

**TOWN OF CONCORD  
SELECT BOARD MEETING  
JANUARY 9, 2023 | 5:30 PM**

**TOWN HOUSE, 22 MONUMENT SQUARE  
SECOND FLOOR MEETING ROOM AND VIA ZOOM**

Join Zoom Meeting

<https://us02web.zoom.us/j/83027286100?pwd=dThCb3ErNHVhNlFhQzhOWi9scmxtZz09>

Meeting ID: 830 2728 6100

Passcode: 480644

Dial In: 646-558-8656

**AGENDA**

#	Time*	Agenda Item
1.	5:30 PM	<u>Executive Session</u> pursuant to G.L. c. 30A, § 21(a)(3) to discuss strategy with respect to litigation regarding Estabrook Road ( <i>Town of Concord v. Rasmussen et al.</i> ), as the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town
2.	6:30 PM	Estabrook Road Legal Update and Trail Signage
3.	7:00 PM	Consent Agenda <ul style="list-style-type: none"> <li>• Meeting Minutes for Approval <ul style="list-style-type: none"> <li>– October 4, 2021</li> <li>– October 15, 2021</li> <li>– February 14, 2022</li> <li>– March 7, 2022</li> <li>– March 14, 2022</li> <li>– March 28, 2022</li> </ul> </li> <li>• Executive Session Meeting Minutes for Approval but Not to Release <ul style="list-style-type: none"> <li>– August 8, 2022</li> <li>– August 15, 2022</li> </ul> </li> <li>• Late License Renewals <ul style="list-style-type: none"> <li>– Sabune Winkler, Tour Guide</li> <li>– Taunya Wolfe Finn, Tour Guide</li> </ul> </li> <li>• Gift Acceptances <ul style="list-style-type: none"> <li>– For the Council on Aging in the amount of \$17,945.00 by the Concord-Carlisle Community Chest</li> <li>– For the Concord-Carlisle Regional School District Field Maintenance Account in the amount of \$50,000.00 by the Friends of Concord-Carlisle Fields</li> </ul> </li> <li>• Town Accountant Warrants for Approval <ul style="list-style-type: none"> <li>– December 22, 2022</li> <li>– January 5, 2022</li> </ul> </li> </ul>
4.		Town Manager's Report
5.		Chair's Report
6.	7:30 PM	Conservation Restriction – Ralph Waldo Emerson Homestead
7.	7:40 PM	Departmental Update – Concord Municipal Light Plant

8.	8:10 PM	Review and Order Annual Town Meeting Warrant Articles
9.	8:30 PM	Review and Approve Select Board Annual Town Report Submission
10.	8:35 PM	Committee Nominations: <u>Concord Housing Development Corporation:</u> Julie McClure of 2128 Main Street for a term to expire May 31, 2026
11.		Committee Appointments: <u>West Concord Advisory Committee:</u> Nicole Hammond of 76 Prairie Street for a term to expire April 30, 2025  <u>Public Ceremonies and Celebrations Committee:</u> Timothy Taylor of 14 Concord Greene, Unit 8 for a term to expire May 31, 2024  <u>Historic Districts Commission:</u> Walter Clay of 675 Sudbury Road as an Associate Member to represent the Planning Board for a term to expire January 1, 2024, Katherine Mast of 66 Blue Jay Drive as a Member to represent the Concord Free Public Library for a term to expire January 1, 2028, William Huyett of 1123 Monument Street as an Associate Member to represent the Concord Free Public Library for a term to expire January 1, 2028
12.	8:40 PM	Select Board Liaison Reports
13.	8:50 PM	Correspondence
14.	8:55 PM	Public Comment
15.	9:00 PM	Adjournment

*\*Times are approximate and subject to change*

<b>Current Board and Committee Vacancies</b>
Agricultural Committee – Associate Member
Bruce Freeman Rail Trail Advisory Committee
Cemetery Committee
Commission on Disability
Comprehensive Sustainability and Energy Committee
Concord 2025 Executive Committee
Conservation Restriction Stewardship Committee
Council on Aging
Financial Audit Advisory Committee
Historic Districts Commission – Associate Member
PEG Access Advisory Committee
Personnel Board
Planning Board
Pollinator Health Advisory Committee
Transportation Advisory Committee
Trustees of Donations
West Concord Advisory Committee
West Concord Junction Cultural District

Zoning Board of Appeals – Associate Member

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October 4, 2021**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened a meeting virtually via Zoom on October 4, 2021 at 6:30pm.

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

**Call to Order**

Chair Ackerman called the meeting to order at 6:30pm

**Consent Agenda**

Agenda item:

- Town Accountant Warrants: September 27, 2021; October 4, 2021
- Gift Acceptance: His Presence Christian Fellowship gift of \$1,000.00 to the Council on Aging Gift Account

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

**Town Manager's Report**

Town Manager Stephen Crane announced that he had been traveling and did not submit a written report for this Select Board meeting.

**Chair's Remarks**

Chair Ackerman reminded the public that the next public meeting would be held on October 18, 2021, with a focus on staffing boards, committees, and commissions with volunteers.

**Adopt 2022 Special Town Meeting Calendar**

TABLED TO A LATER DATE.

**930 Main Street Habitat House Regulatory Agreement**

Liz Rust, Director of the Regional Housing Services Office, made a presentation on the standard regulatory agreement for affordable housing planning and monitoring efforts for the multifamily housing project at 930 Main Street. Ms. Rust noted that there were no unique conditions in the agreement. Mr. Dane asked which party would provide condominium documents for the two condominiums included in the project. Ms. Rust answered that the Town is not a party to the master deed or declaration of trust, Habitat for Humanity will set that process up with the DHCD, so that is why it is not a part of the presentation. Ms. Rust remarked that the condominiums would be held in perpetuity to remain affordable to initial and future households of low and moderate incomes.

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Ms. Escobedo asked if there would be additional costs for homeowners related to the condominium association. Ms. Rust replied that there would be a few additional small fees, but they would remain affordable, and programs for condominium owners would be set up to educate new condominium occupants on best practices for management.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to authorize the Town Manager to execute the DHCD Local Initiative Plan Regulatory Agreement at 930 Main Street.

**367 Commonwealth Avenue: HOME Funds**

Liz Rust, Director of the Regional Housing Services Office, Jennifer Polito, Executive Director of the Concord Housing Authority, and Rick Eifler, a registered architect specializing in residential design in Concord, gave background on the project at 367 Commonwealth Avenue, including a high-level timeline and funding sources. The CHA Executive Director requested the consideration for \$140K in Town-meeting appropriated housing funds and the approval to apply for \$100K of additional HOME funds. Rick Eifler, Chair of the CHA Board of Commissioners made a presentation on the project funding mechanisms. Ms. Escobedo asked if the \$140K being requested was from Town funds would come from money segregated in the past three (3) years for affordable housing funding, and how much money was left uncommitted in that account. Ms. Rust confirmed there was \$635K. Ms. Escobedo also asked what the likelihood of receiving the full \$100K in HOME funding. Ms. Rust answered that the budget would be adjusted, or secondary funding could be requested from the Town's affordable housing fund.

Chair Ackerman asked what would happen if the Town decided to wait to vote on approving to transfer the requested HOME funds. Mr. Eifler spoke to complications with supply chain issues, and with a pending seasonal break in construction, he stated it made sense to put the project out to bid. Mr. Johnson commented that at \$700 per square foot, the cost of the project seemed like it may be unsustainable; thus, he had some wariness casting a vote of approval to transfer the funds. Other Select Board members shared the same sentiment.

**NO MOTION** was made to support the request for the consideration for transfer of Town-meeting appropriated housing funds and the approval to apply for additional HOME funds.

**Concord-Carlisle Community Chest Needs Assessment**

Jennifer Ubaldino, Executive Director of the Concord-Carlisle Community Chest presented an overview of the populations serviced by the organization. She also described how the Community Chest used a Community Needs Assessment to determine funding priorities and continue their role as a community galvanizer.

Town Manager Stephen Crane asked Ms. Ubaldino if she had a sense of the impacts the COVID-19 pandemic had on needs that will exist in the future. Ms. Ubaldino explained that mental health and food security needs have increased, but the issues have existed prior to the pandemic. Conversation between members of the Select Board ensued about opportunities for collaboration between

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organizations, and within the Town to bring attention, funding and change to key gaps in the community.

**Review Loan Application with Massachusetts Clean Water Trust**

Finance Director Kerry Lafleur appeared on behalf of the Board of Health seeking approval to submit a loan application to the Massachusetts Clean Water Trust to borrow the remaining balance of approximately \$512,337.00 from an Article that was approved at the 2009 Town Annual Meeting. The funds will be used to offer low-interest loans to residents to replace septic systems. The loan is secured through a betterment recorded against the property. To date, two programs have benefitted 154 homeowners with low-interest loans secured through the Town of Concord. In 2022, the Town will be borrowing funds from the Massachusetts Clean Water Trust under the 2% interest-rate program, which is an increase from the 0% program the Town had been grandfathered in from 2014 to 2021. The Finance Director stated that the 0% interest rate will still be available to residents, notwithstanding a small cost for the start-up of the new program.

Ms. Lafleur requested that the Select Board authorize Town Manager to submit the Community Septic Program Loan application. Mr. Johnson asked where the money goes when loan recipients make principal and interest payments. Ms. Lafleur answered that a betterment fund is used as a source of funding to repay the loan.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to grant the Town Manager the authority to file a community septic program loan application seeking \$512,337.00 in funding authorized from *Article 42 ATM 2009*.

**Review Concord Municipal Affordable Housing Trust Charge**

Ms. Escobedo introduced Keith Bergman, Chair of the Concord Affordable Housing Trust to explain the Trust's launch plan. Mr. Bergman presented a recommended vision statement developed to describe the function of the Trust and create context as to how it was formed through a study and actions voted on at Town Meeting.

Mr. Bergman asked the Select Board to nominate several volunteers to serve on the Municipal Affordable Housing Trust. He stated it was the Trust's recommendation to provide that the minimum number required by the bylaw be five (5) members. Chair Ackerman asked Mr. Bergman for confirmation that the vision statement would be an approved policy/goal statement to conduct outreach with the public. She also asked how the Trust will collaborate with other housing stakeholders.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the Concord Municipal Affordable Housing Trust vision statement as included in the October 4, 2021 Select Board meeting packet and set the number of members of the trust at five (5) pursuant to the Concord Municipal Affordable Housing Trust Bylaw *Sec. 6 Item 18*.

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Input to Town Manager on Finance Committee Guidelines**

Ms. Bates commented that one of the biggest sources of expense increases in the School Department's operating funds is personnel due to the pandemic. Initiatives should fit around reinvesting in Schools. Mr. Johnson commented that social services aspects of the Town budget should receive strategic prioritization. Ms. Escobedo stated that the Town should focus on recruitment and competitive salary guidelines. Mr. Dane brought up that the financing for the new Middle School would need to be managed carefully, otherwise it could have heavy tax impacts. Chair Ackerman voiced that she felt as though Concord was getting behind on setting a welcoming tone regarding transportation in comparison to surrounding communities. The Chair remarked that the Town needed to prioritize applying for and spending the federal and state revenues in circulation, which can specifically be allocated toward infrastructure improvements.

**Designate Alternate (Clerk) to Approve Warrants**

Chair Ackerman requested to amend a previous Select Board vote so that the Clerk can approve the Warrant in absence of the Chair until it goes to the full Select Board.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to amend the original vote taken on October 7, 2019 under *Agenda Item #8* to allow the Chair of the Select Board, in his or her absence, to allow for the Clerk of the Board to approve all bills, drafts, orders, and payrolls not otherwise presented for approval at a posted meeting to the full Select Board; provided however, that if such bills, drafts, orders, and payrolls are approved by the Chair of the Select Board, or in his or her absence, the Clerk of the Board; he or she, shall make available to the Board a record of such actions and further, to ask the Board Clerk to include such on the next notice for the meeting of the Board.

**Process for Appointing DEI Commission and Concord 2025 Executive Committee**

Mr. Johnson reported that five individuals have been interviewed for the DEI Commission, and two more had been scheduled for the upcoming week. He has also been sending out public notices online to encourage applicants. The Commission is looking for nine (9) members.

Mr. Dane reported that approximately 40 prospective members were interviewed for membership on the 2025 Executive Committee, and fifteen individuals had exceeded the criterion for the Committee, however, no individuals had been chosen yet.

**Committee Nominations**

Mr. Johnson confirmed the following nomination for appointments to the 2229 Main Street Advisory Committee:

- Pam Rockwell, 1810 Main Street, term expiring April 30, 2024
- Len Rappolli, 34 Everett Street, term expiring April 30, 2024
- Fred Seward, 158 Spencer Brook Road, term expiring April 30, 2024

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Chair Ackerman confirmed that their appointments will be on the agenda for consideration at the next Select Board meeting.

**Committee Liaison Reports**

Ms. Bates reported that the White Pond Advisory Committee met and approved their vision statement which will be reviewed by the Select Board in the beginning of November 2021.

Mr. Dane reported that the Zoning Board of Appeals received an appeal for the denial of an earth removal permit for the Main Street Construction Project which was filed by the applicant, and an agenda item should be established for the next Select Board meeting to discuss a legal strategy and budget on the topic.

**Public Comment**

Several residents voiced concerns about roadway safety issues at Junction Park. Other comments were made regarding the benefits and incentives in green infrastructure.

**Adjourn to Executive Session**

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to adjourn to executive session, not to return to regular session, to discuss strategy with respect to litigation regarding Estabrook Road, as the chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

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October 15, 2021**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting online via Zoom on October 15, 2021 at 2:00pm.

Present were: Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane, Susan Bates, and Linda Escobedo. Also present was Town Manager Stephen Crane; Senator Michael J. Barrett; and Representative Tami L. Gouveia

**Call to Order**

Chair Ackerman called the meeting to order at 2:00pm

**Discussion – Massachusetts 2021 Proposed House Legislative Districts**

Senator Michael J. Barrett spoke to the unique situation in which the Town of Concord decided to redistrict before surrounding towns began the process of re-precincting; he pointed out that the Town's redistricting utilized the 2011 precinct lines, which are boundaries the Legislature declared would act as 2021 census artifacts for re-precincting to be based on. Chair Ackerman asked if the Senate was redistricting, or if Concord would remain entirely under the representation of Senator Barrett. Senator Barrett replied that he would still be representing all of Concord.

Representative Tami L. Gouveia asked if there were more specific points to discuss on how new district boundaries would be drawn, and what the implication might be regarding moving more voters into two House Districts. At that point in the meeting, questions and comments were directed to Senator Barrett and Representative Gouveia from the Select Board.

