accountant Warrant: March 31, 2022 • Revised November 22, 2021 executive session minutes (not to be released) • Gift acceptance: \$100,000 from James B. Terry, Jr. for electrification of municipal vehicles and equipment
3.		Town Manager's report
4.		Chair's remarks
5.	6:40pm	Request for Handout at Town Meeting – Concord for Ukraine
6.		Endorse Historical Commission letter re: Battle Road
7.	6:50pm	Update: Board and committee database
8.	7:00pm	Take position on Town Meeting Articles: Articles 18, 31, 34, 35.
9.		Discuss and take position on CPC Article 26
10.	7:30pm	Discuss and take position on Articles: 25, 29, 32, 33, 36, 37, 38, 45
11.	8:10pm	Discuss and take position on the Reformatory Branch Articles 46 & 47
12.	8:30pm	Discuss and take position on Article 23, Kate Kavanaugh, Petitioner
13.	8:45pm	Assign motion makers, writers, speakers for various articles
14.	9:00pm	Committee Nominations: <ol style="list-style-type: none"> 1. Mark W. Giddings, 474 Barrett's Mill Rd., to Planning Board, term June 1, 2022 - May 31, 2027
15.		Committee Appointments: <ol style="list-style-type: none"> 1. James Bartlett Littlefield, 523 Bedford St., Board of Registrars, term expires April 30, 2025 2. Ha Richmond, 144 Nashoba Road, to the Cultural Council, term expires April 30, 2025

16.		Liaison Reports
17.		Miscellaneous Correspondence
19.		Public Comment
20.	9:30pm	Adjourn

**Times are approximate and subject to change*

Current Board and Committee Vacancies
Board of Health
Concord 2025 Executive Committee
Concord Housing Development Corporation (CHDC)
Concord Local Cultural Council
Conservation Restriction Stewardship Committee
Council on Aging
Cultural Council
Historic Districts Commission
Library Board
Natural Resources Commission
Personnel Board
Planning Board
Public Ceremonies and Celebrations Committee
Tax Fairness Committee
Trustees of Donations
West Concord Advisory Committee
White Pond Advisory Committee (WPAC)
Zoning Board of Appeals



Town of Concord
Finance Committee
22 Monument Square
P.O. Box 535
Concord, Massachusetts 01742

March 31, 2022

James B Terry Jr.
368 College Rd.
Concord, MA 01742-5408

Re: Town of Concord QCD Gift Account

This will acknowledge your gift of \$100,000.00 to the Town of Concord to be used assist in the electrification of town vehicles and equipment.

Sincerely,

Gail Dowd
Interim Finance Director

cc: Town Manager

This gift is deductible for federal income tax purposes to the extent allowed by law. No goods or services were provided in return for this gift. The Town's Tax Exempt ID number is 04-6001121. Gifts made to the Town are deductible in accordance with IRC section 170(c)(1).

For 2022, I am donating \$100,000 to the Town of Concord QCD Gift Account. These funds should be used to assist in electrification of town vehicles and equipment. I have committed to assist CMLP in their second program to get citizens to turn in their gas-powered lawn mower and purchase an electric mower from a local hardware store (Rocky's) with a CMLP rebate. That will use up to \$5,000 of the gift.

The remaining funds should be used to replace existing equipment that uses internal combustion engines with an electric motor or which fulfills a need Concord has, but has not fulfilled. I have mentioned a 3-wheeled vehicle to Chief Judge from Archimoto which might be of use in quick response to fire or personal emergencies. Before COVID I talked with Marcia Rasmussen about an electric vehicle for Cross Town Connect. I know the transportation committee is interested in a van service for Concord citizens. If matching funds are available from the State, an electric van would be the way to go (Lightning Motors, Proterra).

If Concord uses utility vehicles for transporting equipment for field mowing and maintenance, Polaris makes small electric Ranger EV that might be of benefit for CPW or CPS. I know CPW has at least one large electric mower, if additional gas mowers need replacement, electric would be a good choice.

I know that electric vehicles and equipment are relatively new, and have not been fully verified as suitable replacements. I hope that the gift fund account funds can be used to get more experience with electrification of our vehicles and equipment. It will take a few years before electric heavy equipment is common, but it will happen.

A handwritten signature in black ink that reads "Jim Terry". The signature is written in a cursive, flowing style.

Subject: Request to be put on the agenda at next Monday's (March 28th) Select Board meeting

From: Carmin Reiss, Town Moderator <moderator@concordma.gov>

Sent: Wednesday, March 23, 2022 3:24 PM

To: Terri Ackerman <tackerman@concordma.gov>

Subject: Re: Request to be put on the agenda at next Monday's (March 28th) Select Board meeting

Terri,

Thanks very much for checking in.

The long-held general rule is that only materials related to Town Meeting may be placed inside the venue. Other types of material (e.g., info on neonicotinoids or the heat pump program, campaign literature) have always been welcome to be distributed outside the building and we've provided tables for this purpose.

We've made exception inside for volunteer cards and voter information. I would be happy to make an exception for other occasional requests that SB may make for materials to be distributed inside the venue. If SB adopts this motion and wishes it to be a handout at Town Meeting, I would agree to SB's request.

Carmin

Carmin C. Reiss
Moderator
Concord, MA 01742

Get [Outlook for iOS](#)

From: Terri Ackerman <tackerman@concordma.gov>

Sent: Wednesday, March 23, 2022 3:06:05 PM

To: Carmin Reiss, Town Moderator <moderator@concordma.gov>

Subject: Fw: Request to be put on the agenda at next Monday's (March 28th) Select Board meeting

Hi Carmin,

I have not yet responded to this request and our meeting is already set (and very full) for March 28. However, I will likely put this item on our SB April 4 agenda.

Since it involves the Moderator, I want to ask you, before I respond to Phil, if you have any issues/problems with his request.

I apologize for this message being brief and informal. That allows me to answer many emails quickly. Thanks for your understanding.

Regards,
Terri

From: Philippe Villers <pwillers@grainpro.com>
Sent: Wednesday, March 23, 2022 2:25 PM
To: Terri Ackerman <tackerman@concordma.gov>
Cc: Carrie Rankin <carrie.j.rankin@gmail.com>
Subject: Request to be put on the agenda at next Monday's (March 28th) Select Board meeting

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

March 23, 2022

Dear Terri;

Carrie Rankin and I are part of the new volunteer group called Concord For Ukraine.

Concord For Ukraine would like public support from the Select Board, and we would appreciate being put on the agenda for its meeting next Monday (March 28th).

Attached is an early draft of the motion that we'd like the Select Board to consider.

Please let us know at what time we should plan to be there.

Thank you!

Regards,

Phil Villers,
on behalf of Concord For Ukraine

Philippe Villers

President, Families USA Foundation
& Board Member Emeritus, GrainPro, Inc.

336 Baker Avenue, Suite 2-4/2-5

Concord, MA 01742 USA

Tel: 978-371-7118

Cell: 978-621-1060

Home: 978-369-1053

Email: pwillers@grainpro.com

Proposed Motion for Concord Select Board to Consider and Approve

Motion for Select Board

The Select Board of Concord, Massachusetts, deplores the indiscriminate bombing and shelling by Russian military forces now taking place against civilians in many parts of Ukraine, and encourages Concord citizens to consider contributing to the relief efforts for Ukrainian citizens and refugees through UkraineForward.com.

Select Board also ask for permission for Motion to be on Handout Table at Town Meeting

Concord For Ukraine also requests that the Select Board ask the Moderator to allow a copy of the Motion adopted by the Select Board with supporting information to be placed on the Handout Table at Town Meeting.

Melissa Saalfeld, Chair
Nancy Nelson
Alan Bogosian
Robert Gross
Michael Capizzi
Francesca Cataldo, Associate
Rebecca Lemaitre, Associate



Department of Planning and
Land Management
141 Keyes Road, Concord, MA 01742
Fax (978) 318-3291
Heather Gill, Senior Planner

March 28, 2022

Cassandra Ostrander
Program Development Team Leader
Massachusetts Division, FHWA
55 Broadway 10th Floor
Cambridge, Massachusetts 02142

Jeffrey Shrimpton
Cultural Resources Supervisor
Environmental Services, Highway Division
Massachusetts Department of Transportation
10 Park Plaza
Boston, Massachusetts 02116

RE: Comments on Route 2A 1/9/2022 100%PSE Submission – Project ID 608495

Dear Ms. Ostrander and Mr. Shrimpton,

Thank you for initiating the Section 106 process and for hosting the Consulting Parties meeting on February 18, 2022 which a majority of the members of the Concord Historical Commission (CHC) were able to attend. The project area is located almost entirely within Minute Man National Historical Park, is part of an All-American Road and part of the Battle Road Scenic Byway. The CHC offers the following comments about the January 9, 2022 Route 2A Draft 100%PSE Submission.

The CHC supports Minute Man National Historical Park's positions as stated in Superintendent Simone Monteleone's Feb 9, 2022 letter to Paul Stedman, District Highway Director/MassDOT. It is well researched and specific.

The Commission specifically supports the following project goals/elements:

- Reducing vehicle speed along the road by whatever non-structural means possible as soon as possible. All interested parties agree with this goal;
- Repaving the road with no expansion of the paved surface to provide an improved shoulder for cyclists/pedestrians;
- Narrowing the travel lane to 10.5' throughout the project area;
- Installing steel backed wood guard rails within the project area;

- Realigning the Rte 2A/Lexington Road intersection in Concord and the Rte 2A/Airport Road intersection in Lexington Road.

However, certain visual elements are incompatible with the simple historic road and its national park setting. Specifically, CHC does not support the 4'x 40' raised granite splitter islands and 4'x 69' raised granite pedestrian crossing islands (w/accompanying tall posts, flashing lights, solar panels, VGC edged landing pads and increased signage) and requests that they be removed from the current project. The Commission believes that these large granite structures constitute direct and indirect "adverse effects" to the historic character (see Attachment 1 "Character Defining Features") of MMNHP and to the simple, historic road (Rte 2A) which bisects national park land. They would similarly impact the All-American Road (AAR) and the Battle Road Scenic Byway (BRSB) within the project area.

