

**TOWN OF CONCORD
SELECT BOARD
AGENDA *revised*
May 21, 2018**

7PM – Select Board Room – Town House

1.	Call to Order
2.	<p>Consent Agenda:</p> <ul style="list-style-type: none"> • Gift Acceptance <ul style="list-style-type: none"> · James Hackett \$1,375 Council on Aging Gift Account • One Day Special Licenses <ul style="list-style-type: none"> · Gaining Ground 6/15 5pm-7pm 341 Virginia Road Wine & Malt · Emerson Umbrella 5/25, 5/26, 6/15 6pm-11pm 57 ORNAC Wine & Malt · Saltbox Farm 7/13 12pm-4pm 40 Westford Road Wine & Malt 8/2 6pm-9pm 40 Westford Road Wine & Malt 8/11, 8/17 5pm-8pm 40 Westford Road Wine & Malt 8/18 4pm-10pm 40 Westford Road Wine & Malt • Proclamations <ul style="list-style-type: none"> · Fenn School Headmaster Jerry Ward Retirement · Concord Historian Jayne Gordon Retirement · Harrington House Tenants Peter & Jane Benes · Race Amity Day • Tour Guide Renewals
3.	Town Manager's Report
4.	7:05pm Public Hearing – Underground Fuel Storage: Eastern Propane, 210 Monument Farm Road
5.	7:10pm Public Hearing – Dog Hearing: 15 Chase Road, for violations of existing Dog Order
6.	Non-compostable Plastic Drinking Straw Ban Bylaw – Concord Academy students
7.	Punkatasset Parking Discussion
8.	Appoint Temporary Concord Housing Authority Member – Concord Housing Authority
9.	Affordable Housing Funding Committee Update – Todd Benjamin, AHFC Chair
10.	Review & Approve Climate Action Advisory Board Draft Charge
11.	Review & Approve Order of Taking for Monsen Road Extension
12.	Notice of Unique Real Property for Gerow Land
13.	Town Manager Contract Extension
14.	Sign Warrant for June 12 Special Municipal Election
15.	Public Comments
16.	Committee Liaison Reports
17.	Miscellaneous/Correspondence
18.	Committee Nominations: Yannis Tsitsas of 33 Brook Trail Road to the Concord Housing Development Corporation
19.	Committee Appointments: Nathan Bosdet of 151 Hubbard Street to the Planning Board for a term to expire May 31, 2023; Robert Abraham of 81 Plainfield Road to the Hugh Cargill Trust Committee for a term to expire May 31, 2021; Jane Hotchkiss of 1479 Main Street as MAPC/MAGIC Representative for a term to expire May 31, 2021; Amy Kaiser of 294 Commonwealth Avenue to the West Concord Junction Cultural District Advisory Committee for a term to expire May 31, 2019; Kate Yoder of 79 Deer Grass Lane to the West Concord Junction Cultural District Advisory Committee for a term to expire May 31, 2020; Ann Sussman of 534 Old Marlboro Road to the West Concord Junction Cultural District Advisory Committee for a term to expire May 31, 2021
20.	Committee Reappointments: Helena Long of 55 Potter Street to the Tax Relief Committee for a term to expire May 31, 2021; Carmen Jaquier of 38 Shore Drive to the White Pond Advisory Committee for a term to expire May 31, 2021; Stuart Freeland of 573 Lowell Road to the Zoning Board of Appeals as associate member and Elizabeth Akehurst-Moore of 86 Holden Wood Road to the Zoning Board of Appeals as full member for terms to expire May 31, 2021