Mr. Dane asked if the Town could use 2011 census data to re-precinct congruently with the State's model. Sharing the same sentiment, Town Clerk Kaari Mai Tari, added that there were complications with plugging 2010/2011 census data to re-precinct certain boundaries in Town as it would result in an unbalanced population between voting districts. Senator Barrett commented that any re-precincting to address issues with population balance could still take place up to December 15, 2021.

Town Manager Stephen Crane asked what kind of suggestions the House and Senate could offer the Town of Concord for re-precincting before the December deadline. Questions arose regarding the timing for the Town to solicit a legal opinion, and if an extension from the December deadline could be requested. The Town Manager and Senator Barrett also discussed the efficacy of working with other Middlesex communities for a resolution on the precinct boundaries.

Mr. Johnson asked if other states had taken the approach of using 2010/2011 precinct data to draw 2020 boundaries based on 2020 census data, or if Massachusetts was a pioneer in that endeavor. Mr. Johnson also asked if Senator Barrett or Representative Gouveia were aware of other municipalities undergoing similar situations, and if it would be better for Concord to join a collective or association. Senator Barrett shared that amongst other factors, the COVID-19 pandemic effected census collection, and data became available much later than anticipated; thus, makeshift arrangements have been made by states across the country to meet redistricting requirements. Mr. Johnson asked if the Senate votes on the plan. Senator Barrett answered that the House and Senate collaborate on congressional lines, but the Senate has no impact on the House redistricting.

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Ms. Bates noted that a part of the Middlesex 14<sup>th</sup> District was absorbed into Lincoln and asked what the rationale for that new boundary was. Senator Barrett answered that there was a substantial difference in the populations between Lincoln and Concord. Representative Gouveia commented that the socio-demographics between the two communities were similar. Representative Gouveia also spoke to some of the ripple effects that sticking with the law and creating majority/minority districts wherever possible is having on other communities in the periphery of Framingham and even further west in the Commonwealth. Over time, it would not be mathematically or geographically feasible to keep a single town within one district. Mr. Dane opined that more representation in the House overall would reduce the need to divide Concord into multiple House Districts.

**Public Comment**

A Concord resident asked when re-precincting will take place and affect average voter. Town Clerk Kaari Mai Tari answered that it would take effect on December 31, 2021 with the additional delayed deadline for towns to submit maps and re-precincting; however, that process is contingent on State approval.

A Concord resident asked who acts as the final body in deciding and drawing where precinct boundaries in Concord would be. Town Clerk Kaari Mai Tari answered that the Select Board will vote to approve a precinct map and physical description which gets forwarded to the State for final approval.

A Concord resident asked if the Legislature could redraft the precinct lines according to what is known about the current Concord population data, while retaining the same number of precincts in each district. Senator Barrett affirmed that the House could make adjustments of any kind, whether it be the relationships of MetroWest communities, or broader options; however, an appeal would need to be filed by October 18, 2021. Town Manager Stephen Crane remarked that he'd like a better sense from the MMA of how many other communities are experiencing re-precincting challenges so that litigation may be pursued under the auspices of a larger group.

Chair Ackerman and Mr. Crane discussed reaching out to surrounding communities to define a grievance precisely, yet cast it broadly for resolutions which may be narrowly focused for the Concord community.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to adjourn.

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February 14, 2022**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting virtually via Zoom on February 14, 2022 at 6:30pm.

Present were: Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane. Susan Bates, and Linda Escobedo. Also present was Interim Town Manager Kerry Lafleur

**Call to Order**

Select Board Chair Terri Ackerman called the meeting to order at 6:30pm

**Consent Agenda**

Amended as follows:

- Sunday Entertainment License at 51 Walden Street on March 27, 2022 from 1pm to 5pm
- One Day Special Liquor License
  - Forklift Catering, 301 Reservoir Street, March 3, 2022, 6:00pm-8:00pm, Wines & Malt Beverages Only

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

**Town Manager's Report**

Interim Town Manager Kerry Lafleur announced that the Town of Concord received an MVP Grant for a DC fast charger which will be installed at Rideout Park. Ms. Lafleur notified the Select Board of the launch of the Community Compost Pilot Program at the Beede Center and 55 Church Street for residents. The Interim Town Manager reported that the Department of Energy Resources is in the process of updating the Stretch Energy Code and provided details regarding how the public can provide comments and the deadline. Ms. Lafleur stated that the Town received over 500 Bruce Freeman Rail Trail surveys regarding Junction Park safety issues. The Town Manager spoke to some of the new requirements of the EPA's 2022 NPDES general permit renewal. Ms. Lafleur also updated the Select Board that the Health Division staff in conjunction with the Board of Health Chair and Director Marcia Rasmussen developed a draft waiver process to the mask mandate to be discussed at the next Board meeting on February 15<sup>th</sup>.

Additionally, Ms. Lafleur announced that the Concord Economic Vitality and Tourism Manager will be setting up four (4) focus groups to gather stakeholder input on doing business in Concord with the goal to make recommendations for improvements. Staff from the Town Manager's office, Natural Resources and Health Divisions, will be meeting with the Water Quality subcommittee of the White Pond Advisory Committee this week to discuss sampling and monitoring to be conducted at the pond in 2022. Several updates on activities that the Council on Aging has organized. The Interim Town Manager concluded her report by reminding the public that the Main Street Library would be closing temporarily to accommodate scheduled carpeting work.

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**Chair's Remarks**

Select Board Chair Terri Ackerman reminded the public that the next public meeting would be held on February 28, 2022, beginning with a brief Select Board session at 6:30pm, before shifting to a Public Hearing for the Annual Town Meeting. Chair Ackerman also announced the dates of the other upcoming Public Hearings.

Chair Ackerman observed that although there were still complications with the Omicron variant, COVID-19 cases seemed to be on the decline. The Chair asked her fellow Select Board members their thoughts on starting to regularly meet in-person again after the February 28<sup>th</sup> session. Chair Ackerman concluded her remarks by stating that the Bruce Freeman Rail Trail Advisory Committee will be hosting a public forum regarding the Junction Park conceptual redesign on February 16<sup>th</sup>.

**Assabet River Bridge & Trail Update (cost to permit)**

Marcia Rasmussen, Concord Director of Planning & Land Management made a presentation in response to questions recently raised regarding the total cost for the completion of the engineering, design, permitting and construction documents for the Assabet River Bridge & Trail. She stated that the project has already been advanced through conceptual design, with public involvement. The Bridge Type Selection Report is currently being finalized for submission to MassDOT. Director Rasmussen also provided information on the need for project funding.

Select Board member Susan Bates asked what would happen if the project was not included in American Rescue Plan Act (ARPA) spending. Director Rasmussen identified that another source of funding would need to be utilized if ARPA funds could not be allocated to the project. Select Board Clerk Matthew Johnson asked what other projects the Town had on the state's Transportation Improvement Plan (TIP). Director Rasmussen estimated that the project could be funded within three to five (3-5) years if the design phase reaches 100%, which designates the project as being shovel-ready.

**Christopher Heights: Concord HOME Funds**

Upon declaring his status as a nearby abutter, Select Board Clerk Matthew Johnson recused himself from the deliberation on this agenda item and turned off his camera and microphone.

Elizabeth Rust, Director of the Regional Housing Services Office (RHSO) made a request to the Select Board to direct \$144,345 of HOME funds to the Concord Christopher Heights (Junction Village) project. RHSO Director Rust described the background of the Concord Christopher Heights project and spoke about the previously awarded funds. Director Rust stated that the consideration for this request stems from extreme increases in construction costs resulting in a change of approach for Commonwealth Avenue and a funding gap for Christopher Heights.

Select Board member Henry Dane asked for clarification on the Finance Committee's involvement in fleshing out exact sources of funding, and what the financial benefits to the developers might be. Chair

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Ackerman also followed up to ask for the total amount of the development fee which is being deferred. Director Rust replied that the amount was approximately \$1.3 million.

Select Board member Linda Escobedo asked if funds for the Assabet River Bluff project are approved at Town Meeting, could the FY23 Concord HOME funds allocation additionally go to Christopher Heights. Director Rust answered that the funds can only be used on a project that is fully budgeted, so it may be a few years before there is an indication if HOME funds will be eligible for Assabet River Bluff project. Select Board member Henry Dane commented that MBTA's forthcoming zoning initiatives may affect the Town's entire housing policy, which had been drafted to accommodate the challenges of Chapter 40B. He asked if the HOME funds could be allocated to different eligible projects. Chair Ackerman noted that the new MBTA regulations would be discussed at an upcoming Agenda in March. Director Rust replied that irrespective of a general Housing policy, the allocation of HOME funds to the Concord Christopher Heights (Junction Village) project would happen in relation to the timetable for the release of this source of funding.

Upon a motion duly made and seconded, by a margin of 3-1 with one member abstaining, it was

**VOTED:** to approve the request from the Regional Housing Services Office to transfer \$144,345 of HOME funds from its previous allocations as detailed in the Memo dated, February 3, 2022 to the Concord Christopher Heights (Junction Village) project.

Select Board Clerk Matthew Johnson rejoined the meeting.

**Approve Ripley Formula for Carlisle and Concord**

Interim Town Manager Kerry Lafleur detailed some of the specific capital improvements planned for the Ripley Administration Building and provided the public a sense of what the project will entail over the estimated multi-year process. The Interim Town Manager mentioned that Concord had preliminary discussions of a possible approach to Carlisle contributing to the improvements. A proposal for a cost-share agreement was developed after the Carlisle Town Administrator asked the schools to propose a means of calculating a share of the projects. There has since been more discussion in Carlisle, however, no formal agreement has been reached, making it an appropriate point in time for the Select Board to discuss the methodology and proposed split of costs.

Chair Ackerman asked what general challenges exist with the formula for the Town of Carlisle. Interim Town Manager Lafleur answered that the general issue is from a philosophical standpoint is that Carlisle is still making a determination if they will front costs for capital improvements at a building that is physically located in the Town of Concord. Conversation took place amongst the Select Board and Interim Town Manager Lafleur about the operating costs in the future, as well as which communities would utilize various amenities, such as the gym, etc. Interim Town Manager Lafleur noted that she would arrange to follow up with the Carlisle Town Administrator to address long-range planning.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to approve the capital formula calculation for the Ripley Administration Building as presented in the February 14, 2022 Select Board packet.

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**American Rescue Plan Act (ARPA) Follow Up**

In January 2022, the Select Board held a forum to develop initial priorities for allocating ARPA investments. Interim Town Manager Kerry Lafleur spoke to the merits of the ARPA proposals suggested by the community at the last forum and recommended working with the Select Board and Town subcommittees to divide various project proposals into seven (7) different groups: affordable housing, broadband, transportation, public health, economic vitality, salaries, and “other.”

At a high-level, the Select Board were prepared to comment on every project published on page 16 of the February 14, 2022 Select Board meeting packet, and have each member rank twenty-six (26) potential ARPA project proposals on a scale of 1-3 to prioritize importance/urgency.

Select Board member Henry Dane commented that there may be other state and federal funding mechanisms in place which could affect the Town’s investment in affordable housing, thus it would make prioritizing these projects at a high-level complicated. Select Board Clerk Matthew Johnson voiced his position that he did not want to vote on the prioritization of ARPA projects because he believed that the funding should be rolled into the town’s annual budgeting process and vetted through Town Meeting.

Chair Ackerman opined that the Select Board should move forward with the exercise of prioritizing the projects so that the Town could make informed decisions on what funding might go into capital expenditures, operating costs, or enterprise funds, as an example. Select Board member Linda Escobedo voiced concerns about committing to new fixed costs of the budget without being sure if they are sustainable, and other members shared similar sentiment. The Select Board body determined that more information on the current needs and initiatives of the Town Departments would be helpful to put together a framework for where ARPA investment is the most needed, and where these allocations could be consolidated.

**Code of Conduct**

The Board reviewed the draft municipal employee Code of Conduct that was included in the packet. Select Board member Henry Dane commented that the Code of Conduct seemed to be too extensive. Select Board member Linda Escobedo commented that the document was a helpful reminder for best practice expectations and that some of the wording could be revised. Several other Select Board members emphasized that the Code of Conduct could be drafted with a more inviting “guideline” overtone which broadly address all Concord government participants.

**DEI Training for All Boards & Committees**

Chair Ackerman posed the question if other Select Board members thought it would be appropriate to hire a consultant to engage in municipal DEI trainings on potential topics separate from the School Department’s recent training. Conversation ensued about customer relations training for Town employees. Chair Ackerman asserted that the best action moving forward would be to get DEI Commission recommendations and consider the timeline for and schedule for training events.

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**Liaison Reports**

Select Board member Susan Bates reported that the West Concord Cultural District Committee met to continue their discussion about the upcoming mural unveiling which might happen in conjunction with “Porchfest” on September 24, 2022. The Commission on Disabilities met and discussed a citizen petition article to fund a feasibility study for the Reformatory Branch Trail. Select Board member Bates also reported that the White Pond Advisory Committee has been focusing on access to the pond from Bruce Freeman Rail Trail and reviewing their business management plan.

Select Board member Henry Dane gave an update on the efforts of the Public Ceremonies and Celebrations Committee to hold Patriot’s Day in 2022.

Select Board Clerk Matthew Johnson reported that the Bruce Freeman Rail Trail Committee is preparing for the first upcoming public forum, and that the Committee released a survey about safety issues at the West Concord Junction.

Select Board member Linda Escobedo stated that the Concord Affordable Housing Trust finalized their final policy guidelines. They will meet with Planning Department stakeholders for further comments on those policies. Ms. Escobedo also reported that the Historical Commission was working on appealing MassDOT’s planned improvements along parts of Route 2A/Battle Road.

**Committee Nominations**

Select Board Clerk Matthew Johnson confirmed the following nomination for appointment to the Trustees of Town Donations:

- Eric Macy, 225 Prairie Street, term expiring December 31, 2025

Chair Ackerman confirmed that this appointment will be on the agenda for consideration at an upcoming Select Board meeting.

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to appoint John J. Arena III of 70 Beharrell Street, Unit 327 to the Concord 2025 Committee for a term to expire on December 31, 2025

**Miscellaneous Correspondence**

The February 14, 2022 Select Board meeting packet included a letter to Governor Baker for assistance persuading MassDOT to reconsider their current plans for Route 2A/Battle Road. The meeting packet included a Minuteman Regional Vocational Technical School District flyer to illustrate the school’s value to the business community. Also included was a letter from Peter Gifford and neighbors regarding Estabrook Woods.

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**Public Comment**

Residents voiced support for the transparency in of the discussion of ARPA allocation, and recommendations were also made to try to split DEI training with the School Department in the future to save costs. Other comments were made imploring the Town to avoid using fossil fuel infrastructure and to work towards sustainability goals.

**Adjourn to Executive Session**

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to adjourn to Executive Session, not to return to public session, to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

**Town of Concord  
Select Board  
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March 7, 2022**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both via Zoom and in person at 22 Monument Square on March 7, 2022 at 6:30pm.