Ironically, the current plans may result in reduced safety for cyclists or pedestrians travelling along the side of the road. The proposed crossings do not connect with safe paths on one or both sides of the road. Because they are 4' wide plus striping, the splitters and crossings significantly reduce the width of the paved surface available for cyclist and pedestrian use. They seem to be obstacles which could prevent drivers from swerving to avoid collisions with cyclists or pedestrians along the road.

Removal of these raised structures from this project would ensure completion of core repaving work prior to the 2025 national celebrations and create the opportunity to carefully evaluate any/all crossing locations and designs for need, connectivity, safety and appropriateness. In addition, plans could be developed for safe connecting paths to and from the national park (none currently exist).

Context sensitive alternatives to protect nationally significant historic resources, reduce speeds along the road and improve access and safety for all road users have not yet been adequately considered. CHC suggests consideration of the following:

- nonstructural speed reduction measures asap: set context sensitive advisory speed limits, reduce the speed limit for this "Special Area", add "Reduce Speed Ahead" signage and/or other nonstructural strategies and elements (a conversation w/DOT & others needed)
- develop one prototype pedestrian crossing at the Ranger Station with custom designed crossing solutions (ex laser activated beacons w/bollards) which would improve access and safety as well as appropriateness in the project area.
- place splitters at grade and reduce width to mitigate visual impact and provide a wider paved shoulder for cyclists' safety
- install wood backed steel guard rail throughout,
- develop entry treatment at the eastern end of the project
- commit to speed limit enforcement (national park, local towns)
- repair stone walls (DOT w/national park)
- improve road side (DOT) and historic landscape (national park) maintenance

The CHC requests formal clarification about the phases of this project. At the Feb 18 Consulting Parties Meeting, MassDOT stated that the current project is a 'stand alone' project and that there is no Phase 2. However, since at least 2020, numerous presentations, meetings, letters and phone calls have referenced a Phase 2 which could include other potentially detrimental changes

including: full depth reconstruction, additional pedestrian crossings, road widening, relocation of stone walls, intersection realignments, signalization, and sidewalk installation w/in the ROW. This remains a serious concern for future 'stand alone' projects and possible cumulative impacts.

We understand that both FHWA and MassDOT are leaning toward increased flexibility in highway design, speed control, and reassessing the 85th percentile speed study. Utilizing a context sensitive approach with design exceptions would likely lead to solutions which would provide increased safety for all users and honor the nation's Revolutionary War heritage, the neighboring towns that share that history, the 1 million people who visit these sites annually and Minute Man National Historical Park. For nearly a century there have been concerted efforts and major public investments to ensure protection of the route of the opening battle of the American Revolution along with associated structures and landscapes along the Battle Road. The All-American Road and the BR Scenic Byway are contemporary expressions of the importance of this area.

While we are not experts in highway design or in the detailed requirements of the Section 106 process we have worked to develop our understanding of the steps and definitions which govern this project and process.

Working together, the Commission feels that we can achieve a better result. We look forward to continuing the consultation with MassDOT and FHWA.

Sincerely,



Melissa C. Saalfield
Chair, Concord Historical Commission

CC:

Concord Select Board, Terri Ackerman

Concord Town Manager, Kerry LaFleur

State Historic Preservation Officer/Massachusetts Historical Commission, Brona Simon

Lexington Historical Commission, Susan Bennett

Lincoln Historical Commission, Andrew Glass

Highway Administrator/MassDOT, Jonathan Gulliver

Minute Man National Historical Park, Simone Monteleone

Division Administrator FHWA, Jeffrey McEwen

Advisory Council on Historic Preservation, Mandy Ranslow

ATTACHMENT 1
Character Defining Features

“Historic Character:

...the sum of all visual aspects, features, materials, and spaces associated with a cultural landscape’s history, i.e. the original configuration together with losses and later changes. These qualities are often referred to as character-defining.”

Source: NPS Guidelines for Treatment of Cultural Landscapes

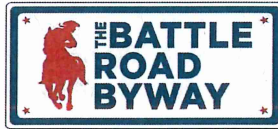
Route 2A within the project area and its national park setting possess “character-defining” features which together establish the “historical character” of this nationally significant cultural landscape. For nearly a century, efforts to preserve the memory of the opening battle of the American Revolution have recognized that the experience of the road is integral to the perception and experience of the surrounding historic landscape. They are mutually reinforcing and interdependent. The addition of large and visually ‘heavy’ granite structures and their related visually distracting accompaniments (common and appropriate today in more urban locations) throughout the project area will be dominant features in the landscape and the experience of the historic setting will be diminished.

The road itself:

- the road is a simple, two lane road with typical/common? Often w/a paved width close to that of historic “2 rod” roads. When not burdened with fast moving traffic, the experience of the road allows for visitors to begin to imagine what happened along the Battle Road on April 19, 1775. While not all of the road overlays the 1775 road, it remains remarkably simple – thanks to nearly 100 years of efforts to preserve its essential character.
- there are long stretches with a grassy shoulder without curbs of any kind, minimal signage and lighting and only 2 minimally signalized intersections.
- simple stone walls are common along the road, some ancient and others more modern reflecting the evolution of land uses and the straightening of the road ca 1820
- ancient trees remain, often close to the road
- the road winds gently through the national park and there are moderate changes in elevation and provides a variety of landscape types – open vistas across fields, meadows and wetlands as well as reforested areas

The surrounding national park “setting” is visible from the road:

- rehabilitated historic structures (some which witnessed the opening battle of the American Revolution as it moved along the Battle Road) including homes, taverns and barns
- rehabilitated agricultural fields with crops, grazing animals and remnant orchards
- wetlands important in the battle of April 19, 1775
- granite markers showing the distance between Boston and Concord’s North Bridge
- the site of Parker’s Revenge
- the Paul Revere Capture site and monument
- places where the restored route of battle diverges from the straightened segments of 2A



March 29, 2022

Via email

Mr. Paul Stedman, District 4 Highway Director
Mr. Michael Murphy, Project Manager
Mr. Brian Fallon, Project Engineer
Mr. Timothy Paris, Engineer and Program Planner
Chris Klem, State Scenic Byway Coordinator
MassDOT District 4
519 Appleton Street
Arlington, MA 02476

RE: ROUTE 2A CONCORD- LINCOLN - LEXINGTON- RESURFACING PROJECT

Thank you for the opportunity to comment on the 100% submission of the Rt.2A Concord Lincoln Lexington Resurfacing Project.

This project provides a timely opportunity to enhance the visual experience of this federally designated All-American Road as the region prepares for the nation's 250th celebration. And equally important, it is an opportunity to improve connectivity and safety of Scenic Byway users, including motorists, pedestrians and cyclists enjoying the historic Battle Road Scenic Byway or just passing through. Each year, over 1 million people from around the world visit the historic sites and protected landscapes in Lexington, Lincoln, Concord, Arlington and Minute Man National Historical Park (MMNHP). Their experience and safety are compromised by inappropriate speeds. Safety and character enhancements are particularly important as this roadway bisects MMNHP.

The MassDOT recognized Battle Road Scenic Byway Committee with representatives from Concord, Lincoln, Lexington, Arlington offer the following comments:

- All involved have a keen interest in reducing the operating speeds to make the roadway safer for all users. The roadway is currently posted at 40 MPH with a short section posted at 35 MPH. However, speeds frequently exceed these limits. This is particularly dangerous as many vulnerable users (bicyclists and pedestrians) are present on a roadway with high daily traffic volumes. We very much desire to have speeds at that 85% percentile to be 30 MPH. This speed is compatible for cyclists; the current 40 MPH is dangerous for cyclists.
- In the January 7 MassDOT letter to Battle Road Scenic Byway Committee Chair, Clarissa Rowe, Mr. Stedman committed to 10.5-foot lane widths. We ask that MassDOT adhere to that commitment and reduce the lanes to 10.5-feet for the entire length of the project.
- Special roadway treatments such as wood guardrails signify to motorists that they are driving through a special place. We want motorists to understand they are in a special place; after all, it is a federally designated All-American Road within a national park. The Plan proposes to replace existing steel guardrails with new steel guardrails that meet new standards. Steel guardrails are

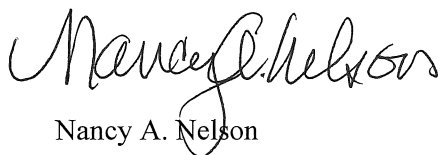
not consistent with the character of the corridor. We urge MassDOT to grant a waiver to allow timber guardrails. We understand that since the new Directive was issued in 2020 no waiver has been issued. It seems with our All-American Road status and the work being done to reduce speeds a waiver is warranted.

- We disagree with the “brick red” painted pavement proposed at Brooks Road and Bedford Road for aesthetic, maintenance, and safety reasons. Rather than painted pavement, we ask instead that the pavement expanse be sawcut and removed and then loamed and seeded.
- We ask that the Battle Road Scenic Byway Committee have the opportunity to review the sign plan.
- We again request the following information: design justification report, right-of-way survey, categorical exclusion checklist, and current traffic and accident data.

MMNHP submitted formal comments separately under the Section 106 process.

Again, we appreciate the opportunity to comment as the resurfacing is very much appreciated as we plan for the 250th celebration.

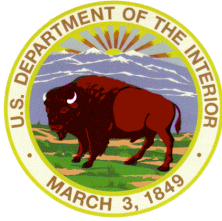
Sincerely,



Nancy A. Nelson

Chair Battle Road Scenic Byway Committee on behalf of the Committee

CC: Battle Road Scenic Byway Committee
Select Board, Town of Arlington
Select Board, Town of Lexington
Select Board, Town of Lincoln
Select Board, Town of Concord
Jeffrey Shrimpton, MassDOT



United States Department of the Interior
NATIONAL PARK SERVICE
Minute Man National Historical Park
174 Liberty Street
Concord, Massachusetts 01742



February 9, 2022

Massachusetts Department of Transportation
Attn: Paul Stedman
District Highway Director
519 Appleton Street
Arlington, MA 02476

Subject: Route 2A Repaving and Road Improvement Project, 100% Plans, Specifications, and Estimates Submission

Dear Mr. Stedman,

The National Park Service (NPS) has reviewed the recent submission to Minute Man National Historical Park (NHP) staff of the 100% Plans, Specifications, and Estimates (PSE) submission for the Route 2A Repaving and Road Improvement Project. Route 2A serves as an integral thoroughfare through Minute Man NHP and we appreciate the Massachusetts Department of Transportation's (MassDOT) continued engagement with park staff to finalize a design mutually acceptable to NPS and MassDOT prior to the project being advertised.