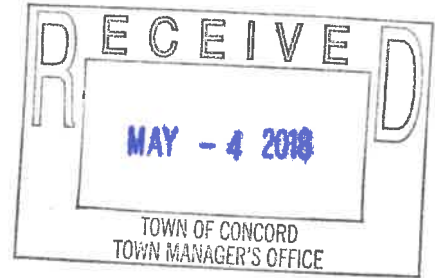
21.	Confirm Town Manager Appointments: Edward Nardi of 29 Academy Lane to the Natural Resources Commission for a term to expire May 31, 2020
22.	Confirm Town Manager Reappointments: Thomas McKean of 138 Nashawtuc Road to the Commission on Disability for a term to expire May 31, 2019; Cynthia Rainey of 80 Hunter's Ridge Road to the Board of Assessors for a term to expire May 31, 2021; Bradley Hubbard-Nelson of 221 Nashawtuc Road to the Comprehensive Sustainable Energy Committee for a term to expire May 31, 2021
23.	Appoint Election Officials
24.	Adjourn to Executive Session for the purposes of discussing Land Acquisition (Gerow Land)

PENDING

Monday	May 28	All Day	Memorial Day	Town Offices Closed
Monday	June 4	7PM	Select Board Meeting	Town House
Monday	June 18	7PM	Select Board Meeting	Town House

Town of Concord
Finance Department
memorandum

TO: Christopher Whelan, Town Manager
FROM: Kerry A. Lafleur, Finance Director
SUBJ: Council on Aging Gift
DATE: May 3, 2018



Please place on the Select Board's agenda the gift of 3 wheelchairs to the Council on Aging.

The estimated current worth of this donation is \$1375.00

Donated By: James Hackett
161 Prairie Street
Concord, MA 01742

Account:
0023-520-541-0623-4850-0
Council on Aging Gift Account

Accepted: _____
Clerk

Date: _____

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

RACE AMITY DAY

WHEREAS Concord supports the Great Seal of the United States of America which bears the inscription, E Pluribus Unum, which translates from Latin as “Out of many, one”; and

WHEREAS The greatest asset of the Town of Concord is its people; and

WHEREAS The Town of Concord is comprised of multicultural, multiethnic and multiracial citizens; and

WHEREAS Friendship, collegiality, civility, respect, and kindness are commonly shared ideals of the collective citizenry of the Town of Concord; and

WHEREAS The Towards E Pluribus Unum Initiative has invited communities across the United States of America to join in introspection and reflection on the beauty and richness of the diverse people of this great nation while reaching out with a spirit of amity toward one another annually on the second Sunday in June; and

WHEREAS H 2745, Chapter 163 of Acts of 2015 of the Commonwealth of Massachusetts establishes the Second Sunday in June Annually as Race Amity Day

NOW, therefore, we, as the Concord Select Board do hereby proclaim June 10th, 2018, to be Race Amity Day, and urge all the citizens of the Town to take cognizance of this event and participate fittingly in its observance.

Proclaimed this XXst day of May 2018



CONCORD SELECT BOARD

COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
SELECT BOARD

PROCLAMATION

Peter and Jane Benes – Curators Extraordinaire

WHEREAS Peter and Jane Benes, recently of 249 Harrington Avenue, Concord have been resident caretakers of the Town of Concord’s Wheeler-Harrington House for the span of 35 years, and

WHEREAS during that tenure they have faithfully, unflinchingly, creatively and devotedly maintained and improved said Wheeler-Harrington House, a venerable building listed on the National Register of Historic Places, and

WHEREAS during that span of time they not only found energy to raise up a family, but also to rebuild windows, deflect downpours, replant home lot gardens and return the building’s interior to a condition that evokes and respects its long and complex cultural history, all the while improving its livability for more modern tenants, and

WHEREAS said Peter and Jane have consistently continued to share their love and deep understanding of this remarkable property and its important role in the history of Concord Massachusetts through written, visual and oral presentations to a wide range of audiences,

THEREFORE be it declared that said Peter and Jane Benes are hereby granted the shared title of *Curators Extraordinaire* by the Select Board of the Town of Concord