Present were: Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane, Susan Bates, and Linda Escobedo. Also present was Interim Town Manager Kerry Lafleur

**Call to Order**

Select Board Chair Terri Ackerman called the meeting to order at 6:30pm

**Consent Agenda**

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

**Town Manager's Report**

- The Interim Town Manager Ms. Lafleur provided a brief summary of the updates and projects as presented in the report.
- On March 13-18th Town Manager will be on vacation, and Deputy Town Manager Kate Hodges will serve as Acting Town Manager.

**Chair's Remarks**

- The Select Board will be meeting live from now on in Townhouse on second floor with zoom capability hybrid. There are 3 more public hearings for Town Meeting March 8, 10, and 17th.
- On April 3rd The League of Women Voters is having a candidates' forum.
- On April 12th there will be annual town election.
- May 1st Annual Town Meeting
- March 20th Will be the Honored Citizen of the Year Ceremony.
- Chair's Breakfast will be on March 16th.

**Hutchins Farm Land Transfer**

Delia Kaye, Natural Resources Director shared background on the Hutchins Farm Land Transfer. The Natural Resource Commission, The Planning Board, and Board of Assessors have voted to authorize the transfer, which concerns the swapping of parcel aa within the existing Agricultural Preservation Commission with parcel bb into the Agricultural Preservation Commission, this is the first action being requested of the Select Board.

Dennis Crimmins, attorney for Hutchins Farm spoke to the matter of this land being subject to General Laws Chapter 61a, in which a transfer of the property within Agricultural Preservation Commission may trigger a first refusal. Mr. Crimmins spoke to this "complicating factor" and requested the second action of having the Select Board waive its right of first refusal.

Mr. Dane asked if the documentation regarding the waiver had been reviewed by Town Counsel. Ms. Kaye responded it had been reviewed by Town Counsel, and clarified that the Natural Resources Commission has voted to accept the transfer, and that this Select Board vote is to consider whether the Natural Resources Commission's decision was appropriate.

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Mr. Johnson asked if there was any anticipated development on or near parcel AA, and if parcel BB is intended to be cleared of trees for agricultural purposes or any like changes.

Mr. Gordon Bemis, Manager on Hutchins Land Company and Hutchins Farm, stated that there is no intention to develop parcel AA after incorporation into 806 Monument Street, and that parcel BB contains a road accessing the farm and will put that road on farm property.

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to not exercise the town’s right of first refusal in accordance with Mass General Laws Chapter 61a for the parcel of land as shown in Parcel AA on a “Plan of land in Concord MA owned by the Hutchins Realty Trust, The Oak Tree Homestead LLC, 820 Monument Street Nominee Trust, and Hutchins Land Company LLC dated January 14, 2019 by Pearly Engineering LLC recorded as plan number 444 of 2019 in the Middlesex South District Registry of Deeds, which Parcel AA contains according to such plan 3,534 square feet approximately.”

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to accept the confirmatory Agricultural Preservation Restriction shown as Area 6 on a plan of land in Concord MA owned by Hutchins Realty Trust dated November 25th 1988 by David W. Pearly Civil Engineers recorded as plan number 1404 of 1989 in the Middlesex South Registry of Deeds in plan record book as 20,287 page 63 excluding Parcel AA on a “Plan of land in Concord MA owned by the Hutchins Realty Trust, The Oak Tree Homestead LLC, 820 Monument Street Nominee Trust, and Hutchins Land Company LLC” dated January 14, 2019 by Pearly Engineering LLC, recorded as plan number 44 of 2019 in the Middlesex South Registry of Deeds and including Parcel BB on said plan number 444 of 2019.

**Review Proposed Guidelines of the Concord Municipal Affordable Housing (CMAHT)**

Keith Bergman of 56 White Avenue, Chair of the Concord Affordable Housing Trust, joined by the President of the Concord Housing Foundation, provided an update and proposed interim guidelines for the trust, as included in the packet.

They identified three documents to reference for interim guidelines, including

- The 2018 Envision Concord Long Range Plan (housing component)
- The 2015 Housing Production Plan
- Community Preservation Committee guidelines for criteria for community housing projects

These documents served as a jumping off point as 8 goals were taken from the Housing Production Plan, 5 from Envision Concord, and 9 from the Community Preservation Committee. Mr. Bergman provided an update regarding the application of the Assabet River Bluff project, which they’ve recommended and approved. Mr. Bergman noted that the next iteration of the guidelines will be much more robust after an anticipated update to the Housing Plan.

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The Board then asked Mr. Bergman a series of questions regarding the update on the Assabet River Bluff Application and the financial planning criteria for the project, as there were no certain assessments on the 3 proposed units.

Mr. Bergman answered that the applicant has not yet provided this specific information. Estimates of cost per unit were extrapolated from larger project estimates.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the interim policy guidelines for the use of funds a recommended by the Concord Municipal Affordable Housing Trust.

**Discussions with Jason Bulger: Volunteer Database, Broadband Reorganization and 5G**  
Chief Information Officer (CIO) Jason Bulger gave an update regarding the search, in conjunction with Town Clerks Office, for database solutions for tracking committee appointments and vacancies. Mr. Bulger noted that the website provider does not have a ready solution for a database, which means it cannot be integrated to the website at this time. In the interim, more timely reports and accurate information will be put into a better tracking system. It's going to be live soon after testing the new software package.

Mr. Bulger and the Board engaged in a discussion regarding database solutions, and website integration. Ms. Ackerman commented it would be helpful for Select Board liaisons to get a monthly or quarterly report to track vacancies or applications.

Ms. Lafleur commented that with no immediate solution to automatically integrate the database into the website, the interim solution will require coordination as the Senior Administrative Assistant in the Town Manager's Office is responsible for receiving interest forms on the front end, and the Town Clerk's Office is responsible on the back end once the appointment is made to manage the appointment, swear them in, and meet legal requirements.

Mr. Bulger gave an update on the status of broadband reorganization efforts. Mr. Bulger has stepped in to provide immediate assistance in the absence of a Director of Telecom to oversee the Concord Broadband Division. Mr. Bulger provided a long list of updates on hardware purchases, needs assessments, reporting, staffing, and communications.

Mr. Bulger and the Board engaged in a discussion regarding staffing of positions, the causes of the installation backlog, service upgrades to be more competitive in the market, and the upgrades made in response to the broadband outage.

The Board, Mr. Bulger, and Karlen Reed of 83 Whits End, Chair of the PEG Access Committee had a brief discussion regarding 5G, with the understanding that due to the urgency of the topic, further discussion is needed when not under a shortage of time.

**Letter to Fish & Game re: Trout re-stocking in White Pond**

Beth Kelly, Co-Chair of the White Pond Advisory Committee provided background about the contents of the letter to MA Fish and Game concerning the re-stocking of Rainbow Trout as they may act as a

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contributor to algae blooms. The letter asks Fish and Game not to stock Rainbow Trout for the Spring Season.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the Chair to write a letter on behalf of the town, seeking to prevent the stocking of Rainbow Trout in White Pond in 2022.

**Update on Keyes Road cell tower**

Deputy Town Manager Kate Hodges provided an update on the Keyes Road cell tower. There was some discussion on the board about the balloon test, as well as information from Verizon Wireless regarding the project.

**Beede Center parking issue**

Anna McKeown the Recreation Director described challenges with unauthorized parking at the Beede Center on 498 Walden Street. The packet contains a Memo from Kate Hodges summarizing the formal request for parking restrictions at this location.

The Board then engaged in a brief discussion surrounding questions of the gate at the entrance, which is out of order, enforcement options available, which include fines and towing, and the identification of Beede Center members, which is done with a placard they receive for their vehicles.

Wendy McNally of 178 Westwood Road stated that she is a member of the Beede Center and has been late to Center classes due to parking issues, and this has been a great frustration for members, affecting their quality of membership to the center.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve a formal parking restriction for the Beede Swim and Fitness Center parking lot that allows for Beede customers, staff, and certain school department vehicles only, as agreed upon by the town since the Driver's Education Vehicles park in the Beede lot.

**Take Position on Town Meeting Articles -- 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 23, 27, 28, 36, 37, 38, 48 and 49**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 3: Meeting Procedure, Article 5: Classification and Compensation Plan for Regular-Status Positions, Article 7: Use of Free Cash, Article 11: Senior Means-Tested Property Tax Exemption, Article 12: Appropriation for Senior Means-Tested Tax Exemption, Article 13: OPEB Trust Fund Appropriation, Article 14: OPEB Trust Fund Expense, Article 16: Citizen Petition: Five-Year Moratorium on the Installation of Synthetic Turf on Town Land, Article 27: Amend Departmental Revolving Funds Bylaw, as printed in the warrant, and no action on Article 48: Unpaid Bills and Article 49: Debt Rescission as printed in the warrant.

The Board had a brief discussion on Article 4: Ratify Personnel Board Classification Actions.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on article 4 as printed in the warrant.

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The Board had a brief discussion on Article 6: Personnel Bylaw Amendment.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on article 6 as printed in the warrant.

The Board agreed to have a discussion on Article 23: Citizen Petition: Ranked Choice Voting for Concord Elections at a later date with the petitioner present.

The Board had a brief discussion on Article 28: Authorize Expenditure of Revolving Funds Under Massachusetts General Laws Chapter 44 Section 53 E ½.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on article 28 as printed in the warrant.

The Board had a discussion regarding procedure on Article 36: Adopt Local Ballot Option Pursuant to Massachusetts General Laws 53.

The Board agreed to have a discussion regarding Article 37: Citizen Petition: Authorize Select Board to Petition to Impose a Checkout Bag Charge and Article 38: Citizen Petition: Development Plan for Municipal Solar Generation at a later date with increased input from various committees.

**Committee nominations**

Keith Bergman, 56 White Avenue, as Metropolitan Area Planning Council (MAPC), Town Representative.

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to re-appoint Theo Kindermans, 252 Fairhaven Road, Zoning Board Appeals for a term expiring April 30, 2025, and Ravi Faiia, 169 Plainfield Road, Zoning Board Appeals for an associate term expiring April 30, 2025

**Liaison Reports**

- Ms. Escobedo as the Board Liaison of the Concord Housing Authority and the Cemetery Committee provided an update on recent projects.
- Ms. Bates as the Board Liaison of the Personal Study Task Force, the West Concord Junction Cultural District, the Vitality Committee, and the Natural Resource Committee provided an update on ongoing projects.
- Mr. Johnson as the Board liaison of the Pollinator Health Advisory committee, the Bruce Freeman Rail Trail committee, the Finance Subcommittee of the Concord Middle School Building Committee, the Trails committee, and the 2229 Main Street Committee provided an update on ongoing projects.
- Mr. Dane as the Board liaison of the Civil War Monument Task Force and the Public Ceremonies and Celebrations Committee provided an update on ongoing projects.

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**Correspondence**

The Chair recognized there was no miscellaneous correspondence to discuss.

**Public Comment**

Courtney Whalen, of 65 Dover Street thanked the Board for starting to move forward on the topic of 5G, as it is a matter of urgency. Ms. Whalen encouraged the Board to keep this matter present of mind as it is time sensitive, and that without a policy in Concord, residents would be vulnerable to exclusive interest of the telecom companies.

Diane Proctor, of 57 Sudbury Road commented that for attendees of the meeting on Zoom, when they select the raise hand feature, it was not being noticed by the Chair. Ms. Proctor's second comment was that in the absence of a robust town newspaper, she would urge the town to help inform people on items on the ballot of the upcoming local election.

Pamela Dritt, of 13 Concord Green Unit 4 commented that she is strongly in favor of the proposed warrant article petitioning for a 10-cent bag charge because it wouldn't change the economics of the situation but make it visible so people can opt in and save themselves, businesses, and the town money. She noted that it had statistically and experimentally been shown to be effective and she is in favor of it.

Upon a motion duly made and seconded, it was **UNANIMOUSLY VOTED:** to adjourn the meeting.

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March 14, 2022**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both via Zoom and in person at 22 Monument Square on March 14, 2022 at 6:30pm.

Present were: Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane, Susan Bates, and Linda Escobedo. Also present was Deputy Town Manager Kate Hodges

**Call to Order**

Select Board Chair Terri Ackerman called the meeting to order at 6:30pm

**Brief Announcement on Patriot's Day**

Chair Ackerman announced that the Town of Concord would be celebrating Patriot's Day this year thanks to the efforts of the Public Ceremonies and Celebrations Committee. The Meriam's Corner Exercise is scheduled for April 9, 2022, the Patriot's Day Parade will take place on April 18, 2022, and the Dawn Salute will be at Buttrick Hillside on April 19, 2022.

**Presentation: Roadmap to Concord – Transportation and Mobility**

The Transportation Advisory Committee (TAC) prepared a roadmap to improve transportation systems in Concord. TAC Chairman Nick Pappas delivered a presentation on behalf of the committee to convey the ideas and specific transportation goals to garner more input from the community on this topic. In the presentation, Chairman Pappas identified challenges in Town that inhibit mobility include the lack of a comprehensive transportation plan and funding mechanism. In their presentation, the TAC identified a high-level, long-range plan for improving transportation and mobility in Concord that includes implementing a focal point in town government, implementing sustainable solutions, providing service to the underserved, and supporting local businesses while respecting Concord's history and natural assets.

In order to convey the roles that the Department of Public Works fulfills for the Town, Alan Cathcart, Director of Concord Public Works shared the General Fund Five-Year Capital Plan for FY23-FY27 to identify the costs of replacing and repairing existing infrastructure. The Director stated that the Department of Public Works would require approximately \$34M over the next five years to fund capital improvement projects. Taking a comprehensive approach to improving transportation and mobility in Town would require an evaluation of the Town's current assets, so that projects could be prioritized, and in some cases integrated into other projects. This would be accomplished by working collaboratively with TAC, the Select Board, and the community to make decisions about where the highest needs exist, and how to procure supplemental transportation-related grants/programs to fund construction and engineering services.

Marcia Rasmussen, Concord's Director of Planning & Land Management stated that the Town has been working on a Complete Streets Program since 2015. She spoke to the importance of identifying and implementing opportunities for enhancing transportation throughout the Town to support economic, social equity and recreational needs. Director Rasmussen commented that a challenge presented during the COVID-19 pandemic was the decreased need for shuttle buses, school buses, and other on-demand transportation. Director Rasmussen explained that a Complete Streets approach is necessary to create inter-community connections that the public can use to travel. The Department of Planning & Land Management opportunistically seeks sources such as grants to address funding.

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Deputy Town Manager Kate Hodges remarked that when it comes to long-range transportation planning, it will be important to consider the aspect of human services. As an example, the Council on Aging works proficiently to get transportation for the Senior community; however, the Town does not have data on individuals under the age of 60 who need assistance with rides, so there is a need to develop a plan based on more community input. Phil Posner, Clerk of the Transportation Advisory Committee asked that as the Town proceeds to deliberate, pedestrian safety be considered in designs and priorities.