As noted in our July 23, 2021 letter, Minute Man NHP was authorized in 1959 by P.L. 86-321 "to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of The War of the American Revolution." In 1992, P.L. 102-488 reaffirmed the congressional intent of Minute Man NHP to preserve and interpret "the historic landscape along the road between Lexington and Concord." The designation of the Battle Road Scenic Byway in 2006 along with its 2020 designation as an All-American Road and Scenic Byway further highlights the significance of this approximately three miles of Route 2A through Minute Man NHP. The Park attracts over one million visitors a year and contributes to the economic vitality of the region.

MassDOT's response letter dated October 27, 2021, noted that based on recommendations from Toole and stakeholders, the Route 2A project has been divided into two separate projects. The 100% PSE submission received on January 11, 2022 is reflective of the Phase 1 resurfacing project. At a later date, MassDOT will be developing a project for "more long termed improvements (Phase 2)." As a consulting

party under Section 106 of the National Historic Preservation Act (NHPA), the NPS offers these comments on the Phase 1 submission for consideration by MassDOT.

Design and Construction

Evaluation of Pedestrian Safety Measures: The NPS supports MassDOT's goal of improving safety along the Route 2A corridor. As noted in our July 2021 comments, we recommended that the proposed crosswalks be evaluated as a road safety audit through a joint interagency working group of transportation planners. This has not occurred to date, and we continue to have concerns about the crosswalk locations. We hope that MassDOT initiates the interagency work group soon and believe this will be an important collaborative opportunity for our two agencies. Wayne Emington, the NPS Transportation Safety Program Manager, is available to participate in a joint interagency working group to further support the collaboration efforts for Route 2A safety improvements. With the proposed crosswalks inviting visitors to cross from federal park land on one side of the All-American Road and Scenic Byway to federal park land on the other side of the road, the participation of NPS transportation specialists would be a benefit to the overall process.

The location of crosswalks at Bedford Road, west of Mill Street, and west of the Minuteman Vocational High School Secondary Access Drive are areas of particular concern due to the lack of a trail connection on either side. In reviewing these three locations, it appears they will encourage visitors to walk along Route 2A and create social trails on NPS property as visitors attempt to connect to Battle Road Trail. As further detailed in the specific comments below, the proposed crosswalks will encourage visitors to traverse inaccessible slopes and require access via a seasonally saturated wetland buffer. This will invite unreasonable resource impacts to the landscape. To ensure crosswalks are in logical locations connecting adjacent trails and sidewalks, deferring decisions about crosswalk locations to Phase 2 allows for a broader conversation in the future. Minute Man NHP is looking to work with our Alternate Transportation office in the future to explore the question of connector trails that could result in identifying appropriate crossings in the Route 2A corridor. This will be an area of future collaboration with MassDOT and the public.

The one crosswalk that is being proposed that the NPS is amenable to at this time is the crossing at Bedford Lane. With Bedford Lane at the north side of Route 2A primarily used as a trail rather than vehicular access, this could be a logical opportunity to invite the public to safely cross over Route 2A from the south. We would recommend a potential adjustment to the alignment here. At this crossing, we encourage MassDOT to take advantage of an at-grade or mountable raised pedestrian refuge island with markings/cobbles and signage with no rapid flashing beacons (RRFB) to take into consideration the surrounding park land. Should pedestrian safety continue to be a concern after the installation of the refuge island, the park would be willing to reconsider this position as a part of Phase 2. There is a similar at grade crossing that was installed near the parking area for Fiske Hill at Old Massachusetts Avenue that does not utilize RRFB. We are not aware of any conflicts at this spot, and is a safe crossing for pedestrians. Building upon the Old Massachusetts Avenue safety treatment model, with the addition of a refuge island at Bedford Lane, seems like a prudent step in the name of pedestrian safety to the NPS.

Signs for Crosswalks and Improvements: With the reduction of crosswalks in this plan set, the NPS is pleased to see fewer proposed signs throughout the corridor. The NPS continues to encourage MassDOT to further reduce the signage broadly along Route 2A to provide effective information to the driving public while minimizing clutter along the nationally significant, historic landscape. As part of our project efforts

for the Great American Outdoors Act, the NPS will be replacing wayfinding signs in the park, and we look forward to coordinating signage efforts with MassDOT.

Guardrails Materials: We appreciate MassDOT's October 27, 2021, response letter and the explanation of why the decision to utilize w-beam guardrails was made for the Route 2A corridor. To further articulate our position, the park would like MassDOT to consider how the use of timber guardrail could contribute to a corridor context more likely to result in slower travel speeds (a key goal of the project). Subtle landscape design cues, even peripherally available, along a roadway corridor contribute to the speed a driver chooses. People driving select their speed based on the visual environment presented to them, including roadway geometric features, natural and cultural landscapes, and adjacent land uses. Design choices such as steel backed timber guardrail reinforce the park cultural landscape context and are in the interest of speed reduction goals shared by MassDOT, local community partners, and the NPS. Furthermore, NPS and Federal Highway Administration (FHWA) will be crash-testing a TL-3 steel backed timber guardrail in 2022, which would be a great opportunity to continue the use of timber guardrails throughout this corridor as seen at the Bluff Battle Site area in Lexington. Deferring construction of guardrail until Phase 2 will allow enough time for Manual for Assessing Safety Hardware (MASH) TL-3 crash testing for a steel backed timber guardrail design to be completed. If deference to Phase 2 is not an option, the NPS encourages MassDOT to reconsider the use of National Cooperative Highway Research Program (NCHRP)-350 compliant steel backed timber guardrail (FHWA approved design available upon request). Please see the link here or the enclosure for the "Clarifications on Implementing the ASSHTO Manual for Assessing Safety Hardware, 2016 and updated 2021" and specifically under "November 2019, #3, on page 5 which discusses the [flexibility allowed by FHWA and American Association of State Highway and Transportation Officials \(AASHTO\)](#). In light of the pending crash testing, this flexibility could allow for the use of the steel-backed timber guardrail. If this is not a viable option for MassDOT, the NPS requests the application of a brown reactive color treatment (such as a [Natina product](#)) to better blend with the surrounding landscape.

Roadway Widening: MassDOT's response letter from October 27, 2021 stated that the travel lanes would be 10.5 feet wide with no pavement widening; however, in reviewing the January 11, 2022 drawings, several areas of pavement widening to 11 feet wide are noted including on the "Typical Sections" Sheet #5. The NPS encourages MassDOT to restrict the limit of paving to what is necessary to minimize any increase to impervious surface or ground disturbance. In addition, it is our understanding that with narrower travel lanes this will contribute to safety as a traffic calming measure.

It is also important to remember that a British soldier was exhumed near Hanscom Drive during an early Route 2A road improvement project and this episode is a reminder of the need to be ever mindful of the road's significance as a battlefield. The need for archeological monitoring cannot be understated and should take into consideration all elements of the proposed work to include pavement removal, removal of ground materials as part of guardrail replacement, and hazardous tree removal as needed. As noted in your October 27, 2021, letter we understand that the proposed work is to be executed at night to minimize traffic disruptions. The NPS wants to confirm the archeological monitoring plan will also take that into consideration to assure ground disturbing activities will be monitored by Secretary of Interior qualified archeologists, either through MassDOT's Cultural Resources office or as part of the contractor's team. As highlighted here, we do have archeological concerns throughout the corridor and look forward to discussing further with MassDOT's Cultural Resources team. Finally, we look forward to reviewing MassDOT's assessment of effect documentation for this Phase I project when it is available.

We appreciate MassDOT's continued coordination of this project with Minute Man NHP. We also continue to encourage MassDOT to consider initiating the interagency working group to address the areas of concern that the NPS has raised in our letters on this project. NPS transportation and cultural resources subject matter experts are willing and available to participate on a working group to support MassDOT's project efforts. If you have any questions on our comments, please do not hesitate to reach out to me by email at simone_monteleone@nps.gov or by phone at (978) 505-3285. We look forward to continuing the conversation and reaching a successful conclusion to the Section 106 process with MassDOT as part of the efforts to protect the visitor experience and cultural landscape of Minute Man NHP.

Sincerely,

Simone Monteleone
Superintendent

Enclosure: NPS Comments on the 100% PSE Submission (January 11, 2022)
"Clarifications on Implementing the AASHTO Manual for Assessing Safety Hardware, 2016, Update 2021"

CC: Brona Simon, Massachusetts Historical Commission
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
Ramona Peters, Mashpee Wampanoag Tribe
John Brown, Narragansett Tribe
Casey Campetti, Federal Highway Administration-Massachusetts Division
Heather Gill, Town of Concord-Department of Planning and Land Management
Paula Vaughn MacKenzie, Town of Lincoln-Department of Planning and Land Use
Sheila Page, Town of Lexington-Planning Office
Colonel Stephens, Hanscom Air Force Base
Sharon Williams, Massport (Hanscom Field)
Nancy Nelson, Battle Road Scenic Byway Committee

NPS Comments on 100% PSE Submission (January 11, 2022) and Associated Draft Documents:

CONSTRUCTION DRAWINGS, DRAFT 100% PSE SUBMISSION AND CALCULATION WORKBOOK

Sheet 5/46: Details in previous version indicated loam & grass seed of shoulders. The park supports vegetated shoulders rather than asphalt or other gravel or bituminous surface that encourages tourists and motor coach operators to pull over on the roadside and exit vehicles along the roadside rather than in designated parking lots.