Proclaimed this 21st day of May 2018

CONCORD SELECT BOARD



OLD NORTH BRIDGE

TOWN OF CONCORD

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

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

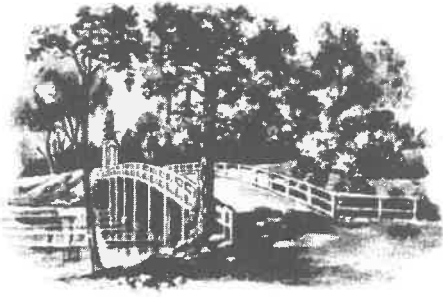
TOWN OF CONCORD SELECT BOARD

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held at the Town House in the Select Board Meeting Room, 22 Monument Square, Concord, MA on May 21 at 7:05 PM, upon the application of Eastern Propane on behalf Ziad Fares for the Storage of Liquefied Petroleum Gas at 210 Monument Farm Road. In accordance with the plan dated October 2, 2017, filed with the Select Board.

By Order of the Select Board

Michael Lawson
Clerk



OLD NORTH BRIDGE
1775

TOWN OF CONCORD

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

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

TOWN OF CONCORD SELECT BOARD

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held at the Town House in the Select Board Meeting Room, 22 Monument Square, Concord, MA on May 21 at 7:10 PM, pursuant to MGL Chapter 140, § 157 and Town of Concord Dog Bylaw § 1,2,3,4.

Complaint: "Blue", Failure to comply with Dog Order dated February 12, 2018
Owner: Rachel Hitchcock
Address: 15 Chase Road

By order of the Select Board

Michael Lawson
Clerk

TOWN OF CONCORD, MASSACHUSETTS

NON-COMPOSTABLE PLASTIC DRINKING STRAW BAN BYLAW

Section 1. Sale or Distribution of Non-Compostable Plastic Drinking Straws

It shall be unlawful to sell or to distribute in a commercial establishment non-compostable plastic drinking straws in the Town of Concord on or after January 1, 2019

Section 2. Exempted Sale and Distribution

Sale or distribution of non-compostable plastic drinking straws shall be exempt from this Bylaw where such straws are:

- a. Physically affixed by original manufacturers to commercial drink products;
- b. Medically indicated per the advice of a qualified medical professional; or
- c. Sold for personal use in retail packages.

Section 3. Enforcement Process

Enforcement of this Bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any commercial establishment selling or distributing in violation of this Bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Concord.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Non-Compostable Plastic Straw Ban Bylaw	1st offense 2nd offense 3rd & each subsequent offense	Warning \$25.00 \$50.00	Town Manager's Designee

**CONCORD HOUSING AUTHORITY
34 EVERETT STREET
CONCORD, MA 01742
978-369-8435
FAX 978-369-4269**



May 7, 2018

Ms. Thomas McKean, Chair
Select Board
Town House
PO Box 535
Concord, MA 01742

Dear Mr. McKean:

Due to the recent resignation of Linda Escobedo, the Concord Housing Authority would like to request a joint meeting with the Select Board to appoint a new board member until the next election.

Please share with the CHA any nominations or relevant submitted green cards for our review.

I look forward to hearing from you on prospective dates for a joint meeting.

Sincerely,

Marianne Nelson

Marianne Nelson,
Executive Director

on behalf of the Board of Commissioners

**CONCORD PUBLIC WORKS
ENGINEERING DIVISION**

133 Keyes Road
Concord, MA 01742

DATE: 05/04/2018



Tel: 978 - 318 - 3210
Fax: 978 - 318 - 3245



MEMORANDUM

TO: Kaari Mai Tari, Town Clerk
VIA: Richard Reine, PWLF Director of Public Works
VIA: William Renault, P.E., Town Engineer *WSR 5/4/18*
FROM: Chris Olbrot, P.E., Asst. Town Engineer *CAO 5/4/18*
SUBJECT: Monsen Road Extension – Order of Taking

Attached to this memo is the Order of Taking (Order) for the extension of Monsen Road and associated easements.