Matthew Johnson, Select Board Clerk asked for clarification if there is another funded project that is expected to be completed at the West Concord Junction, separate from the approximate \$1M that was requested in the FY23-FY27 capital improvement plan. DPW Director Cathcart confirmed that construction in the West Concord Junction area is planned as a part of the Complete Streets grant that the Town has already received; that work will be bid for the summer of 2022. Mr. Johnson also asked if American Rescue Plan Act (ARPA) funds would be used to alleviate some of the costs of the General Fund Five-Year Capital Plan. Director Cathcart answered that he was not sure about how ARPA funding was being allocated. The only vessel that he currently knows of is Water/Wastewater funding which will be distributed through the federal government by the state revolving fund. Select Board Clerk Johnson also asked what projects the Town has on the Commonwealth's Transportation Improvement Program (TIP) and what other projects the State is likely to identify in Concord. Director Cathcart spoke about meetings with MassDOT on potential rotary improvements, however, there is no significant information available regarding transportation improvements listed on the TIP.

Select Board member Linda Escobedo asked if there are any additional resources needed for the planning process beyond applying for grants and working with outside engineering consultants. Director Cathcart responded that it is important that the Town work on a process to identify and connect the needs and interests of the community and its stakeholders. Director Cathcart recommended that TAC might be the appropriate body to create a transparent criterion to vet projects based on the cost and scope of road safety improvements. Marcia Rasmussen, Director of Planning & Land Management suggested developing the criteria amongst the Select Board, Planning Board, Public Works Commission, Disability Commission, TAC, the Concord residents, and business owners. In addition to infrastructure upgrades, Director Rasmussen also stated that the Town needs to invest in solutions to get people from outside Concord's borders to their destinations in Town. The management of tourist flow for 2025 and beyond also must be considered. Amanda Kohn, Concord Sustainability Project Manager added that all of the topics at hand are important to Sustainable Concord for reducing fuel emissions. Ms. Kohn requested that the Town also have projects that are shovel-ready in the pipeline for nimbleness while applying for various grants.

Select Board member Henry Dane commented that prioritizing capital improvement projects should happen before efforts go into applying for grants or hiring consultants to save on costs. Mr. Dane also shared his sentiment that prioritizing projects is inherently political, and that it should not be up to town employees or any single board, committee or commission to delegate which projects the Town needs to invest in. He proposed that Town Departments should submit proposals for the most needed areas of transportation improvements, and a budget could be developed by working with the Town Manager. Matthew Johnson, Select Board Clerk stated that if the Select Board agrees with the

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priorities presented by TAC, the next steps should be to ask the TAC to prioritize a set of projects which would then be approved by the Select Board.

Select Board member, Susan Bates expressed that other funding sources need to be pursued based on the premise that the Five-Year Capital Plan for FY23-FY27 allocates enough funding to keep up with general infrastructure maintenance costs. Partnerships with State and Federal bodies are needed to fund the larger immediate needs for transportation in Concord.

Select Board Chair Terri Ackerman shared a Transportation Action Plan spreadsheet with criteria for the TAC to populate with priorities, actions to take, and timing of projects. Chair Ackerman also recommended that TAC document all available public ride services in Concord. These include tours, taxis, transportation network companies, bike share, commuter rail, and rideshare services available in Town as one of the first steps to consolidate existing services.

Matthew Johnson, Select Board Clerk asked if there was a way to invest in infrastructure upgrades that endure a longer cycle of use and require less maintenance, such as alternative technologies for roadway resurfacing. Director Cathcart acknowledged that the Public Works is presently re-evaluating how to treat the roads in a way to maintain or improve the pavement condition index in Town. Director Cathcart also remarked that he felt like the best approach to identifying a Complete Streets Prioritization and Plan would require hiring consultants to work with Town staff to create proposals and cost estimates that would be best vetted by TAC, serving in their capacity as a volunteer group with an institutional understanding of Concord's needs.

Ann Sussman of the West Concord Advisory Committee commented that the Town should coordinate efforts to support the Complete Streets goals of enhancing pedestrian safety and managing the increased use of bikes and other non-automobile motorized vehicles. Select Board member Linda Escobedo recommended using ARPA funds to cover the cost of hiring engineering consultants. Next steps include the TAC fleshing out criteria to evaluate projects before estimating the project costs.

During public comment, residents raised concerns of drastically cutting emissions and investing in electric municipal vehicles. One resident announced he would be hosting weekly community walks at the Reformatory Branch Trail for outreach and educational purposes.

**Town Meeting Articles 8, 17, 18, 19, 20, 21, 22**

Article 8 – FY22 Budget Line-Item Adjustments

**NO MOTION EXPECTED.**

Article 17 – Minuteman Regional Technical High School Budget

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to approve the Minuteman Regional Technical High School budget.

Article 18 – Concord Public Schools Budget

**TABLED TO A FUTURE AGENDA.**

Article 19 – Concord Public Schools Capital Projects

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Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 19.

**Article 20 – Appropriation to Stabilization Fund**

There was some brief discussion on the eligibility of investing ARPA funding into the Town’s Stabilization Fund.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 20.

**Article 21 – Concord Carlisle Regional High School Budget**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 21.

**Article 22 – Concord Carlisle Regional High School Capital Projects**

**TABLED TO A FUTURE AGENDA.**

**Committee Nominations**

Mr. Johnson confirmed the following nomination for to the Personnel Board:

- Elizabeth Cobbs of 31 Pond View Lane

Mr. Johnson confirmed the following nomination for to the Concord Housing Development Corporation (CHDC):

- Daniel Drazen of 197 Belknap Street

Mr. Johnson confirmed the following nomination for to the Public Ceremonies and Celebrations Committee:

- Nancy M. Crowley of 5 Concord Greene - #7

Chair Ackerman confirmed that their appointments will be on the agenda for consideration at the next Select Board meeting.

**Committee Appointments**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to appoint Keith Bergman of 56 White Avenue to the Metropolitan Area Planning Council (MAPC) as a Town Representative for a term to expire on April 30, 2025.

**Public Comment**

It was announced that Concord CAN would be hosting a breakfast on March 15, 2022 for a community discussion on Articles 46 & 47 regarding Concord’s Reformatory Branch Trail.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to adjourn.

**Town of Concord  
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March 28, 2022**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting both via Zoom and in person at 22 Monument Square on March 28, 2022 at 6:30pm.

Present were: Terri Ackerman, Chair; Matthew Johnson, Clerk; Henry Dane, Susan Bates, and Linda Escobedo. Also present was Interim Town Manager Kerry Lafleur

**Call to Order**

Select Board Chair Terri Ackerman called the meeting to order at 6:30pm

**Consent Agenda**

Amended as follows:

- With the exception of the November 22 Executive Session meeting minutes #2

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

**Town Manager's Report**

Interim Town Manager Kerry Lafleur presented

- The Sustainability Division and the Concord Sustainability Energy Committee are sponsoring workshops as detailed in the packet.
- The Facilities Department installed the charging station at the Police station for the new Tesla patrol vehicle
- The Public Works staff presented on solid waste recycling and food waste composting pilot program
- The Tourism department reports that the visitor center staff will be working at Old North Bridge over Patriots Day weekend, and beginning May 7<sup>th</sup> they will be there Mondays and Tuesdays through the fall
- Natural Resources Division installed some bluebird boxes at Haywood Meadow
- 200 seniors participated in the St. Patrick's Day Luncheon, and students delivered meals to those who couldn't participate
- The Council on Aging has 18 seniors on the waitlist for computers, and is seeking donations
- The first Insurance Advisory Committee (IAC) meeting was last week, with three more meetings next month. The IAC is an employee group made up of both Union and Non-Union Employees for the purpose of discussing health insurance issues.
- The Police Department is reporting a log of activities regarding pellet gun incidents, they also assisted the Town of Carlisle to locate a missing person
- Overnight parking restrictions will end on March 31st
- Conducted annual life safety inspections at the Middlesex School
- Started discussion with Health Department, Public Works, and the engineer regarding wastewater treatment plant at the middle school
- Parking Restrictions at the Beede Center are going into effect and all Beede Members are asked to place their member placards in their vehicles.

**Chair's Remarks**

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Ms. Ackerman stated that there is an error in the packet: the Honored Citizen of the year ceremony will not be on May 1<sup>st</sup>; it will be on April 30<sup>th</sup> at 2:30 pm at Harvey Wheeler. Also, there will be a Fiber Broadband Public Forum on April 14<sup>th</sup> at 7pm in the Town House.

Ms. Ackerman then made the following statement:

“It has come to my attention that people are continuing to harass town staff and contractors as they go about their duties at White Pond. Others are vandalizing trees on the private property in Estabrook Woods. Still others are shooting pellet guns at people.

Civility means we sometimes have to agree to disagree. We certainly understand that not everyone agrees with every aspect of the White Pond Project, however Town Meeting voted at least twice to engage the project and to fund it. There is never any excuse for personal attacks and there is not any value in doing so. To be frank, these behaviors benefit no one, but they are an embarrassment and a hazard to the entire Town of Concord.

Our town prides itself on civil discourse. Ongoing debates and peaceful protests are an important part of that process, but trespassing, vandalism, and personal attacks will not be tolerated. These actions are subject to prosecution, and they have all been referred to the Concord Police Department.

I hope everyone will join me in deploring these behaviors. If you see someone acting inappropriately, do not hesitate to speak up. Call 911 when necessary.

We all need to act to ensure that the unfortunate actions of a few don't compromise the civility character and safety of our town. Thank you.”

Mr. Johnson added a public meeting announcement, that the Recreation Commission will be holding a hybrid public meeting on March 30<sup>th</sup> at 7pm in the Town House.

**Meeting with the Concord Independent Battery to authorize firing for Patriots Day, April 18<sup>th</sup>**  
Phil Kennedy, President of the Concord Independent Battery, and John Thompson, Secretary of the Concord Independent Battery provided an update on their activities regarding procedure to authorize firing the cannons. Details of dates are in the provided packet.

The Board then had a brief discussion with Mr. Kennedy and Mr. Thompson regarding their inspection, the details of which are in the contract supplied.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to approve the Concord Independent Battery's application for permission to fire on the dates and times listed in their letter to the Select Board dated March 21<sup>st</sup> 2022, and to remove the cannon on June 17<sup>th</sup> to the USS Constitution event in Boson Harbor as described in the board packet.

**Discussion Regarding Veterans Administration of Ukraine**

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Mr. Dane as the Selectboard Liaison for the Celebrations and Ceremonies Committee presented the background for an idea to symbolically recognize the ongoing conflict in Ukraine by inviting a Ukrainian organization to march in the Patriot's Day Parade.

Julissica Navarro-Norton, Chair of the Celebrations and Ceremonies Committee, stated that the committee is conflicted over this idea due to possible political interpretations. She added that while in past years outside groups have marched in the parade, the committee voted at the beginning of the year to make this a local parade. Ms. Navarro-Norton also remarked that many committee members have had little time to organize a Patriots Day Parade and are not as comfortable with this decision, especially with only recent lifting of COVID protocols. It was unanimously voted to not invite this group due to a variety of factors including concerns over COVID and the encroaching time restraints given associated paperwork with inviting any group to march in the parade. However, Ms. Navarro-Norton stated that there is admiration for the intent behind the idea, but the committee would feel more comfortable not having to jump into such a task this close to the parade.

Ms. Ackerman, Ms. Bates, Ms. Escobedo and Mr. Johnson expressed admiration for the idea but expressed a desire to respect the decision that the Celebrations and Ceremonies Committee reached.

**250th Update**

Mr. Dane provided an update on the 250th Executive Committee project planning, and committee formation.

The Board members had a discussion regarding timetables and procedure for forming the membership for this committee at the executive level. In discussing the need for a town employee to be on the core executive board, it was suggested by Ms. Lafleur that the most logical person for that role would be the Tourism and Economic Vitality manager.

Mr. Johnson proposed assembling the core executive team by Patriot's Day with assistance from other Select Board members being volunteered.

Ms. Ackerman put this topic on the agenda for future update on April 11, 2022.

Mike Lawson, the Select Board appointee to the State 250th Commission provided an update on this commission's activities. Mr. Lawson will be providing updates to the board about developments as they progress.

**State Zoning Act -- MBTA Communities Requirement for Multi-family Housing Zoning**

Elizabeth Hughes, Concord Town Planner, provided a background regarding the State Zoning Act. Ms. Hughes has provided a memo to the board giving an overview of the guidelines and an opinion on aspects and difficulties of the items included in those guidelines. The Planning Board has taken that memo and would like to forward to the Department of Housing and Community Development. The Board has received three memos in the packet: one from Ms. Hughes, one from the Planning Board to the Select Board dated March 25th, and one from Metropolitan Area Planning Council, and a sample memo from the town of Lincoln.

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During a brief discussion regarding this zoning act the following concerns were raised by members of the Select Board.

- There is no direct mention of affordability in the act
- There is no indication as to how this act will interact with 40B
- There is no commitment from the MBTA to continue to provide service to these MBTA communities in a way that is affordable
- It is unclear how non-compliance would possibly make Concord ineligible for other types of funding like Mass Works if non-compliance will be used as a factor in administering grants beyond the three primary funding sources listed.
- The Concord Housing Authority is independent, and it is unclear if non-compliance from the Town of Concord would affect the Concord Housing Authority.

Upon a motion duly made and seconded, it was UNANIMOUSLY

**VOTED:** to approve a joint public comment letter with the Planning Board responding to the draft compliance guidelines issued by the Department of Housing and Community Development in connection with MBTA Communities requirements, as substantially reflected in the Planning Board memo to the Select Board dated March 25th 2022, and with the optional addition of two points, one about the provisions for responding to affordable housing requirements of Chapter 40b, and secondly about pointing out the need for high quality, regular, and affordable MBTA transportation to accompany that act.

**Battle Road Discussion**

Melissa Saalfield, Chair of the Concord Historical Commission, and Nancy Nelson, Concord Chair of Battle Road Scenic Byway Committee, provided background regarding the obligation of the Concord Historical Commission to participate in the Federal 106 Review of Plans proposed by Mass Department of Transportation. The project has raised some objections from the commission regarding the preservation of historical significance of Battle Road. The commission has written a letter outlining these concerns that will be given to the board tomorrow. After a brief discussion, Ms. Ackerman suggested that if the Board received the letter the next day, they would put in the packet for the next week and look over it with the intention of deciding whether to co-sign the letter or amend it.