Sheet 20/46: Confirm that the concrete refuge is at pavement grade, hence accessible to all users. Confirm that splitter islands are surfaced with granite cobble rather than concrete.

Sheet 21/46: Clarify loam and seed will be used for road shoulders along length of roadway.

Sheet 25 & 30 /46: A letter from Paul Stedman 10/27/2021 indicates paint will be added to make turns safer for motorists. Rather than swath of brick red paint at Brooks Road and Bedford Road, the park requests a single white painted line (SWL). Red paint in a battlefield setting may be mis-interpreted and swaths of paint are incongruous treatment in rural historical setting. Are other paint colors being introduced to pavement other than yellow and white stripes?

Sheet 25 & 26/46: Brooks Village Area. Ensure that pavement is not being widened in the historic village area where historic stone walls line the road. Hard to verify with the drawings because there are multiple overlapping lines. Assuming one foot for double stripe, 11 ft travel lanes, and indications for approx. 3 ½ foot shoulder/bike lanes, total width will be 30 feet. Is that correct? It was the NPS' understanding based on the 10/27/2021 letter that travel lanes would be 10.5 ft.

Sheet 28/46: Confirm that east-traveling fire engine can clear splitter island to turn north on Bedford Lane. At this time a substantial amount of stormwater flows down Bedford Lane. Consider adding catch basin at northeast corner of Rt 2A/Bedford Lane intersection to catch storm water that currently flows down Bedford Lane.

Sheet 29/46: Proposed crossing location at Bedford Road has not been studied for pedestrian safety. Proposed crossing is located with descending grade with blind bend in road and high-speed, fully loaded truck traffic travelling at speeds of 50 mph. Proposed concrete landing pad on north side of road is on an embankment (slope of 25%) hence impossible for pedestrians, strollers, etc. to access on north side of road.

Sheet 32/46: Proposed crossing location at Mill Street is 160 feet west of road intersection, which will require pedestrians to walk along Route 2A where there is no sidewalk. Shift east, closer to Mill Street intersection. Delay until Phase 2 to allow NPS to carryout compliance to create a gap in the stone wall on the north side of Route 2A.

Sheet 33/46: Traffic calming splitters appear incomplete at entrance to Minute Man Visitor Center parking lot.

Sheet 34/46: Proposed crossing location at Minuteman High School secondary access road is within a wetland buffer (within 50 feet of delineated edge) on north side of Route 2A and will be difficult to access because of seasonally saturated soils and no-build zone. In response to Paul Stedman's 10/27/2021 letter regarding the placement of the crosswalk in its present location, the area on the south side of the road is park-owned land, hence the sidewalk could be moved east and closer to the high school secondary access road in Phase 2.

Sheet 40/46: Hanscom Drive, Bedford Road marked as Brooks Road.

Plan review and Noted Archeological Concerns: In discussions with MassDOT’s Cultural Resources team, the NPS will be highlighting specific areas of concerns such as proposed excavations for road surface removal at Lexington Road and Airport Road. It is noted that existing guardrail removal includes “removal of deposited sediment and trash beneath guardrail.” The calculations are 4,193 ft x 4 ft x 6 inch depth which totals approx. 300 cubic yards of material. With this amount of material being removed, the equipment will be excavating in previously partially disturbed areas (guardrail installation), but may drop into previously undisturbed areas. Areas of excavation concern include Elm Brook, South of Smith House, Folly Pond area, Minute Man Visitor Center area, other wetland areas, and all areas along the historic Battle Road. Additional areas could be of concern and further discussed during the on-site meeting with MassDOT and NPS cultural resources staff.

MASS DOT DESIGN JUSTIFICATION WORKBOOK, 5/5/21, REVISED 12/15/2021

PDF 2/28:

- Change Mills Avenue to Mill Street
- Clarify that paragraph that starts with “To achieve...” is not feasible in Phase 1.

PDF 3/28 “Overview”:

- Change concrete island installation to cobblestone islands (similar to Cambridge Turnpike) if possible. The NPS is open to considering mountable island at the crosswalk for Bedford Lane.
- Recommend including that the road travels through a National Register Historic District and is designated as part of the All-American Battle Road Scenic Byway.

PDF 7/28, last para:

- Change “Minuteman High School entrance” to Minuteman High School Secondary Access Road. This road is within park land and used as a secondary access easement across park land and intended for emergency vehicle access when the campus was constructed in the 1970s. The entrance to Minuteman High School is to the east and outside of the park boundary, at the intersection of Mass Ave and Route 2A in Lexington. (Student drivers are encouraged to use the school entrance drive Lexington as it is safer.)

PDF 9/28:

- “Justify the proposed width” paragraph: Description of road crossings and rapid flashing beacons does not align with NPS vision for Phase 1. Three of the four proposed crosswalks lead to locations where there is steep terrain, unsafe sidewalk, and wetlands, as well as insufficient pedestrian safety evaluation.
- “Justify the proposed number of sidewalks” paragraph: Add: the land is within ‘Minute Man National Historical Park Historic District’ and extensive ground disturbance and relocation of stone walls would be an adverse effect on the Historic District’s contributing resources.

PDF 10/28:

- Revise first paragraph of justification to state: A crossing will be installed at Bedford Lane, which the NPS is amenable to for Phase 1. Phase 1 will also include splitter islands, a narrowed vehicle travel lane, and wider shoulder. With resultant traffic calming, Phase 2 corridor may include additional road crossings with safe accessible connections to Minute Man National Historical Park multi-use trails.

PDF 11, 12/28:

- Paragraph indicates that the travel lanes in each direction will be narrowed to 10.5 feet to allow for wider shoulders. The NPS endorses this approach as it will further increase speed reduction and promote roadside bicycle safety without increasing overall road width.

PDF 16/28:

- The park is optimistic that with the traffic calming measures implemented in Phase 1, the traffic speed can be reduced to 35 mph in Phase 2. Two useful precedents in the Northeast are: at Valley Forge National Historical Park, a comparable Revolutionary War park in a metropolitan region, Penn DOT lowered the road speed from 40 to 35 mph to improve safety and park experience. At Delaware Water Gap National Recreation Area, where the park requested that PennDOT implement a through-truck exclusion to decrease heavy trucks, noise, pollution, and improve pedestrian and bicycle safety.

PDF 18/28:

- The park supports the approach outlined on pages 11 and 12, that the travel lane be reduced to 10.5 feet. The road travels through a National Park and is an All-American Scenic Byway. Heavy vehicles and those wishing to travel at high speeds should use the adjacent Route 2 corridor.
- Maintaining a travel lane width of 10.5 feet will ensure that splitter islands are safer for bicyclists by reducing pinch points and high speed traffic.
- Will MA DOT post a reduced speed at splitters to ensure safety of motorists, bicyclists and pedestrians?

PDF 19/28:

- Last paragraph: At what location will the splitter island be one foot at inside shoulder. NPS is advocating for splitters without raised grade to reduce signage, introduction of concrete, and simplifying road character in the Historic District.

PDF 26/28:

- Second paragraph refers to Route 107. Check document for accuracy as this info relates to another project site.

PDF 28/28:

- As noted above, the park advocates for the 10.5 foot travel lane.
- The “Typical Road Sections” no longer indicate loam and seed along road shoulders (see 25/75% draft). This is a safety concern for the National Park Service as current bituminous shoulders added in c. 2019 without park concurrence encourage park visitors and tour busses to park on the shoulders of Route 2A and exit vehicles rather than using the park’s parking lots. Please include previous indication of loam and seed along road shoulders.

SPECIAL PROVISIONS, LEXINGTON – CONCORD – LINCOLN

A00801-1: Scope of Work. The park appreciates that the timber guardrail will be retained where in place. See earlier request to use timber guardrail throughout and lower speeds.

A00801-5 to 8: Please add the following contacts to a section of emergency phone numbers
Minute Man National Historical Park -Chief Ranger Randy Biddle (978-270-7053); Minute Man National Historical Park Law Enforcement Duty Ranger (508-254-7491)

A00801-9: Schedule of Work hours refers to Route 107.

A00801-11: Clarify that work restrictions will be in place for Patriot’s Day due to reenactments at Hartwell Tavern Area, Smith House, Paul Revere Capture, Minute Man Visitor Center, Airport Road, and Fiske Hill Areas. (Dates of events typically include the first three weekends in April plus the Monday State Holiday on Patriot’s Day).

A00801-12: The Minute Man Visitor Center is staffed and open May through October and closes in early to mid November.

A00801-13: Will stacking and staging areas be at MA DOT District facility at Crosby Corner?

A00801-38: Emerald Ash Borer Advisory. Recommend adding Spotted Lantern Fly Advisory as well as one was potentially observed at Minute Man Visitor Center in fall 2021. Please inform park if the contractor will be leaving chips, trees, brush on site.

A00801-41: The park favors the use of mortared granite cobble pavers detailed in Item 485 rather than concrete islands.

A00801-52: The park discourages the use of haybales because of the high likelihood of introducing the invasive spotted knapweed.

ARTICLE 35: Planned Residential Development Update

To determine whether the Town will vote to amend the Zoning Bylaw Section 10 Planned Residential Development to alter Section 10.2.9 to increase the minimum amount of upland common open space from 50% to 75%.