Pursuant to M.G.L. c.79 and c. 82, the Select Board shall sign the Order within 120 days of the roadway acceptance. At the 2018 Annual Town Meeting Monsen Road was Accepted under Article 43. This Order finalizes the acquisition process formalizing the Extension of Monsen Road as a public way. An excerpt from c. 82 section 24 reads:

If it is necessary to acquire land for the purposes of a town way or private way which is laid out, altered or relocated by the selectmen, road commissioners or other officers of a town under this chapter, such officers shall, within one hundred and twenty days after the termination of the town meeting at which the laying out, alteration or relocation of such town way or private way is accepted by the town, acquire such land by purchase or otherwise, or adopt an order for the taking of such land by eminent domain under chapter seventy-nine or institute proceedings for such taking under chapter eighty A.

Therefore, we request that the Select Board approve the following motion:

We, the Select Board, by virtue of the provisions of the applicable General Laws, as amended and of all other powers and enabling authority, adopt this Order of Taking.

Once signed and adopted please return the Order to CPW – Engineering Division so that it can be recorded with the Registry of Deeds and the original will be provided back to you for the Town’s official records.

Also, please note that Exhibit A is a “Certified Clerk’s Certificate”. Page one (1) of the Order references an attested copy of the unanimously adopted Article mentioned above.

I trust this is sufficient information however if you have any questions at all, please to not hesitate to contact the Division.

Attachments:

- Order of Taking



Town of Concord

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

ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

MONSEN ROAD STREET ACCEPTANCE

ARTICLE 43.

WARRANT ARTICLE

To determine whether the Town will vote to (a) accept as a Town way the laying out by the Commissioners of Public Works of an extension of Monsen Road of approximately 746 feet+/- and terminating in a cul-de-sac turnaround over land formerly owned by Bentley Building Corp., as shown on plan sheet 2 of 8 filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on August 06, 2013 as Plan No. 592 of 2013, entitled "Monsen Farm, Definitive Subdivision Plan, Concord Massachusetts", dated October 23, 2012 and last revised on February 22, 2013 prepared by Stamski and McNary, Inc., containing eight (8) sheets; (b) name said street Monsen Road; (c) authorize the Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including the fee interest in Monsen Road, a Drainage Easement and an Emergency Access, Pedestrian and Utility Easement as shown on sheet 2 of 8 of said plan set, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor; or take any other action relative thereto.