**Discuss Town Meeting and Consent Calendar with Moderator, Carmin Reiss**

Town Moderator Carmin Reiss gave an update about the upcoming Town Meeting on May 1st 2022, likely to go to May 2nd. Ms. Reiss stressed the importance of having motions for all articles, with enough time for Town Counsel's review deadline on April 18th. The Town Meeting coordination meeting will be April 14th. Ms. Reiss then gave an update and overview on the consent calendar for Town Meeting action. The warrant has 49 articles total, 5 of those expect no motion, leaving 44 articles under a motion. Ms. Reiss proposed 21 articles for the consent calendar, leaving 23 for full deliberation. Ms. Reiss asked the board to consider what they would like the adjournment and continuance time on Sunday to be, given this list of articles may take 6-7 hours.

After a discussion with the Moderator regarding the Consent Calendar, the following points were highlighted.

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Mr. Dane and Mr. Johnson suggested that Article 32: Zoning Bylaw Amendment – Formula Business come off the consent calendar. Ms. Reiss provided an explanation for including it but in taking in the concerns from the Select Board members, agreed that it can come off the consent calendar.

Members of the board a recommended not to take any new business at town meeting on May 1st after 5:00, with the intent to continue May 2nd.

**Discussion: Article 23: Citizen Petition: Ranked Choice Voting for Concord Elections,  
Kate Kavanaugh, Petitioner**

The petitioner has been working with the Town Clerk’s office and the Board of Registrars and has not finished work. This item is tabled to a later date.

**Discussion: Article 37: Citizen Petition: Authorize Select Board to Petition to Impose a Checkout  
Bag Charge, Joseph Stein, Petitioner**

The Petitioner Joseph Stein presented more information for the Board, which was also enclosed in the packet. It included examples from a similar bylaw in Sudbury. There was a brief question regarding enforcement, but Mr. Stein has not been able to discuss enforcement with the Director of Public Works yet.

Ms. Bates and Ms. Escobedo expressed a desire to see the amended motion in full, so Mr. Stein will return next week with a motion to present at the meeting.

**Take Positions on Town Meeting Articles 2, 9, 10, 22, 23, 24, 25, 26, 29, 30, 36, 37, 38, 39, 40, 41,  
42, 43, 44, 45, 46, 47**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 2: Hear Reports as printed in the warrant.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 39: Light Plant Expenditures and Payment in Lieu of Taxes, Article 40: Solid Waste Disposal Fund Expenditures, Article 41: Sewer System Expenditures, Article 42: Sewer Improvement Fund Expenditures, Article 43: Water System Expenditures, and Article 44: Authorize Expenditure from PEG Access and Cable-Related Fund as printed in the warrant.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 9: Fiscal Year 2023 Budget as printed in the warrant.

The Board had a brief discussion regarding the cost proposed in Article 10: Capital Improvement and Debt Plan, with questions answered my Ms. Lafleur.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 10: Capital Improvement and Debt Plan as printed in the warrant.

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Ms. Ackerman stated that Article 18: Concord Public Schools Budget will be discussed at a future meeting after the two committees involved can collaborate on some details.

The Board, Town Manager, and Moderator had a brief discussion regarding Article 22: Concord-Carlisle Regional High School Capital Projects. Ms. Lafleur provided some background on the precedent that informed this article, and on the ties this article has with Carlisle and their warrant.

There was further discussion about procedure, upon which Dean Banfield of 73 Walden Terrace, member of the Finance Committee asked a question about notice requirement that Ms. Lafleur answered.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend approval of Article 22: Concord-Carlisle Regional High School Capital Projects as printed in the warrant.

Ms. Lafleur provided an update on Article 24: Appropriate Funds for Affordable Housing Development, as relating to free cash for affordable housing, and recommended looking towards the American Rescue Plan Act (ARPA) for funding, specifically the lost revenue category. The Board and Town Manager, and Town Moderator discussed this article and presented many questions regarding the mechanics of ARPA.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 24: Appropriate Funds for Affordable Housing Development as written in the warrant.

There was a discussion amongst the board about the details of financing for the Assabet River Bluff Project. Elizabeth Hughes, Concord Town Planner and Elizabeth Rust, Director of Regional Housing Services Office provided background on the project, and spoke to some of the board members' questions regarding funding. Ms. Rust stated that the article is an opportunity, as it is a combination of the open space in addition to the housing piece. She also stated that the memorandum of understanding allows the housing portion to be sold if it couldn't proceed then those funds would be returned. For the housing portion, there are two existing units that require renovation work. This project also would not be subject to additional costs of public construction.

Board members expressed concern about the lack of guarantee that the affordable housing aspect of this project would be constructed. Ms. Hughes responded that the alternative option is for a developer to purchase the land.

Diane Proctor, 57 Sudbury Road, Chair of the Concord Preservation Committee (CPC), stated that the CPC has spent many hours on this project and stated that the idea of developers moving into that large space would raise concerns for crowding.

Ms. Ackerman proposed discussion on Article 25: Assabet River Bluff Preservation Project and Article 26: Community Preservation Committee Appropriation Recommendations at the next meeting.

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Melissa Saalfield, Chair of the Concord Historical Commission, spoke to the background of the article and answered questions from the Board. Mr. Johnson raised a concern that there should be a procedure for criteria for labeling roads as scenic. Ms. Saalfield responded that the criteria they settled upon is based off examples from across the state, and they identified nine roads for this initial upcoming year that could be nominated if the bylaw passes.

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to recommend affirmative action on Article 30: Scenic Roads General Bylaw as written in the warrant.

Dean Banfield came forward to answer questions about Article 38: Citizen Petition: Development Plan for Municipal Solar Generation. After a brief discussion with the Board, it was decided to wait on Article 38 until after the Concord Municipal Light Board meeting.

The Concord Municipal Light Board has been invited to give their input at the next Select Board meeting.

The Board had a brief discussion with the petitioner about Article 47: Citizen Petition: Preserve Concord's Reformatory Branch Trail, especially focusing on the how the language of the article pertains to land controlled by the Natural Resources Committee. This article was put off for further discussion given its relation to Article 46: Citizen Petition: Reformatory Branch Trail Feasibility Study.

**Committee Nominations:**

1. James Bartlett Littlefield, 523 Bedford Street, to the Board of Registrars
2. Ha Richmond, 144 Nashoba Road, to the Cultural Council

**Committee Appointments:**

Upon a motion duly made and seconded, it was UNANIMOUSLY  
**VOTED:** to appoint Elizabeth Cobbs, 31 Pond View Lane, to the Personnel Board for a term ending April 30, 2025; Daniel Drazen, 197 Belknap Street, to the Concord Housing Development Corporation (CHDC) for a term ending April 30, 2025, and Nancy M. Crowley, 5 Concord Greene #7, to the Public Ceremonies and Celebrations Committee for a term ending April 30, 2025.

**Miscellaneous Correspondence**

The Chair acknowledged a few letters regarding Estabrook woods and White Pond.

**Public Comment**

Pamela Dritt, of 13 Concord Green, Unit 4 voiced support for both the articles regarding the Reformatory Branch Trail. She emphasized the importance of natural footpaths, noting that the the Bruce Freeman Rail Trail is excellent but it is not a natural path. Leaving natural paths for future generations is of importance. She also voiced agreement with Diane Proctor about the Assabet River Bluff parcel, stating that even if no affordable housing is built, protecting the land itself is of

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importance. Ms. Dritt was joined in this support by a brief comment from another member of the public on Zoom.

Upon a motion duly made and seconded, it was UNANIMOUSLY **VOTED:** to adjourn the meeting.

**TOWN OF CONCORD**  
Application For Tourist Guide License

**To offer Guide Service within Concord**

**New License/Renewal: \$35.00**

The undersigned hereby applies for a TOURIST GUIDE LICENSE in accordance with the provisions of the Statute thereto:

Name:

SABUNE WINKLER

Address:

[Redacted Address]

Company:

Telephone Number:

Email address:

Signature:

*Sabune Winkler*

In accordance with the rules and regulations made under authority of said Statute.

Office Use Only

Paid: Check  Cash

Check # [Redacted]

Date: 12/20/2022

License expires on December 31, 2023

smcandrew@ConcordMa.gov

Shannon

**TOWN OF CONCORD**  
Application For Tourist Guide License

To offer Guide Service within Concord

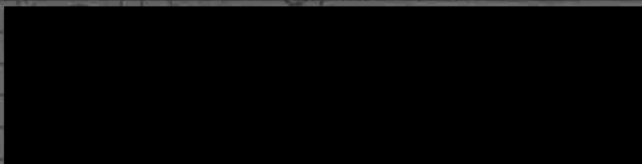
New License/Renewal: \$35.00

The undersigned hereby applies for a TOURIST GUIDE LICENSE in accordance with the provisions of the Statute thereto:

Name:

Taunya Wolfe Finn

Address:



Company:

Telephone Number:

Email address:

Signature:

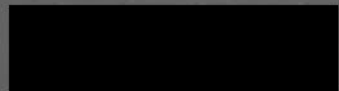
In accordance with the rules and regulations made under authority of said Statute.

Office Use Only

Paid: Check  Cash

Check #

Date: Pd



License expires on December 31, 2022

**Town of Concord**  
**Finance Department**  
*memorandum*

**TO:** Kerry Lafleur, Town Manager  
**FROM:** Gail Dowd, Chief Financial Officer  
**SUBJ:** Gift from Friends of Concord Carlisle Fields  
**DATE:** December 29, 2022

Please place on the Select Board's agenda the following gift to the Friends of Concord Carlisle Fields/Fields Maintenance gift account:

Friends of Concord Carlisle Fields	\$ 50,000
P.O. Box 1031	
West Concord, MA 01742	

This gift will be applied to the maintenance expenses of the artificial turf on the grounds of the Concord-Carlisle Regional School District.

CODE: 23-410-490-743-4850-0

Accepted: \_\_\_\_\_

Date: \_\_\_\_\_

**Town of Concord**  
**Finance Department**  
*memorandum*

**TO:** Kerry A. Lafleur, Town Manager  
**FROM:** Gail S. Dowd, Chief Financial Officer  
**SUBJ:** Concord – Carlisle Community Chest Gift  
**DATE:** December 19, 2022

Please place on the Select Board's agenda the following donation to the following **Council on Aging** Gift accounts:

Concord – Carlisle Community Chest, Inc.  
19 Main Street, Suite 2  
Concord, MA 01742

Volunteer Coordinator 23-520-541-944-4850-0	\$ 1,930.00
Outreach Worker 23-520-541-680-4850-0	\$ 11,296.00
Social Services Coordinator 23-520-541-586-4850-0	\$ 4,719.00
Total	\$ 17,945.00

Accepted: \_\_\_\_\_  
Clerk

Date: \_\_\_\_\_



## Operational Status Reports & Departmental Updates

For the Week Ending January 6, 2023

### Town Manager and General Administration

#### Finance

The IRS has issued its standard mileage rates for 2023. Beginning on January 1, 2023, the standard mileage rates for the use of a car (also vans, pickups and panel trucks) will be:

- 65.5 cents per mile driven for business use, up 3 cents from the midyear increase settings for the second half of 2022.

#### Town Clerk

- The voter registration deadline for the January 19, 2023 Special Town Meeting is 5:00pm on Monday, January 9<sup>th</sup>.
- 2023 Census forms were mailed to households on January 4<sup>th</sup>. Residents are asked to please sign and return your census form as soon as possible. The back of the form has a roster-style vote by mail application form for voters' convenience. The deadline to apply for a vote by mail ballot for the February 16<sup>th</sup> Special Town Election is February 9<sup>th</sup> and the deadline for the March 28<sup>th</sup> Annual Town Election is March 17<sup>th</sup>. A vote by mail application form is also available online: [KM 654e-20220928075320 \(concordma.gov\)](https://www.concordma.gov/km-654e-20220928075320)
- The 2023 Town Caucus will be held on the evening of January 30<sup>th</sup> at 7:00pm in the Town House to nominate candidates for three offices appearing on the Annual Town Election ballot: Moderator: 1 seat; Select Board: 1 seat; School Committee: 1 seat.
- Candidates for town office may also take out nomination papers at the Town Clerk's Office and gather signatures of at least 50 Concord voters. Nomination papers are now available and must be returned by 5:00pm on Tuesday, February 7<sup>th</sup>.

### Public Safety Department

#### Police Department

##### Activity Log December 22- December 29

Log items	740
Traffic Enforcement	36
MVC investigated and/or paper exchanges	12

Motor Vehicle Stops 65

Arrests 2

## Community

- On December 22, Chief O'Connor retired after a thirty-six-year career in public safety. The community came together to congratulate and thank him for his service at a breakfast reception. Tom Mulcahy was appointed on December 23. We wish both well as they begin their new roles.
- Officers assisted with the return of the annual Christmas Eve caroling in the town center.
- Less lethal training was conducted for department staff on December 27, providing officers with additional options to assist in the de-escalation of violent situations, to minimize the risk of serious injuries to those involved as well as officers.



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## Minuteman Media Network

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- MMN is gearing up for the Special Town Meeting Jan 19, at 7:00PM at the High School. We always learn from last year's event and look for improvements, this year is no exception. We will be allowing for greater control by the Town's admin team of the PowerPoint presentations, both for slide advancement, but also for when to start the slides on the large screens. Both the Gym and the auditorium will have the open captioning screens, and the Assisted hearing devices will be tested and ready later this week. The control room equipment has been setup, tested and is ready for the MMN team to get some practice.
- Mark did some end-of-year data housekeeping.
- Tory, working with the Concord COA, reimagined the Public Station's daily playlist.
- Matt completed a major project documenting the Carlisle rebuilding of the famous castle park. <https://youtu.be/5UYkh3LILSk> Nice job Matt!



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## Recreation

### General Recreation Department Updates

- The next Recreation Commission meeting will be on 1/4/23 at 7:00P via zoom.
- Upcoming Recreation Events:
- 2/11/23 [Winter Wonderland](#)
- 3/11/23 [Shamrock Ball](#)
- 4/7/23 [Egg Hunt](#)

**Employee of the Month**

The December employee of the month is Jodie Surprenant

**Location**

Beede Swim and Fitness Center

**Position Title**

Recreation Clerk

**Programs**

Administrative oversight of *all* Beede programs and memberships

**Time with Concord** - 7 months



Jodie acts as a front-line staff member at Beede and is often the first person our customers interact with when they walk through the door or call us on the phone. Jodie leads with kindness through every interaction she has. She is patient and thorough when explaining Beede’s offerings and rules, regardless of how many times she does so throughout the day. She is always ready to step in and help her fellow employees with projects while managing a busy front desk. Most notably, Jodie has gracefully handled customer questions and feedback as the Center has worked through an unprecedented staffing shortage and various pool closures over the past six months. We are lucky to have Jodie on our Concord Recreation team and thank her for a job well done.

**Hunt Recreation Center Updates**

- The Department has started the process of interviewing for a new, full time Recreation Supervisor. The position is [posted](#) and will be open until filled.
- Summer camp positions have been posted and interviews will start at the turn of the year. We will need to fill 48 positions this summer in order to run camp at full capacity for 9 weeks (serving over 2000 campers). All jobs can be found on the Town website.