ARTICLE 35: Planned Residential Development Update

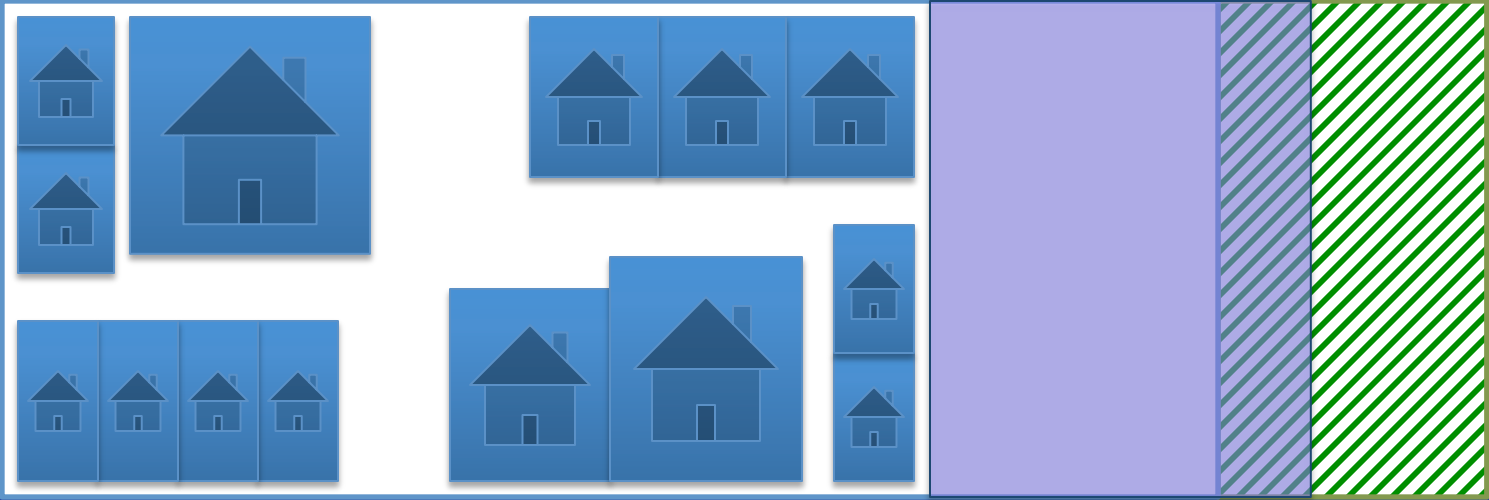
PRD with **wetlands** comprising 50% of **open space**



Half of the open space requirement is met by including the protected wetlands resulting in less open space in the PRD

ARTICLE 35: Planned Residential Development Update

PRD with revised layout and **wetlands** comprising 25% of **open space**



Protected wetlands comprise just 25% of open space requirement and with a revised design there is more open space.

ARTICLE 35: Planned Residential Development Update

Potential Concerns

Q: Will this reduce the number of affordable units?

A: No. The overall design determines the number of affordable units.

Q: What about other towns?

A: It varies. Framingham limits wetlands to 25% of open space. But comparing individual constraints is misleading because a PRD design is influenced by the totality of a town's PRD bylaw.

Q: Would this change have impacted existing PRDs in Concord?

A: Design of Millrun would have been impacted but the same density can be achieved thru a townhouse layout similar to Westvale Meadows.

ARTICLE 35: Planned Residential Development Update

Benefits

- More open space is preserved as land is developed.
- Encourages PRD designs with a wider range of home sizes to help meet the diversity of housing needs.
- PRD designs that include townhouse style units are considerably more energy efficient and inline with the town's sustainability goals. Examples include Westvale Meadows, Center Village, Peter Spring Farm, Cranberry Lane, Thorton Lane and Meriam Close.

From: Terri Ackerman
Sent: Tuesday, March 29, 2022 11:06 AM
To: Robyn LaFrance
Subject: material for Apr 4

please include Matt's email in the packet for April 4--re: Art 25

I apologize for this message being brief and informal. That allows me to answer many emails quickly. Thanks for your understanding.

Regards,
Terri

From: Matthew Johnson <mjohnson@concordma.gov>
Sent: Tuesday, March 29, 2022 8:34 AM
To: Terri Ackerman <tackerman@concordma.gov>; Elizabeth Hughes <ehughes@concordma.gov>; Elizabeth Rust <liz@rhsousing.org>; Diane Proctor <dproctor@gmail.com>
Cc: Kerry Lafleur <klafleur@concordma.gov>; Carmin Reiss, Town Moderator <moderator@concordma.gov>
Subject: Assabet River Bluff: Proposal

Here's an approach to Assabet River Bluff that I could support:

1. Change the allocation of CPC funds from \$700k for open space/\$300k for affordable housing to \$450k for open space/\$550k for affordable housing.
2. Increase the allocation of land for affordable housing on the site from 1 acre to 1.5 acre in the MOU.
3. Increase the maximum number of allowable affordable units from 5 to 7 in the MOU.

As far as I can tell, this would not require any amendment to Article 25, and would only require a recategorization of CPC funds dedicated to the project, while preserving the same total project amounts in Article 26.

Is this possible? If not, why not?

Matt Johnson
Select Board, Town of Concord
(508) 878-4117

Information for the Question that will be on the Ballot on April 6th: Question #1: Shall the town vote to have its elected Treasurer/Collector Office become an appointed Treasurer/Collector Office of the town?

Summary - a Yes vote would mean that you support changing the position to Appointed:

Last year Burlington's Treasurer/Collector, Brian Curtin, announced his retirement after serving more than 40 years. When he was first elected the town's budget was \$20 million. The budget has grown to \$150 million with increasingly complex rules and regulations.

With the retirement announcement, Burlington has an opportunity to change this position from an elected to an appointed (hired) position. In September 2018, Town Meeting overwhelmingly approved a Warrant article to change this position to be appointed. The Town now needs to affirm that vote.

Burlington, like most Massachusetts municipalities, should make the change to an appointed position. Currently, the number of communities with an appointed Treasurer is 286 of 351 communities.

The only current requirements to be elected Treasurer are to be a resident who is at least 18 years old. The elected requirement limits the job to residents who can run a successful election campaign. As residents, we should require job specific credentials and experience regardless of where the candidate lives.

As an appointed position, there will be relevant job requirements, a rigorous independent search and an interview process. The Board of Selectmen will interview the top candidates in a public session.

With the current Treasurer's planned retirement, this is the time to make this change to ensure Burlington's financial future is managed by a highly qualified professional as required for this role. The process begins with your YES vote to appoint the Treasurer/Collector.

Summary - a NO vote would mean that you support leaving the position as Elected:

Consolidation of power managed by a few people is not in the best interest of Burlington.

This position should be kept Elected in order to maintain the checks and balance within a democratic form of government. This provides independent financial advice to all boards of Town government, Town meeting and residents without interference from the Board of Selectmen. By making this position appointed all of the financial oversight such as auditor, budget analyst, and Town accountant would report to the Board of Selectmen.

Currently the Treasurer must answer to the voters directly. Burlington is a highly educated community and there are several residents qualified for this position. Keeping this position elected the candidates would be vetted through an 8 week examination by the voters versus a small committee.

This position has always been an elected position in Burlington answering to the residents who pay the salary of this position.

A charter study recommended and was voted on by Town Meeting in January 24, 1977 to accept the concept of a Town Administrator form of government. That study also recommended a Bylaw change that was voted to change and combine the positions of Treasurer and Tax Collector into one elected position.

The primary responsibility of this position is to collect, invest and manage the 150 million dollars of Town Funds and report to the residents annually.

The residents of the Town deserve the right to vote for this Elected Official concerning the financial oversight and management of their Tax Revenue.



Important Voter Information for Town Election on April 6, 2019

Town of Burlington
Elections Division
29 Center St
Burlington, MA 01803

To the Voters at:

Voting is at the Burlington High School Gym,
123 Cambridge St.

Polls are open from 8 AM to 8 PM

3/22/2022

Re: ARTICLE 37

Dear Select Board,

Below are responses to questions regarding Article 37 that surfaced in the prior citizen petition preview meeting. If there are any additional questions I can help answer, please let me know.

Have you received any feedback from retailers in town?

I spoke with Debra's (Debra and Adam Stark), Concord Market (Manny Rodriguez, General Manager), and Crosby's (John Cummings, Store Manager) and they are in support.

Mr. Cummings expressed concern that this may divert customer traffic to Acton, which is what happened when the plastic water ban was initiated. These are two very different issues and, in reality, I doubt this would ever happen. Would a Crosby's shopper really burn 40 cents of gas to save 40 cents for 4 bags of groceries? He also mentioned that bag costs recently increased from \$0.10/bag to \$0.20/bag, and that they are starting to eat into margins. From that perspective, he welcomes the idea. While in support generally, he would prefer a statewide mandate. I think everyone would – the question is when/if this might happen.

I also spoke with Marie Foley at Revolutionary Concord. She is mixed. While in support of the article from a sustainability perspective, she said it would impact her business because giving out branded bags is an important part of their marketing strategy. 50% of her business is tourists, and most come with no bags. She also expressed similar concern about bag costs. Since they don't order in bulk like Crosby's, bags with handles are significantly more expensive – a small bag with a branded sticker costs approximately \$0.65. A larger bag is almost double that. She is the president of the Chamber of Commerce and will forward the article materials to the board. She said she would be supportive if over half of the members are supportive as well. We will be setting up a Zoom meeting in the next few weeks.

Concerns about Board of Health being the enforcement entity

I spoke with Marcia Rasmussen and we agreed to change this to the DPW, as they are currently the enforcement entity for the Plastic Bag Reduction bylaw. The Board of Health is being used by the Town of Sudbury (from whom I received the original article language), so it makes complete sense to tailor the language to be consistent with other sustainability measures in town. This change will need to be noted at Town Meeting.

How would this work in convenience stores?

So long as the retailer provides a check-out bag with handles, a charge would be imposed – regardless of the type of retailer.

<https://www.boston.gov/departments/environment/understanding-plastic-bag-ordinance>

Consistent with the Boston ordinance, this proposed bylaw would only apply to bags with handles. Bags provided to customers without handles would be exempt (ie, small paper bags at Ace Hardware, plastic

bags for loose produce at Crosby's, etc). Thin-film plastic bags (<2.5 mils in thickness) continue to be banned, as per the Plastic Bag Reduction Bylaw.

<https://www.concordma.gov/DocumentCenter/View/1228/Plastic-Bag-Reduction-Bylaw-PDF>

Thicker "reusable" plastic bags with handles (ie, those distributed by CVS), would be covered under the ordinance and a charge would be imposed.

Would be check-out bags be considered taxable items.

Yes, as with the Boston ordinance, the retailer keeps the charge which is subject to Massachusetts sales tax.

Charge vs. refund

A question was raised as to whether getting a refund (or bonus) for bringing your reusable bag could also work, instead of charging for a checkout bag. Studies show that a charge (even if nominal) is significantly more effective in changing behavior than providing a refund.

<https://www.brookings.edu/opinions/why-a-bag-tax-works-better-than-a-reusable-bag-bonus/>

Has the law been created yet for Lincoln and Sudbury?

The public voted on this same article last year at their respective town meetings. Since then, their Select Boards petitioned the state but no law has yet been created. According to the Surfrider Foundation (who worked closely with these towns to craft their articles), these petitions have been relatively non-controversial at the state level and are moving through the system, but there is currently no timetable they are aware of.

Regards,

Joseph Stein
21 Thoreau St

Subject: FW: Funding of \$75,000 for Article 46 - Reformatory Branch Trail

On Mon, Mar 28, 2022 at 3:38 PM Tom Judge <tjudge@concordma.gov> wrote:

Hello Phil,

I will defer to the Finance Department and Town Manager. No further approval is needed by me.

Thanks

Tom

*Thomas M. Judge
Fire Chief / EMD
209 Walden Street
Concord, MA 01742
978-318-3450 office
978-369-6697 fax*

From: Philip Posner <philposner25@gmail.com>
Sent: Monday, March 28, 2022 3:10 PM
To: Jonathan Harris <jharris@concordma.gov>
Cc: Carmin Reiss <creiss@concordma.gov>; Kerry Lafleur <klafleur@concordma.gov>; Tom Judge <tjudge@concordma.gov>
Subject: Re: Funding of \$75,000 for Article 46 - Reformatory Branch Trail

You don't often get email from philposner25@gmail.com. [Learn why this is important](#)

Thank you Jonathan. I will reach out to Chief Tom Judge.

As always, I appreciate your time!

Best, Phil Posner

On Mon, Mar 28, 2022 at 2:28 PM Jonathan Harris <jharris@concordma.gov> wrote:

Hi Phil,

In order to keep tax bills low, the Town ordinarily does not have \$75,000 in available funds that could be used for unplanned projects. Ideally, a project like the one you are proposing would be a great candidate for CPA funds and the process for allocating CPA funds starts in September of each year.

However, due to the ability of the Fire Department to secure a grant for Self-Contained Breathing Apparatus, it will not need all of the funds that were appropriated in Article 13(12) of the 2021 Annual Town Meeting for Self-Contained Breathing Apparatus. With the permission of the Fire Chief, \$75,000 could be repurposed from this borrowing article to fund your project.

Your motion would need to be amended to reflect the use of this funding. Please be in touch with Carmin and me if you would like to make this change.

Jon

Jonathan A. Harris
Budget and Purchasing Director
Town of Concord
24 Court Lane
Concord, MA 01742
978-318-3039

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record and is therefore subject to the Massachusetts Public Records Law, MGL c. 66, § 10.

Best, Phil Posner

Phil Posner
223 Laws Brook Road #206
Concord, MA 01742
617 413 3209
philposner25@gmail.com

To: Members of the Select Board,

I encourage the Select Board to vote no action on Article 46. This article is:

Premature—a preemptive solution with the wrong type of consultant

Article 46 calls out grading and drainage as part of a solution before a complete needs assessment of the current Reformatory Branch Trails (RBT) is undertaken. A study assessing grading and drainage implies hiring a consultant with civil engineering expertise.

A more appropriate first step would be a comprehensive environmental study of RBT and its surrounding area, assessing sensitive habitats, endangered species and the carbon sequestration of the soil and biomass along the trail. An environmental/sustainability consultant is a best choice for this assessment.

A threat to the Blanding's turtle, an endangered species

As noted by Dr. Bryan Windmiller, an endangered species expert, who has successfully restored the Great Meadows turtle population:

“...I believe that any alteration of the RBT that significantly increases either the volume of human traffic on the trail or, perhaps more significantly, the average velocity of the bicycle traffic on the trail poses a substantial danger to the population restoration project that many, many people in Concord have worked hard to accomplish over nearly 20 years.”

(Page 2 of the attached letter)

US Fish and Wildlife opposed changes (in this case, paving) of RBT in a 1995 biking study due to traffic to Great Meadows. Over 25 years later they are still concerned about traffic and are installing a gate to limit car visitors to the 21 parking spaces on site.

More bike users on RBT may similarly overtax Great Meadows, as there is no practical way to limit bikers who stop to visit the refuge. (See attached press release)

Timed to react to Bedford's paving of their extension of the Minuteman Bikeway

Concord has a long history of careful and thorough analysis of the best stewardship of the town's resources and environment. This article short-circuits this process. We need to step back and consider the big picture before jumping to specific solutions.

Sincerely,
Ellen Quackenbush
206 Prairie St

Attachments:

Dr. Bryan Windmiller letter to the Trails Committee, Feb 2022
US Fish and Wildlife notice for Great Meadows Fee Gate

From: Bija Satterlee <satterleebija@gmail.com>
Sent: Tuesday, March 22, 2022 12:39 PM
To: Robyn LaFrance; Terri Ackerman; Susan Bates; Henry Dane; Linda Escobedo; Matthew Johnson; mary@maryhartman4concord.com; Delia Kaye
Subject: RBT Concerns - please read and see photos

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

Good day to all of you! ***Please read our message to the end. I have highlighted some things for you speed readers ;-)***

We are Bija Satterlee and Franklin Jonath, we live in Concord, and our property abuts the Reformatory Branch Trail, right by the Great Meadows. We are intimately familiar with the daily, weekly, monthly, yearly activity here - NATURE and all its creatures, and HUMAN, and all its traffic that goes by.

We are passionately opposed to Article 46 Here is why:

- "Doing a study" is a slippery slope to development, arguments for, rationalizing, normalizing the idea of an "improved or widened" trail at some point in the future.
- The slippery slope of incrementalism is at work here - and the creator of Article 46 is collaborating with those in Bedford who want to extend the Minuteman Trail to Concord Center. What's good for Bedford is not in Concord's best interests, but they will use any tool make it seem that way.
- The very fact that the trail is natural as it is, makes it VALUABLE. An "improved" surface serves what purpose? Primarily it serves higher-speed bikers and more of them, COMPLETELY CHANGING THE NATURE of this natural, peaceful environment of a trail.
- The birds, insects, turtles, foxes, deer, coyote, etc, move over and around the path freely as it is. **EVEN ONE TREE cut down**, widening any part of it, creates a barrier for animals, and disrupts the ecosystem that people and nature currently share peacefully.
- The current path has developed on its own by human foot traffic, it expands and contracts seasonally, depending on the amount of foot traffic. Areas were much wider at the peak of Covid, and is fully hard packed at this point, making it a good trail for nature observation, education, bird watching, peaceful walks in the woods. It meets the needs of those who use it. **INCLUDING BICYCLES.**
- **The nature of the path as it is encourages bikes to go at a safe speed** - which keeps it safer for walkers, dogs, babies. (A wider, harder "de-natured" surface encourages speed)
- Lexington had a bike fatality from high speed bikers.
- **We are also bikers** - and ride to Concord center and up to Bedford routinely. Having it a "dirt trail with character" is what makes it appealing! Do we need to apply the "urban safety treatment" to everything??? Are handrails next?

- The dirt nature of the path encourages people to know they are in nature, to respect it, not litter, slow down, say hello as they pass. This feeling and characteristic is decidedly less on "structured engineered" paths.

WE SUPPORT ARTICLE 47 - As a measure to protect the trail and its natural condition, in any future attempts to develop it. RBT is a GEM in Concord, and needs to be protected.

- **Any development or "improvement" to RBT is incrementalism** - the bikers want the Minuteman Bikeway extended all the way to Concord, and Article 46 is the chipping away strategy they are using. **Article 47 would establish the trail as a valuable nature trail**, maintained for safe use by everyone, but protected from the urbanization and "taming" of nature through tree removal, widening, hardening, straightening, thereby creating a dead zone.

- Paved and "improved" areas lose their sense of Nature and Wonder. **Consider the path around Walden Pond.** It is a dirt path, and people THRIVE on feeling they are in nature. The path has plenty of ups and downs and twists and turns. Shall we do a study to create a wide smooth sidewalk around Walden Pond? It is equally as ludicrous a thought!

- **PROTECTING the RBT from development** is in the best interest of our sensitive environment. There is NO "improvement" that helps Nature other than leaving it alone.