**Beede Center Updates**

- The Beede Center hosted it’s first annual Swim with Santa event on 12/17/22. Tickets sold out with 40 families in attendance. Lots of fun was had by all!
- For the month of December, the Beede Center is offering 15% off personal training packages for new clients and one free session for any returning client that purchases another training bundle. Interested in learning more? Contact Cathi Ellis at 978-287-1009.
- Lifeguard applications have increased from 7 in October to



24 applications in December. The marketing campaign and free LG classes have provided a great return! Beede is still at about 60% of our needed staff, up from 30% at the end of October.

- The Beede Center is hosting four days of winter vacation programming over the holiday school break. 66/80 spots have been registered. Participants will enjoy structured and unstructured time in the pools along with crafts, field trips to Emerson Park and STEM activities.
- The Beede Center is a pick-up site for FREE COVID-19 test kits, provided by the Town. Anyone is welcome to come in to get a kit if they need it.
- The Beede Center partnered with the Concord Firefighters Relief Association and acted as a drop-off site for their toy drive as well as a drop-off site for the Town's Gift Card donation event in December. Anyone who donated a toy will receive \$5 off their January membership fee. A reminder to all regular status Town employees that you (*and your family*) are eligible for a discounted membership at the Beede Swim and Fitness Center! For \$50/month for a family membership or \$10/month for a single membership, you gain access to an 8-lane lap pool, a warm-water pool, a children's play pool with slides and spray features, a diving well, and two fitness rooms; one for weight training and one for cardiovascular exercise. The facility is open approximately 100 hours each week Monday-Friday 5:30A-9:00P and weekends 7:00A-6:00P. Never seen the Beede Center? Check out our welcome video by [clicking here](#). **Interested in signing up for a membership? Contact our Membership Coordinator Kathy Nutter at [KNutter@concordma.gov](mailto:KNutter@concordma.gov) or 978-287-1013.**

## Facilities

Facilities has worked on a number of projects including the installation of new HVAC units for 37 Knox Trail, a new therapy pool pump and heat exchanger delivered for Beede Center. The installation of doors in the planning office and the repairs of a leak to the Hunt Gym roof leak and continued painting at the Police station.



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

Delia R. J. Kaye  
Natural Resources Director

January 4, 2023

Matthew Johnson, Chair  
Concord Select Board  
Town House  
22 Monument Square  
Concord, MA 01742

Re: Emerson Conservation Restriction

Dear Mr. Johnson:

At their December 21, 2022 public meeting, the Natural Resources Commission (NRC) unanimously voted to accept a Conservation Restriction (CR) granted by the Ralph Waldo Emerson Memorial Association (RWEMA) over a 0.68-acre portion of a parcel of land at 18-28 Cambridge Turnpike, and to recommend the Select Board's approval of the CR.

The CR will permanently preserve the ability of the public to traverse along the Emerson-Thoreau Amble, which meanders along the southern boundary of the parcel. The protection of this CR preserves the natural area next to the Emerson House and enhances the value of the adjacent Heywood Meadow and abutting Town conservation land to the south and west, including the Hapgood Wright Town Forest. Finally, the CR is a mix of forested upland and wetland, with some emergent wetland adjacent to Mill Brook. Preservation of the Premises in an undisturbed condition will protect these areas and provide for groundwater recharge.

Thank you for your review and consideration, and I look forward to discussing this with the Board at the January 9, 2023 meeting.

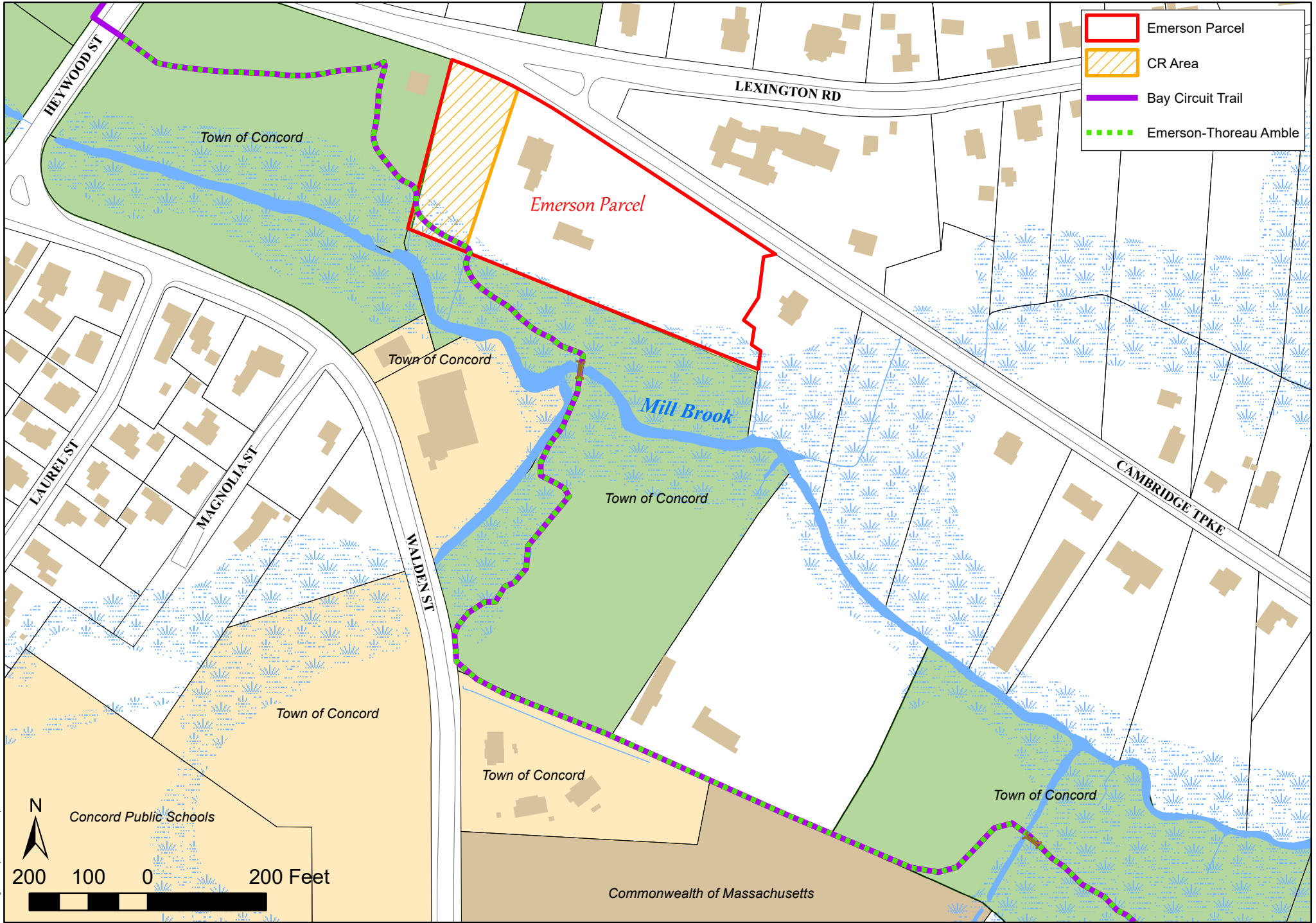
Sincerely,

Delia Kaye  
Natural Resources Director

cc: Kerry Lafleur, Town Manager  
Bay Bancroft, RWEMA  
Ellen Emerson, RWEMA  
Jennie Merrill, Miyares and Harrington LLP  
NRC



# Exhibit E - Emerson-Thoreau Amble



- Emerson Parcel
- CR Area
- Bay Circuit Trail
- Emerson-Thoreau Amble

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**GRANTOR:** Ralph Waldo Emerson Memorial Association  
**GRANTEE:** Town of Concord Natural Resources Commission  
**ADDRESS OF PREMISES:** 18-28 Cambridge Turnpike, Concord, Massachusetts 01742  
**FOR GRANTOR’S TITLE SEE:** Middlesex South County Registry of Deeds at Book 5478, Page 46.

## **CONSERVATION RESTRICTION AND EASEMENT**

### **I. STATEMENT OF GRANT**

Ralph Waldo Emerson Memorial Association, a Massachusetts private non-profit corporation with an address of 18-28 Cambridge Turnpike, Concord, Massachusetts, being the sole owner of the Premises as defined herein, constituting all of the owner(s) of the Premises as defined herein, for its successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to the Town of Concord, acting by and through its Natural Resources Commission, acting as its Conservation Commission, by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, their permitted successors and assigns (“Grantee”), for \$560,000 IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction and Easement (“Conservation Restriction”) on land located in Concord containing a 0.68-acre portion of a 3.6-acre property (“Premises”), which Premises is more particularly described in Exhibit A and shown in the attached reduced copy of a survey plan in Exhibit B, both of which are incorporated herein and attached hereto.

### **II. PURPOSES:**

This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction (“Purposes”) are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, and open condition and available for passive outdoor recreational use, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Restriction was acquired utilizing, in part, Community Preservation Act funds pursuant to Chapter 44B of the Massachusetts General Laws, which funds were authorized for such purposes by a vote of the Concord Town Meeting on June 13, 2021, and an attested copy of the Town Meeting Vote authorizing the use of such funds for such purpose is attached hereto as Exhibit C. Pursuant to such Vote, the Town of Concord’s interest in the Premises, and therefore its management of such interest, is under the care, custody and control of the Natural Resources Commission of the Town of Concord, acting as the Conservation Commission of the Town of Concord.

**The Conservation Values protected by this Conservation Restriction include the following:**

- Open Space. The Premises contributes to the protection of the scenic and natural character of the historically significant Ralph Waldo Emerson property and the protection of the Premises will enhance the open space value of these and nearby lands. The Premises lies at the gateway to Concord Center and is within Concord’s American Mile Historic District, the State Historic District, and the Monument Square-Lexington Road National Register District. The Premises abuts land that is already conserved, including 6-acre Heywood Meadow and the nearby 181-acre Hapgood Wright Town Forest and the 18-acre Walden Woods parcel. The Premises also abut an adjacent 6-acre conservation parcel acquired by the Town of Concord from the Ralph Waldo Emerson Memorial Association in 2019.
- Floodplain. A portion of the Premises lies within the 100-year floodplain of the Mill Brook and is designated a Zone AE Regulatory Floodway by FEMA. The protection of this floodplain will ensure the continued availability of this flood storage during major storm events.
- Soils and Soil Health. A portion of the Premises includes Farmland of Statewide Importance as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.
- Public Access. Public access to the Premises will be allowed for passive outdoor recreation along the established Emerson Thoreau Amble (hereinafter the “Public Access Trail”), which traverses along the rear of the Premises and is part of a 1.7-mile trail through public open space to the site of Thoreau’s former cabin at Walden Pond. A description of the Public Access Trail is included herein and attached hereto as Exhibit D.
- Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy. Concord’s 2015 Open Space and Recreation Plan established overarching goals to “protect water resources and biodiversity” and “improve recreational access and connectivity” (page 80). Protection of the Premises protects water resources and biodiversity by protecting land adjacent to the Mill Brook and its riparian corridor, and improves recreational access and connectivity by securing a perpetual connection of the Emerson-Thoreau Amble, a 1.7-mile trail through public open space to the site of Thoreau’s cabin at Walden Pond.
- Historic and Archaeological Resources. Conservation and appropriate management of the Premises has an important public benefit by preserving historic and archeological resources within and adjacent to the Premises. The Premises are part of the historic Ralph Waldo Emerson property. The R.W. Emerson Memorial House is listed on the National Register of Historic Places. The entire property, as noted above, is in the State Historic District, and the Monument Square-Lexington Road National Register District, and is also included in Concord’s American Mile Historic District.

### III. PROHIBITED and PERMITTED ACTS AND USES

#### A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole, tower, solar panel, solar array, conduit, line, septic or wastewater disposal system, storage tank, or dam;
2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
8. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;

9. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
10. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
11. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
12. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

**B. Permitted Acts and Uses**

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises. Any stockpiling or composting shall be a minimum of 100 feet from wetlands;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including planting native trees, shrubs, and other vegetation;
5. Indigenous Cultural Practices. With prior written approval of the Grantee, allowing indigenous peoples to:
  - a. Conduct cultural land ceremonial uses. Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual

ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming; and

- b. Harvest plant-life using sustainable methods, including regrowth and replanting to ensure sustainable populations for traditional cultural practices and non-commercial purposes.
6. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
  7. Trails. Maintaining and constructing trails as follows:
    - a. Existing Trails. Conducting routine maintenance of existing trails, which may include widening trail corridors up to five feet in width overall, with a treadway up to four feet in width.
    - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
    - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
  8. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;
  9. Motorized Vehicles. Using motorized vehicles by persons with mobility impairments, provided the manner of such motorized vehicle use does not negatively impact the Conservation Values.
  10. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, cross-country skiing, snowshoeing, ice-skating, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor passive recreational and educational activities;
  11. Utility Work. Maintaining, constructing and replacing existing utilities over, on and under the Premises to serve the Ralph Waldo Emerson property. Such existing utilities

consist of a utility pole, utility box and associated underground utility line located on the Premises.

**C. Site Restoration**

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

**D. Compliance with Permits, Regulations, Laws**

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Reserved Right requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

**E. Notice and Approval.**

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
  - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
  - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
  - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals.
  - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

#### **IV. INSPECTION AND ENFORCEMENT**

##### **A. Entry onto the Premises**

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

##### **B. Legal and Injunctive Relief.**

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

##### **C. Non-Waiver.**

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

**D. Disclaimer of Liability**

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

**E. Acts Beyond the Grantor's Control**

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

**V. PUBLIC ACCESS EASEMENT**

The Grantor grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Paragraph III.B.10. provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the Purposes and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph III.B.10. The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section.

The Grantor hereby grants to the public a perpetual and irrevocable easement to the public to use the Public Access Trail as described in Exhibit D attached hereto to ensure continuity of the Emerson-Thoreau Amble network of trails as shown on Exhibit E included herein and attached hereto.

**VI. TERMINATION/RELEASE/EXTINGUISHMENT**

**A. Procedure**

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official (“Secretary”), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

**B. Grantor’s and Grantee’s Right to Recover Proceeds**

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

**C. Grantee’s Receipt of Property Right**

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises. The proportionate value of the Grantee’s property right will be determined as of the date of termination, release, or extinguishment.