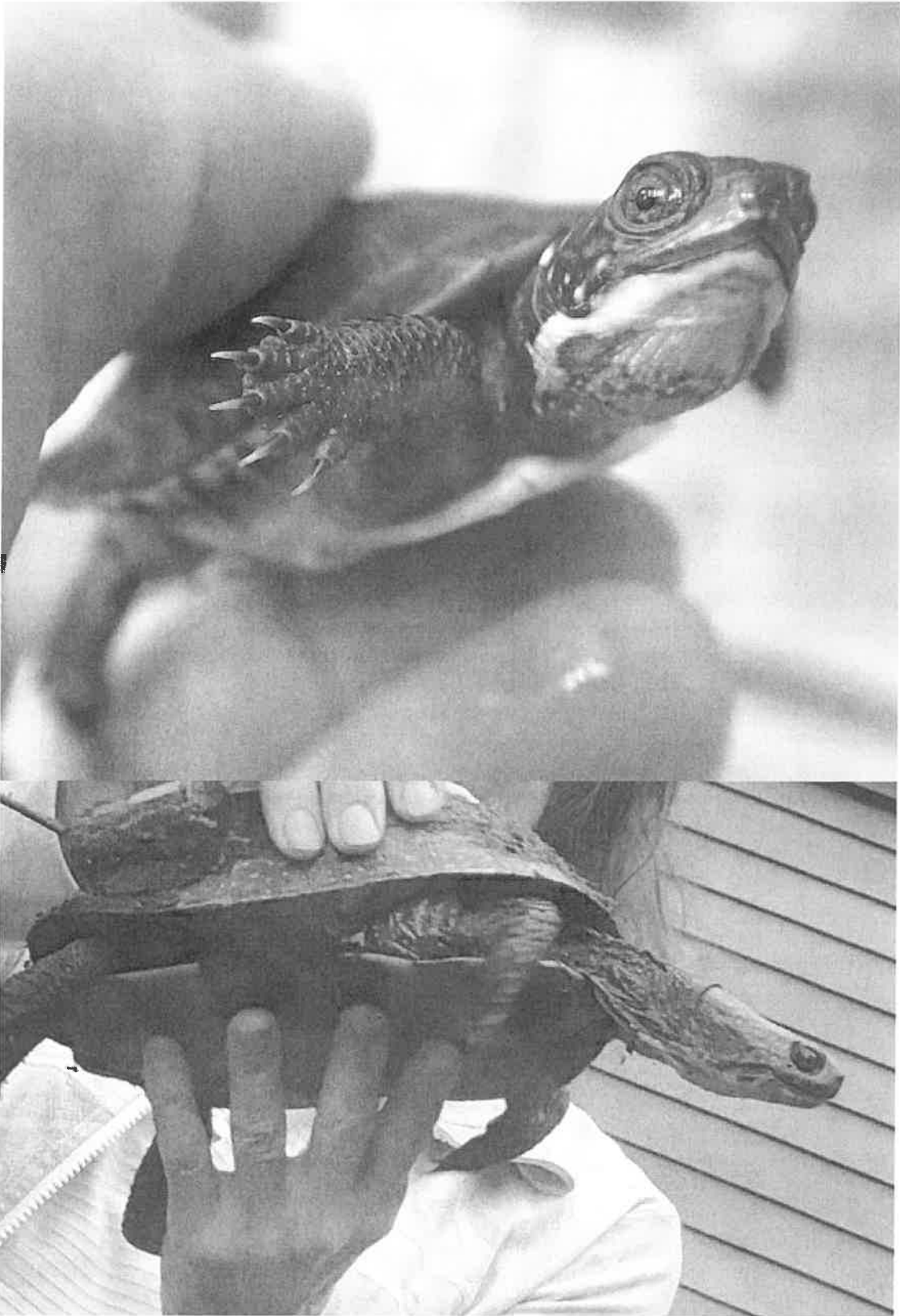
- **PROTECTING the RBT from development** is in the best interest of neighbors, abutters, children growing up in this world where everything is hardened, paved, made "safe", comfortable, accessible. Learning how to walk on a dirt path is more valuable for a child than learning to walk on a structured engineered path. Have you noticed how kids and dogs always try to get off the path into the woods anyway? Because a **"structured" hardened path is "a dead zone"** and would be a wide ribbon from Bedford to Concord, which is DEAD, and brings high speed bikers, whose speed is their whole point, and creates a danger for normal people out walking to enjoy NATURE.

- **PROTECTING the RBT from development preserves property values of abutters.** I am a Realtor, and have listed homes in Lexington that abut the Minuteman Bike Trail. From first hand experience I can tell you: abutters put up high secure fences with locks on them to protect their yards from the high volume of people using the Minuteman Bike Path, and the feeling of exposure. Secondly, Buyers were concerned about the safety of backing up to the bike trail, even though they were happy to USE it, they didnt want to live right ON it. **It discouraged many buyers, it took longer to sell and we felt it decreased the value of the property.**

- **The Endangered Blandings Turtles** and other turtles cross the trail to lay their eggs in the garden beds of this neighborhood. In order to survive, the babies have to make it back to the meadow when they hatch. Any disturbance to the trail will impact their ability to carry this out. I am including a photo of a baby Blanding Turtle that hatched in my front yard last year. And its mom, who is approx 70 years old.

THANK YOU for reading this, and see you at the Town Meetings ;-)

Bija Satterlee and Franklin Jonath



Bija Satterlee
781-354-4835
L
eading Edge Real Estate

Article #	Title	SB recommendation	SB vote
1	Choose Town Officers	(no motion expected)	
2	Hear Reports	affirmative action, unanimous	3/28/2022
3	Meeting Procedure	affirmative action, unanimous	3/7/2022
4	Ratify Personnel Board Classification Actions	affirmative action, 4 approved (Her	3/7/2022
5	Classification & Compensation Plan for Regular-Status Position	affirmative action, unanimous	3/7/2022
6	Personnel Bylaw Amendment	affirmative action, 4 approved (Her	3/7/2022
7	Use of Free Cash	affirmative action, unanimous	3/7/2022
8	FY22 Budget Line Item Adjustments	(no motion expected)	
9	FY23 Town Budget	affirmative action, unanimous	3/28/2022
10	Capital Improvement and Debt Plan	affirmative action, unanimous	3/28/2022
11	Senior Means-Tested Property Tax Exemption	affirmative action, unanimous	3/7/2022
12	Appropriation for Senior Means-Tested Tax Exemption	affirmative action, unanimous	3/7/2022
13	OPEB Trust Fund Appropriation	affirmative action, unanimous	3/7/2022
14	OPEB Trust Fund Expense	affirmative action, unanimous	3/7/2022
15	Establishing an Electrification Trust	(no motion expected)	
	Citizen Petition: Five-Year Moratorium on the Installation of		
16	Synthetic Turf on Town Land	affirmative action, unanimous	3/7/2022
17	Minuteman Regional Technical High School District Budget	affirmative action	3/14/2022
18	Concord Public Schools Budget		
19	Concord Public Schools Capital Projects	affirmative action	3/14/2022
20	Appropriation to Stabilization Fund	affirmative action	3/14/2022
21	Concord-Carlisle Regional High School Budget	affirmative action	3/14/2022
22	Concord-Carlisle Regional High School Capital Projects	affirmative action, unanimous	3/28/2022
23	Citizen Petition: Ranked Choice Voting for Concord Elections		
24	Appropriate Funds for Affordable Housing Development	affirmative action, unanimous	3/28/2022
25	Assabet River Bluff Preservation Project		
26	Community Preservation Committee Appropriation Recommendations		
27	Amend Departmental Revolving Funds Bylaw	affirmative action, unanimous	3/7/2022
28	Authorize Expenditure of Revolving Funds Under Mass. Gen. L	affirmative action, 4 approved (Her	3/7/2022
29	Annual Appropriation of Parking Meter Receipts		
30	Scenic Roads General Bylaw	affirmative action, unanimous	3/28/2022

31	Zoning Bylaw Amendment – Additional Dwelling Unit		
32	Zoning Bylaw Amendment – Formula Business		
33	Zoning Bylaw Amendment – Zoning Map & Thoreau Depot Business District		
34	Citizen Petition: Zoning Map Amendment – Residence A & Industrial Park B Zoning District Boundary		
35	Citizen Petition: Zoning Bylaw Section 10 Planned Residential Development Update		
36	Adopt Local Ballot Option Pursuant to Mass. Gen. Laws 53		
37	Citizen Petition: Authorize Select Board to Petition to Impose a Checkout Bag Charge		
38	Citizen Petition: Development Plan for Municipal Solar Generation		
39	Light Plant Expenditures & Payment in Lieu of Taxes	affirmative action, unanimous	3/28/2022
40	Solid Waste Disposal Fund Expenditures	affirmative action, unanimous on N	3/28/2022
41	Sewer System Expenditures	affirmative action, unanimous on N	3/28/2022
42	Sewer Improvement Fund Expenditures	affirmative action, unanimous on N	3/28/2022
43	Water System Expenditures	affirmative action, unanimous on N	3/28/2022
44	Authorize Expenditure from PEG Access & Cable-Related Fund	affirmative action, unanimous on N	3/28/2022
45	Beede Swim & Fitness Center Enterprise Fund Expenditures		
46	Citizen Petition: Reformatory Branch Trail Feasibility Study		
47	Citizen Petition: Preserve Concord’s Reformatory Branch Trail		
48	Unpaid Bills	no action, unanimous	3/7/2022
49	Debt Rescission	no action, unanimous	3/7/2022

Trajectory relevant to comments I hope to make during Article 46 discussion

From: tbartevyan (tbartevyan@yahoo.com)

To: tackerman5@hotmail.com; susanbates@aol.com; hdane@concordma.gov; lescobedo@concordma.gov; mjohnson@concordma.gov; maryhartman7@gmail.com; rlafrance@concordma.gov

Cc: klafleur@concordma.gov; khodges@concordma.gov; dpdproctor@gmail.com; mark_gailus@yahoo.com

Bcc: siragan@gmail.com

Date: Friday, April 1, 2022, 07:48 AM PDT

Please post for your meeting package:

Dear Members of the Concord Select Board:

I hope to make a comment during the discussion of your potential vote for Article 46 during your April 4 meeting.

(Ms. Ackerman has kindly offered this response opportunity for Articles 46 and 47.)

I am pre-sending the "trajectory" below of Reformatory Branch Trail discussions in Concord and nearby since October 2020. I intend to refer to it.

This is relevant in demonstrating that Article 46's actual goal is to extend the Minuteman Bikeway - not a study of grading and drainage.

As you know, during their Town Meeting of March 28, Bedford voted to allocate the 1.5 Million dollar CPC funds to support easement and land taking expenses for their planned Minuteman Bikeway Extension.

However, they did not authorize their Select Board to exercise the actual purchase.

On March 29, they also voted down another transportation expenditure, which could have been used to exercise easements for reasons of public works improvements on their RBT.

The way it stands right now in Bedford is that the funding for purchase of easements and private land is there. The authorization for their Select Board to do so is not.

However, Bedford can still re-visit the authorization issue with a Special Town Meeting. (I watched both sessions of their Town Meeting. There was mention of an upcoming STM for a different matter in the summer or fall.)

IF Article 46 passes in Concord, this can be presented by Bedford paving advocates as an endorsement of the Minuteman Bikeway Extension, even though the Concord public has not said so.

Mark and I and many others would like to keep this trail natural.

Article 47 is only a recommendation.

We respect any adaptations that the Trails Committee or the Natural Resources Director may support now or in the future.

Here is the trajectory I mentioned.