**D. Cooperation Regarding Public Action**

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

**VII. DURATION and ASSIGNABILITY**

**A. Running of the Burden**

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

## **B. Execution of Instruments**

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

## **C. Running of the Benefit**

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. the Grantee requires that the Purposes continue to be carried out;
2. the assignee is not an owner of the fee in the Premises;
3. the assignee, at the time of the assignment, qualifies under and 26.U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. the assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

## **VIII. SUBSEQUENT TRANSFERS**

### **A. Procedure for Transfer**

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record, in the applicable registry of deeds, or registered in the applicable land court registry district, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

### **B. Grantor's Liability**

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the

restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

## **IX. ESTOPPEL CERTIFICATES**

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

## **X. NON MERGER**

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

## **XI. AMENDMENT**

### **A. Limitations on Amendment**

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. affect this Conservation Restriction's perpetual duration;
2. be inconsistent with or materially impair the Purposes;
3. affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws; or
5. create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment; or
6. alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment); or
7. cause the provisions of this Paragraph XI to be less restrictive; or
8. cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

### **B. Amendment Approvals and Recording**

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Concord and by the Secretary in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the applicable registry of deeds or registered in the applicable land court registry district.

## **XII. EFFECTIVE DATE**

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the applicable registry of deeds or registered in the applicable land court registry district.

## **XIII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Paul Elias, Treasurer, Ralph Waldo Emerson Memorial Association  
c/o J.M. Forbes & Co. LLP  
121 Mt. Vernon Street  
Boston, MA 02108

To Grantee: Natural Resources Commission  
141 Keyes Road  
Concord, MA 01742

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

## **XIV. GENERAL PROVISIONS**

### **A. Controlling Law**

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

### **B. Liberal Construction**

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

### **C. Severability**

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

### **D. Entire Agreement**

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

## **XV. BASELINE DOCUMENTATION REPORT**

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantor with the cooperation of the Grantee, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

## **XVI. MISCELLANEOUS**

### **A. Pre-existing Public Rights**

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

### **B. Release of Homestead**

The Grantor hereby releases, agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and

retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

**C. No Surety Interest**

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

**D. Prior Encumbrances**

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises, except that the Public Access Trail recorded in the Middlesex South Registry of Deeds in Book 57635, Page 300 shall be perpetual and irrevocable on the Premises as provided in Paragraph V.

**E. The following signatures are included in this grant:**

Grantor

Grantee Acceptance

Approval of Select Board

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

**F. The following exhibits are attached and incorporated herein:**

Exhibit A: Legal Description of Premises

Exhibit B: Reduced Copy of Recorded Plan of Premises

Exhibit C: Town Vote Authorizing the Use of CPA Funds

Exhibit D: Description of Public Access Trail

Exhibit E: The Emerson-Thoreau Amble Trail Network

WITNESS my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2022,

Ralph Waldo Emerson Memorial Association

\_\_\_\_\_, duly authorized

By: Margaret E. Bancroft

Its: President

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss:

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Margaret E. Bancroft, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE OF CONCORD NATURAL RESOURCES COMMISSION**

We, the undersigned, being a majority of the Natural Resources Commission, acting as the Conservation Commission of the Town of Concord, Massachusetts, hereby certify that at a public meeting duly held on \_\_\_\_\_, 2022, the Commission voted to approve and accept the foregoing Conservation Restriction from the Ralph Waldo Emerson Memorial Association pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and do hereby accept the foregoing Conservation Restriction.

TOWN OF CONCORD  
NATURAL RESOURCES COMMISSION:

\_\_\_\_\_  
Ed Nardi, Chair

\_\_\_\_\_  
Sarah Grimwood

\_\_\_\_\_  
William Kemeza

\_\_\_\_\_  
Gary Kleiman

\_\_\_\_\_  
Nicholas Pappas

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned notary public, personally appeared Ed Nardi, Chair, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF TOWN OF CONCORD SELECT BOARD**

We the undersigned, being a majority of the Select Board of the Town of Concord, hereby certify that at a public meeting duly held on \_\_\_\_\_, 2023, the Select Board voted to approve the foregoing Conservation Restriction from the Ralph Waldo Emerson Memorial Association to the Town of Concord, acting by and through its Natural Resources Commission, acting as its Conservation Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF CONCORD SELECT BOARD

\_\_\_\_\_  
Matthew Johnson, Chair

\_\_\_\_\_  
Terri Ackerman, Clerk

\_\_\_\_\_  
Henry Dane

\_\_\_\_\_  
Linda Escobedo

\_\_\_\_\_  
Mary Hartman

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned notary public, personally appeared Matthew Johnson, Chair, and 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 they signed it voluntarily for its stated purpose as Select Board Member.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF  
THE COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Ralph Waldo Emerson Memorial Association to the Town of Concord, acting by and through its Natural Resources Commission, acting as the Conservation Commission of the Town of Concord, has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Bethany A. Card  
Secretary of Energy and Environmental Affairs

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned notary public, personally appeared Bethany A. Card, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

## **EXHIBIT A**

### Description of the Premises

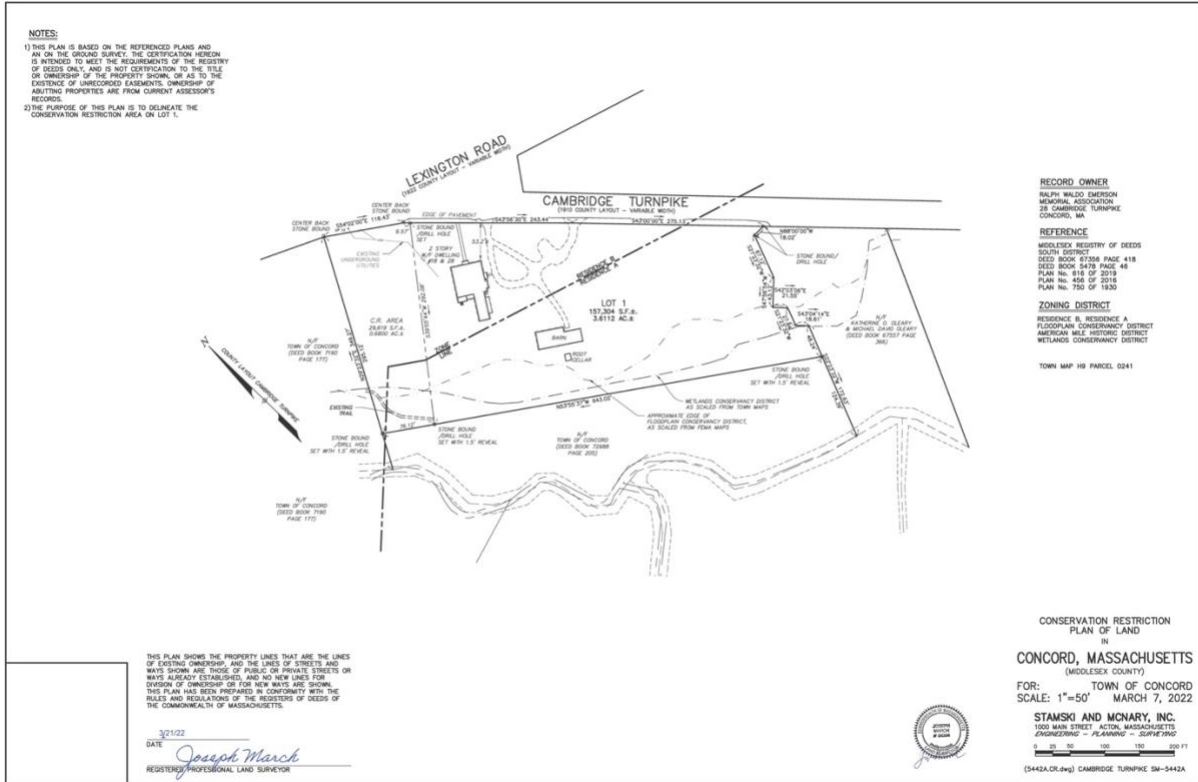
The Premises subject to this Conservation Restriction is a portion of one parcel of land located in the Town of Concord, Middlesex County, Commonwealth of Massachusetts, containing a total of 0.68 acres, shown as "C.R. AREA" on a plan of land entitled Conservation Restriction Plan of Land in Concord, Massachusetts, dated March 7, 2022, prepared by Joseph March, Professional Land Surveyor, Stamksi and McNary, Inc., 1000 Main Street, Acton, Massachusetts, said plan to be recorded herewith at the Middlesex South Registry of Deeds, a reduced copy of which is attached hereto as Exhibit B.

Street Address: 18-28 Cambridge Turnpike

# EXHIBIT B

## Plan of Premises

For official full size plan see Middlesex South Registry of Deeds Plan Book \_\_\_\_\_ Page \_\_\_\_\_



# EXHIBIT C

## Town Meeting Vote



**Town of Concord**  
Office of the Town Clerk  
22 Monument Square  
Concord, Massachusetts 01742-0535

**ANNUAL TOWN MEETING**  
**June 13, 2021**

### Community Preservation Committee Appropriation Recommendations

**ARTICLE 34.**

**Warrant Article**

To determine whether the Town will vote to appropriate the sum of \$1,769,891, or any other sum, from the Concord Community Preservation Fund, of which up to \$44,172 shall be appropriated from the prior year undesignated fund balance as of July 1, 2020; and up to \$1,725,719 shall be appropriated from projected Fiscal Year 2022 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B to be expended under the direction of the Town Manager as follows, or take any other action relative thereto:

Item	Project/Description	Category	Prior Year Fund Balance	FY22 CPA Fund Revenues	Total Amount Recommended
A	Town of Concord - Housing Production Plan Update	Community Housing		\$30,000	\$30,000
B	Town of Concord - Regional Housing Services Program	Community Housing		\$25,000	\$25,000
C	Concord Housing Development Corporation - Affordable Housing Buydown	Community Housing	\$33,880	\$200,000	\$233,880
D	Saalfeld/Town of Concord - Emerson Field Flagpole	Historic Preservation		\$14,250	\$14,250
E	Concord Home for the Aged - 110 Walden St. Preservation Phase 3	Historic Preservation		\$185,000	\$185,000
F	Concord Masonic Corporation - 58 Monument Sq. Roof Replacement and Historic Structures Report	Historic Preservation	\$10,292	\$96,969	\$107,261
G	Trustees of Parish Donations, First Parish Church - Repair, Stabilize and Renovate Wright Tavern	Historic Preservation		\$260,000	\$260,000
H	Town of Concord NRC - Chamberlin Park Bridge Survey and Permitting	Open Space		\$35,000	\$35,000
I	Town of Concord NRC - Emerson Conservation Restriction	Open Space		\$210,000	\$210,000
J	Town of Concord - Wheeler Harrington House and Land	Historic Preservation		\$10,000	\$20,000
		Open Space		\$10,000	
K	Town of Concord - White Pond Beach Improvements	Open Space		\$150,000	\$300,000
		Recreation		\$150,000	
L	Town of Concord - Bruce Freeman	Open Space		\$12,500	\$25,000

	Rail Trail	Recreation		\$12,500	
M	Town of Concord NRC - Warner's Pond Dredging	Open Space		\$125,000	\$250,000
		Recreation		\$125,000	
N	Town of Concord NRC - Old Rifle Range Survey and Permitting	Open Space		\$17,250	\$34,500
		Recreation		\$17,250	
O	Staff and Technical Support	Administration		\$40,000	\$40,000
				<b>\$44,172</b>	<b>\$1,725,719</b>
					<b>\$1,769,891</b>

**Vote**

Upon a **MOTION** made by Ms. Escobedo and duly seconded, the following was **VOTED**:

That the Town appropriate the sum of \$1,769,891 from the Concord Community Preservation Fund, of which up to \$44,172 shall be appropriated from the Undesignated Fund Balance as of July 1, 2020 and up to \$1,725,719 shall be appropriated from the projected Fiscal Year 2022 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager on projects A through O, as printed in Article 34 of the Warrant.

Passed by well more than two-thirds majority under the Consent Calendar

June 13, 2021

A True Copy Attest:



Kaari Mai Tari  
 Town Clerk

## **EXHIBIT D**

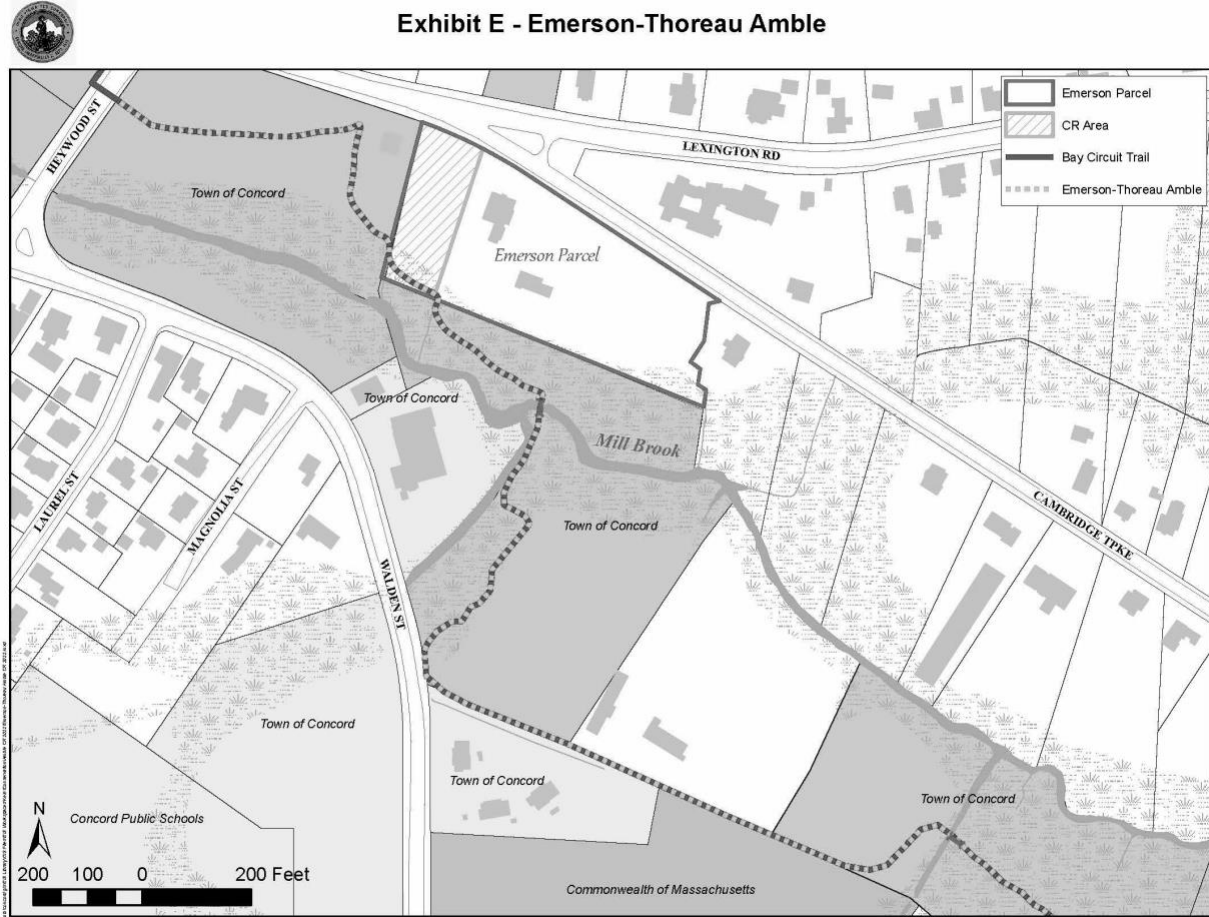
### Description of Public Access Trail Easement

The Public Access Trail is a fifteen (15) foot wide strip of land the center line of which shall begin at a point on the westerly sideline of the Premises 230 feet, more or less, from Lexington Road, then meandering over the Premises in a southeast direction for a distance of 140 feet, more or less, to its crossing of the southeasterly sideline of the Premises.