Thank you,

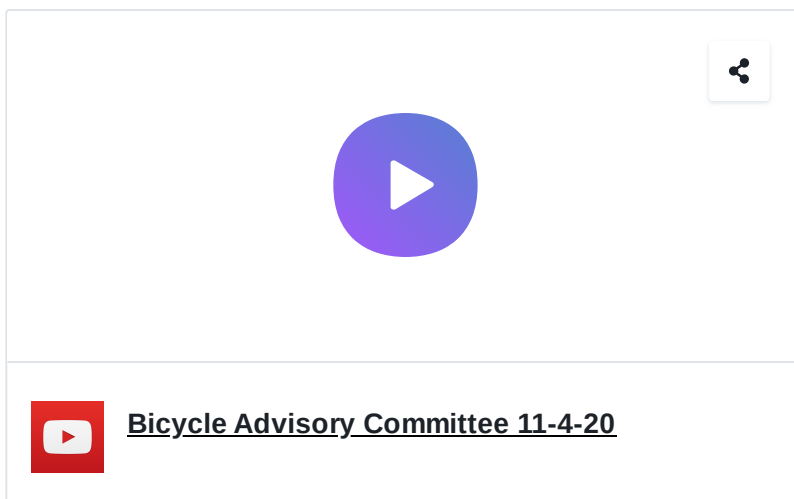
Tanya

***Trajectory of events in Concord and nearby since October 2020 to demonstrate that the intention of Article 46 is to extend the Minuteman Bikeway:**

1) BFRTAC co-Chairs composed a letter to the Select Board in October 2020, asking that the Reformatory Branch Trail be added to their Charge. They were clear in their intention to continue Bedford's plans to extend the Minuteman Bikeway. Then liaison Ms. Ackerman announced the proposed plan during the Select Board's October 5, 2020 meeting.

2) There had been no quorum at the BFRTAC meeting which authorized the letter. The BFRTAC re-visited the matter in February and composed a gentler letter asking the Select Board to do something in response to Bedford's plans. The letter had misinformation. Unlike its claims, Bedford did not have funding to pave to the actual Concord line (800 feet short), the construction would not be finished by 2023 (it would start then), the public was not asking for a conversation (the BFRTAC co-Chairs were and the public was resisting), the 1995 bikeways report did not say to be proactive about the RBT (it said it should stay a walking path due to Great Meadows endangered species concerns.)

3) It was discovered that on November 4, 2020, the BFRTAC co-Chairs and Mr. Phil Posner and Mr. Bill Robichaud had joined the Bedford Bicycle Advisory Committees meeting. [Bicycle Advisory Committee 11-4-20 minutes 48-1:13:00](#). The posted minutes of the meeting state that Mr. Posner arranged for their participation in the meeting. The conversation revolves around collaborative strategies to make the Minuteman Bikeway Extension a reality. It is revealed that Bedford, during its initial vote for paving their RBT, had been erroneously told that Concord would pave. Mr. Jackson of Bedford says " We will get more support in Bedford if we can promise that it will go into Concord



At the same meeting, the Concord bikeway advocates point out that similarly, they can say in Concord that "Bedford is coming, we have to do something." (paraphrase) The discussion ends with reassurances from the Concord gentlemen that of course Concord will eventually pave, it is just a matter of coaxing the public gradually. "It is a journey."

4) In May 2021, Mr. Fahlander (BFRTAC co-Chair) wrote a letter to the Select Board expressing frustration that the Board had not yet considered his Committee's letter about the RBT. He mentioned that they would go to Town Meeting if needed.

5) Ms. Ackerman, while still liaison, promised the BFRTAC in early June 2021 that the Transportation Advisory Committee would take on the RBT discussion, and then the Select Board would discuss the matter. [Note: The Select board had not had any public meeting where this decision was made.]

6) Ms. Ackerman, as Chair of the Select Board in the summer of 2021, declared the RBT as a subject to be covered by the TAC and at the SB's future Transportation focus meeting.

7) The TAC, in its former configuration under the former Town Manager, and later in its newer form under the Chairmanship of Nick Pappas, discussed the RBT in August 2021 and December 2021 respectively. Mr. Posner advocated for the bikeway during both meetings.

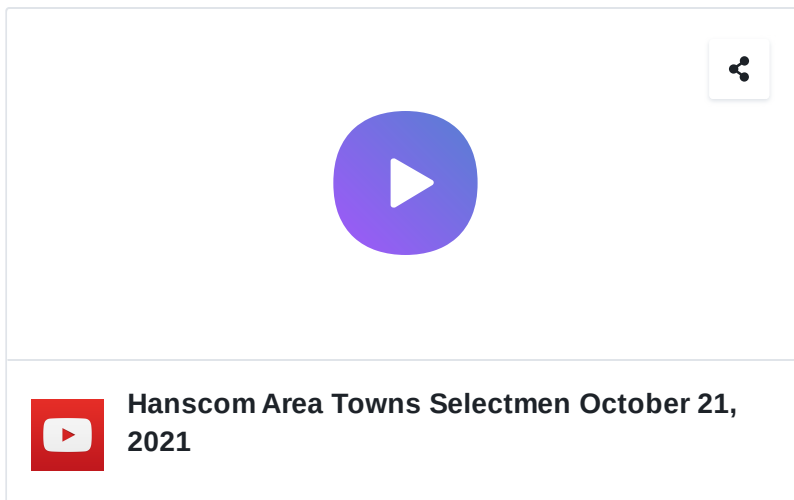
8) Since the submission of Article 46 to the Town Meeting Warrant, its relevance to the Minuteman Bikeway Extension has come up in several hearings. Mr. Posner has not denied the connection and instead has spoken in support of bikeways.

Indeed, he touted Article 46 and the Bikeway Extension at the March 15 meeting of the Board of the Friends of the BFRT - a multi town group of representatives - as a "*dream*," possibly extending the RBT to the BFRT. (He also mentioned Mr. David Loutzenheiser of the MAPC -- see item 9 and 10 below.)

9) As a separate related thread: On March 15, 2021, Mr. Posner spoke to the Select Board about a related but different cycling project- the Nashoba Valley Greenways- and requested support for the group's effort to obtain signage and publicity related grants. [Ms. Marcia Rasmussen was at the meeting and mentioned that she had been going to the meetings in an unofficial capacity.] At this meeting, Mr. Posner mentioned that Mr. David Loutzenheiser of the MAPC was a good friend of his and that Mr. Loutzenheiser had asked him to take over the task of bikeways in the region.

10) Mr. Loutzenheiser himself spoke to the HATS - Hanscom Area Towns' Selectmen - Committee on October 21, 2021 and personally stressed the RBT bikeway connection, along with other projects. He referred to connecting the Minuteman Bikeway to the BFRT as well.

[Hanscom Area Towns Selectmen October 21, 2021](#) starting about minute 15.



Public meetings mentioned above are available on video.

Article 46 was and still is about enabling the Minuteman Bikeway Extension in Bedford and in Concord.

Fwd: Please vote no on Article 46 and yes on Article 47

From: Siragan Gailus (siragan@gmail.com)

To: tbardevyan@yahoo.com; mark_gailus@yahoo.com; arshan.gailus@gmail.com

Date: Sunday, March 27, 2022, 07:20 PM PDT

----- Forwarded message -----

From: Siragan Gailus <siragan@gmail.com>

Date: Sun, Mar 27, 2022 at 10:16 PM

Subject: Please vote no on Article 46 and yes on Article 47

To: <tackerman@concordma.gov>, <sbates@concordma.gov>, <hdane@concordma.gov>, <lescobedo@concordma.gov>, <mjohnson@concordma.gov>, <rlafrance@concordma.gov>

Cc: <klafleur@concordma.gov>, <khodges@concordma.gov>, <moderator@concordma.gov>, <fincomcr@gmail.com>, <maryhartman7@gmail.com>

Dear Members of the Concord Select Board,

Please endorse the unanimous opinion of our Finance Committee and vote to recommend no action on Article 46 asking \$75,000 for a feasibility study, needs assessment, or private consultants.

Consultants are not needed for ordinary maintenance. Article 46 would not serve to foster an open conversation but circumvent one by making the prejudgment that Concord has decided to advance planning for major development on this popular shared trail. There is no consensus that development is the right way. Indeed the trail is cherished by visitors to Concord precisely because of its natural character, rare nowadays for such a walkable path.

Sustainability would be jeopardized by development. The Reformatory Branch Trail is embedded in endangered species habitat and it is not plausible considering our available budgets that encouraging more and faster traffic could be accomplished while protecting biodiversity. Science is actively discovering the crucial importance of 'proforestation,' mature trees in fragmented forests, and spaces for peaceful nature immersion (for physical health, psychology, and promoting climate awareness). Please see for example climate scientist Dr. Kimberly Rain Miner at a Radcliffe seminar emphasizing how especially important rewilding, even in a little and local way, is for us to address our climate crisis at minute 16:51

https://www.youtube.com/watch?v=ehyVFYFkqps&list=PLTt9bwjR4BletInjrJETmklu4xz_vLAYi&index=1

If getting cars off the road is the goal, bicycles already use both the RBT and Bedford Street, and we can work to improve safety for road bicycles on the already paved Bedford Street more quickly, safely, and more affordably than we can replace the RBT with a bikeway and without sacrificing our shared trail, without compromising the safety of slower recreational users, and without litigating endangered species protection issues.

Concord also has higher priorities. \$75,000 is the tip of the iceberg

on projects which, if Bedford's example is instructive, will ask incrementally for tens of millions before producing any results. Grants will ask for millions from the town. Actually, because of the endangered species, Concord's RBT is more involved and projects will be subject to approval by state regulators, with the abutting Fish and Wildlife Service, Concord citizens, and other parties entitled to seek enforcement of endangered species protections.

Why should we not better allocate \$75,000 to repairing existing infrastructure, promoting affordable housing, or providing tax relief to more of our vulnerable neighbors?

Please recommend no action on Article 46 and let us in Concord work together without prejudgments on our public priorities.

Kindly I also ask that you consider recommending affirmative action on Article 47, for reasons I've outlined above.

Thank you for your service to Concord,

Siragan Michael Gailus, PhD
62 Prescott Road, Concord MA
Climate Research Analyst, Arbol

"In the end, our society will be defined not only by what we create,
but by what we refuse to destroy."
John C. Sawhill