# EXHIBIT E

## The Emerson-Thoreau Amble Trail Network

### Exhibit E - Emerson-Thoreau Amble



## 2023 ANNUAL TOWN MEETING

Article #	Article Name	Sponsor	Public Hearing
1.	Choose Town Officers	Select Board	N/A
2.	Hear Reports	Select Board	N/A
3.	Meeting Procedure	Finance Committee	FinCom
4.	Ratify Personnel Board Classification Actions	Personnel Board	Select Board
5.	New Classification & Compensation Plan for Regular-Status Positions	Personnel Board	Select Board
6.	Amended Classification & Compensation Plan for Regular-Status Positions	Personnel Board	Select Board
7.	Use of Free Cash	Finance Committee	FinCom
8.	FY23 Budget Line Item Adjustments	Finance Director	FinCom
9.	FY24 Town Budget	Town Manager	FinCom
10.	Capital Improvement and Debt Plan	Town Manager	FinCom
11.	OPEB Trust Fund Appropriation	Finance Director	FinCom
12.	OPEB Trust Fund Expense	Finance Director	FinCom
13.	Establish an Opioid Fund	Finance Director	FinCom
14.	Adopt Specialized Stretch Energy Code	CAAB	Select Board
15.	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee	FinCom
16.	Concord Public Schools Budget	CPS School Committee	FinCom
17.	Concord Public Schools Capital Projects	CPS School Committee	FinCom
18.	Appropriation to Middle School Stabilization Fund	Finance Committee	FinCom
19.	Concord-Carlisle Regional High School Budget	CCRHS School Committee	FinCom

<b>Article #</b>	<b>Article Name</b>	<b>Sponsor</b>	<b>Public Hearing</b>
20.	Concord Public Schools Capital Projects - Fields and Landscaping	CPS School Committee	FinCom
21.	Appropriate Funds for Affordable Housing Development	Select Board	FinCom
22.	Appropriation for 250 <sup>th</sup> Anniversary Celebration	Select Board	FinCom
23.	Light Plan Solar Expansion - Middle School	Town Manager or Light Board	FinCom
24.	Community Preservation Committee Appropriation Recommendations	Community Preservation Committee	FinCom
25.	Community Preservation Committee Appropriation Recommendations – Housing Affordable Trust	Community Preservation Committee	FinCom
26.	Community Preservation Committee Appropriation Recommendations – Rescind and Reappropriate	Community Preservation Committee	FinCom
27.	162 Plainfield Road Easement	Town Manager	Select Board
28.	Demolition Review General Bylaw	Historical Commission	Planning Board
29.	Zoning Bylaw Amendment – Prohibited Use – Fast Food - Parking	Planning Board	Planning Board
30.	Zoning Bylaw Amendment – Combined Business/Residence	Planning Board	Planning Board
31.	Zoning Bylaw Amendment – Mobile Food Establishment	Planning Board	Planning Board
32.	Citizen Petition: Solar Generation Task Force	Dean Banfield	Select Board
33.	Citizen Petition: Update Concord's Noise Bylaw	Sven Weber	Select Board
34.	Citizen Petition: Prohibition of Gas-Powered Leaf Blowers	Sven Weber	Select Board
35.	Citizen Petition: DEI Director	Tanya Gailus	Select Board
36.	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, § 53E½	Town Manager	FinCom
37.	Annual Appropriation of Parking Meter Receipts	Town Manager	FinCom

<b>Article #</b>	<b>Article Name</b>	<b>Sponsor</b>	<b>Public Hearing</b>
38.	Light Plant Expenditures & Payment in Lieu of Taxes	Town Manager	FinCom
39.	Solid Waste Disposal Fund Expenditures	Town Manager	FinCom
40.	Sewer System Expenditures	Town Manager	FinCom
41.	Sewer Improvement Fund Expenditures	Town Manager	FinCom
42.	Water System Expenditures	Town Manager	FinCom
43.	Authorize Expenditure from PEG Access & Cable-Related Fund	Town Manager	FinCom
44.	Beede Swim & Fitness Center Enterprise Fund Expenditures	Town Manager	FinCom
45.	Unpaid Bills	Finance Director	FinCom
46.	Debt Rescission	Finance Director	FinCom

# 2022 Annual Report: Select Board

Matthew Johnson  
Terri Ackerman  
Linda Escobedo  
Henry Dane  
Mary Hartman

## General Business

The Select Board is composed of five members elected for staggered three-year terms by the voters at the annual Town election. Following Annual Town Meeting, Matthew Johnson succeeded Terri Ackerman as Chair and Ms. Ackerman became Clerk. Linda Escobedo continued to serve her second term and Henry Dane continued to serve his first term. Mary Hartman joined the board after her election in March.

The Select Board is responsible for overseeing the development and implementation of Town policy for all Town matters other than the management of the schools and issues that state laws delegate to other commissions. Some specific responsibilities of the Select Board are:

- Appoint and evaluate the Town Manager, and work closely with ~~them~~ him or her to set annual goals and objectives.
- Approve the calendar and Warrant for Annual and Special Town Meetings, propose matters to be considered and implement the decisions of Town Meeting.
- Make appointments to most Town boards, committees, and task forces, and approve appointments made by the Town Manager.
- Act as the authority for granting of numerous permits and licenses.
- Review the development of the Town's operating and capital budgets.
- Represent the Town in a variety of roles with federal, state, regional and other local government agencies.
- Acknowledge the many gifts, grants, and recognitions Concord gratefully receives.

## Select Board Goals and Initiatives

The Concord Select Board annually affirms its values and guiding principles to align its goals and objectives for improving the operation of our Town government. These include effective governance, financial stability, sufficient and sustainable infrastructure, diversity, equity, and inclusion, historic and cultural heritage preservation, enhancement of agricultural and natural resources, economic vitality, and advancing Concord's interests in the region and the commonwealth.

The Board also interacts with the Town Manager, other boards, committees, and task forces, Concord residents, and other units of government to establish strategic priorities and provide support, guidance, and encouragement. Some significant initiatives taken in 2022 included:

- ~~Hired~~ ~~The hiring of~~ a new Town Manager: Kerry Lafleur served as Interim Town Manager from January thru June of 2022. The Select Board was quite impressed with her initiative and job performance; therefore by unanimous vote, the Board appointed Ms. Lafleur to be Concord's Town Manager.
- Sponsored a focused meeting on the American Rescue Plan Act (ARPA) with presentations, brainstorming and public input.
- Sponsored a focused meeting on the town's Transportation challenges and initiatives with the Transportation Advisory Committee, Director of Public Works, and Director of Planning/Land Management, including presentations, brainstorming and public input.
- Called a Special Town Meeting to authorize \$7.2 million of additional borrowing for the new Concord Middle School for a total project cost not to exceed \$110 Million. The Special Town Meeting to approve this additional borrowing is scheduled for January 19, 2023, followed by a Town Election on February 16, 2023, to authorize the debt exclusion.
- ~~Took the first few steps to implemented diversity, equity, and inclusion initiatives to make Concord a more just, welcoming community.~~
- Updated the Charge for the Concord 250<sup>th</sup> Executive Committee, participated in Executive Committee forums, and heard reports from Mike Lawson of the State 250th Commission.
- Continued to face challenges with affordable housing: Following the developer's withdrawal from the Christopher Height project at Junction Village, the Select Board took no further action on that project. The Board actively participated in the development of the Housing Production Plan, endorsed the Assabet River Bluff project, approved guidelines for the Concord Municipal Housing Affordable Trust, and sent official comments regarding the proposed MBTA Communities Requirement for Multi-family Housing Zoning.
- Adopted a Small Cell 5G policy. Received a report and timetable from the PEG Access Committee on the upcoming franchise renewal.
- Worked with the Bruce Freeman Rail Trail Advisory Committee on a short-term conceptual redesign for Junction Park.
- Learned operational details of major town departments including Police, Fire, Public Works, Finance and Accounting, Broadband/Information Technology, and Planning/Land Management, as well as Minuteman National Park and Minute Man ARC.
- Reviewed progress to date on town committee policies and structure, volunteer recruitment practices and orientation procedures.
- Continued to work with the Town of Acton on the creation of a joint regional emergency dispatch center.

## Communications

Meetings are open to all interested Concord citizens and time is allotted for public comment. Copies of agendas, minutes, and supporting materials for meetings of the Board are posted on the Town website. Minuteman Media Network records and broadcasts the Board meetings on Concord's local

access cable channel 9 and online at minuteman.media. The Town's Public Information and Communications Manager oversees regular postings on the Town's website and social media.

When necessary, the Board meets in Executive Session to discuss issues of litigation, land acquisition, and labor negotiations.

Members of the Board also meet with neighboring officials and the Town's representatives in the Massachusetts legislature, as well as with representatives of the MBTA as necessary.

Representative Tami Gouveia and State Senator Mike Barrett serve as our current legislative leadership.

To further engage citizens and to help ensure transparency, boards, committees, and commissions hold public hearings, forums and workshops throughout the year on a variety of matters. When not constrained by pandemic conditions, the Town also hosts several public events and celebrations each year.

## Boards and Committees

Citizen participation has been a hallmark of Concord's governance since its founding. The Town's elected officials, as well as citizen members of over 60 other boards, committees and commissions are all volunteers, exemplifying the extraordinary democratic process of the Town. Over 300 citizens serve and annually donate hundreds of hours of personal time to benefit Concord.

During 2022, the Board revised the Charge for both the White Pond Task Force and the Public Ceremonies and Celebrations Committee. The Board also received final reports from three committees and then voted to dissolve these committees. The Board gratefully extends its thanks to the members of these 3 committees:

- Tax Fairness Committee
- Fiber Broadband Completion Task Force
- Personnel Bylaw Study Task Force

The Board hosts a monthly Chairs' Breakfast, which provides an overview of recent or planned activities from each of the Town's boards, committees and commissions in an informal information-sharing format that is an open and recorded meeting.

## Notable Issues

The COVID-19 pandemic continued to affect everyone – residents, students, employees, business owners, and visitors – with only temporary respites during the year. That placed greater demands on Town staff and many local businesses as they continued work under difficult conditions.

The judge's ruling in the long-running Estabrook Road trial established that "Estabrook Road was laid out as a public way and also became a public way by prescription, and that the 1932 order of the Middlesex county commissioners adjudicating Estabrook Road to become a private way ended the Town's obligation to maintain Estabrook Road, but did not end the right of the public to access and use Estabrook Road, which the public retains." [The defendants have](#)

indicated that they plan to appeal the judge's ruling. Legal costs in 2022 for this issue and in total, were significantly less than in the previous few years.

## Gifts and Acknowledgements

Concord's citizens, visitors and organizations continued their history of remarkable generosity to the Town. Concord was very fortunate to receive numerous gifts, and the Select Board formally acknowledges all gifts in excess of \$500.

The Board acknowledges, among many others, the following generous and greatly appreciated gifts in 2022:

- Eric Green and Carmin Reiss: \$25,000 to the Affordable Housing Trust Fund
- Mr. & Mrs. John J. Langan: \$800 to the Council on Aging,
- The Umbrella Arts Center: \$1500.00 for the Drive-in Movie Event
- The Rotary Club of Concord: \$1500.00 for the Drive-in Movie Event,
- Concord-Carlisle Youth Baseball: donation of backstop padding worth approximately \$2,500.00 for Rideout Field
- Michael B. and Mary S. Fox Fund: \$2500.00 to the Council on Aging Gift Account
- The Friends of Sleepy Hollow Cemetery Inc.: \$4,000 to the Town of Concord for the revitalization of the H. Thurston Handley Commemorative Garden in Sleepy Hollow Cemetery
- The Boston Foundation: \$2,500.00 to the Nanae Gift Account
- Rotary Club of Concord: gift totaling \$8,786.22 in partnership with the Concord Garden Club for the following work on the Veterans' Memorial Site – Water Fountain \$3,529.06, Landscaping \$5,127.00, and New Service Flags \$130.16
- Friends of Sleepy Hollow gift through donation by Mary McGuire Tyler and Family: \$10,000.00 to the Cemetery Trees Account for the replacement and replanting of trees and bushes near the intersection of Ripley and Bartlett Avenues in Sleepy Hollow Cemetery
- James Terry and Judith Terry: gift of \$55,000.00 to the Police Department Sustainable Vehicles Account for the purchase of a Tesla Model Y to be used as a patrol vehicle
- James Terry and Judith Terry: gift of \$5,000.00 to the Community Services Support Account to create a gift fund to be used to assist Concord residents under the age of 60 that are not otherwise covered by other support organizations
- Concord-Carlisle Community Chest, Inc.: gifts to the Council on Aging totaling \$17,696.50 and \$2,247.50 to the Volunteer Coordinator Account and \$10,901.00 to the Outreach Worker Account and \$4,548.00 to the Social Services Coordinator Account
- Concord-Carlisle Youth Baseball: gift to the Parks & Trees Division of the Concord Public Works Department and \$7,700.00 to the Ripley Field Baseball Account to support FY22 Ripley maintenance expenses
- His Presence Christian Fellowship: gift of \$1,000.00 to the Council on Aging Gift Account
- Middlesex School: total of \$75,000.00 for support of emergency equipment - \$50,000.00 to the Police Department, \$25,000.00 to the Fire Department.

- Mr. & Mrs. Langan: gift of \$1,000.00 to the Council on Aging Gift Account
- Concord Land Conservation Trust: gift of \$25,000 for the acquisition of the Emerson Land Conservation Restriction
- Friends of Concord Carlisle Fields: gift of \$50,000.00
- Concord Carlisle Community Chest: \$17,696.50 to the Council on Aging Gift Accounts
- Susanna E. Bedell Foundation: \$10,000.00 from the to the Council on Aging.

The Select Board wishes to thank all of the employees of the Town of Concord for their professionalism and dedication in serving the residents of Concord in these challenging times. We also wish to acknowledge and thank the hundreds of citizen volunteers willing to devote their time and skills to Town affairs, without whom the Town could not function.