VOTE

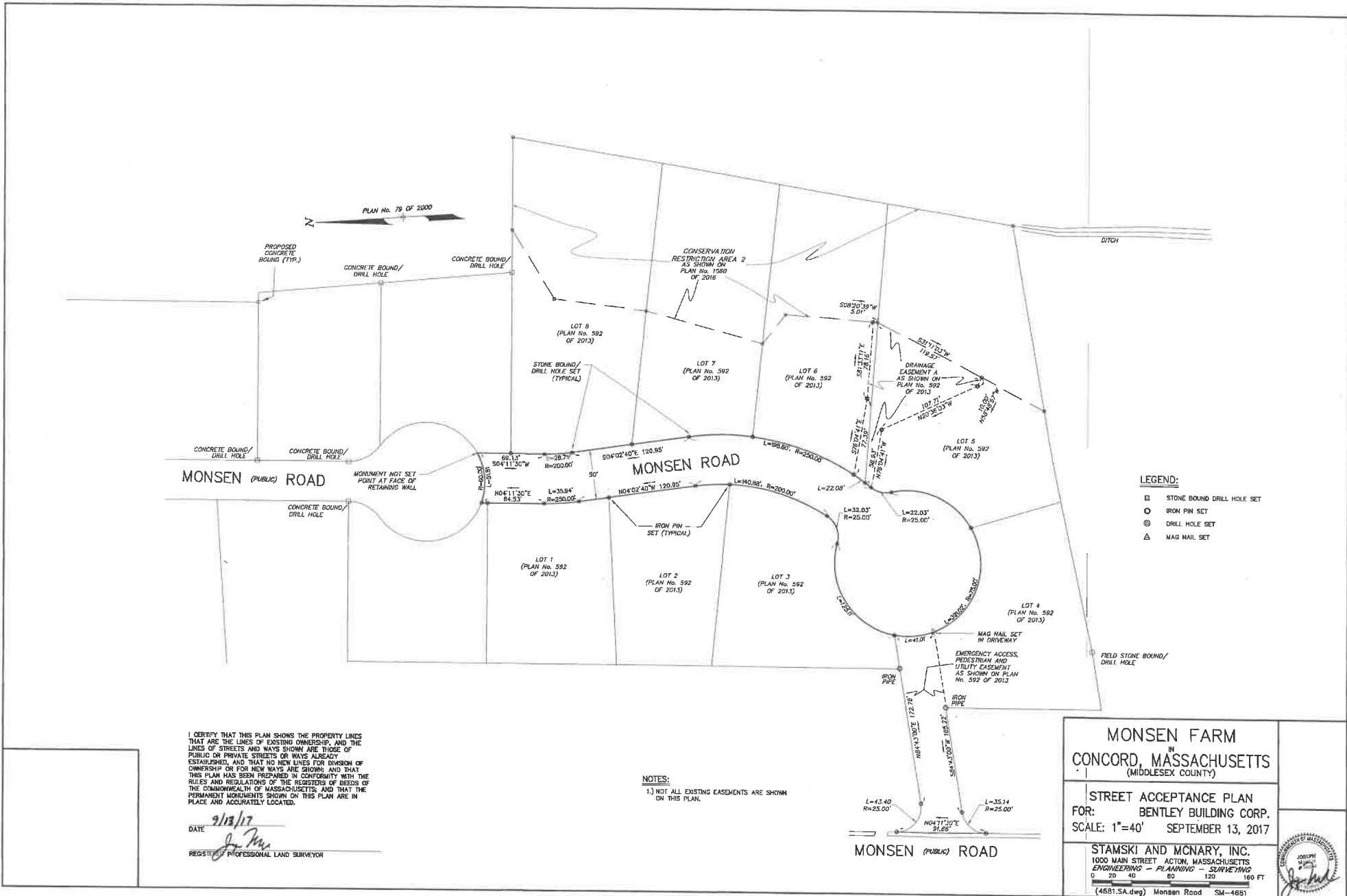
Upon a **MOTION** made by Mr. Packard and duly seconded, the following was **VOTED**:

That the Town take affirmative action on Article 43 as printed in the Warrant.

Passed by Declared Unanimous Vote under the Consent Calendar
April 9, 2018

A True Copy Attest:

Kaari Mai Tari
Town Clerk



PLAN No. 79 OF 2000
N

- LEGEND:**
- STONE BOUND DRILL HOLE SET
 - IRON PIN SET
 - ⊗ DRILL HOLE SET
 - △ MAG NAIL SET

I CERTIFY THAT THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN; AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS; AND THAT THE PERMANENT MONUMENTS SHOWN ON THIS PLAN ARE IN PLACE AND ACCURATELY LOCATED.

DATE 9/12/17
[Signature]
 REGISTERED PROFESSIONAL LAND SURVEYOR

NOTES:
 1.) NOT ALL EXISTING EASEMENTS ARE SHOWN ON THIS PLAN.

MONSEN FARM
 IN
CONCORD, MASSACHUSETTS
 (MIDDLESEX COUNTY)

STREET ACCEPTANCE PLAN
 FOR: **BENTLEY BUILDING CORP.**
 SCALE: 1"=40' SEPTEMBER 13, 2017

STAMSKI AND MCNARY, INC.
 1000 MAIN STREET ACTON, MASSACHUSETTS
 ENGINEERING - PLANNING - SURVEYING
 0 20 40 80 120 160 FT
 (4681.SA.dwg) Mosen Road SM-4681



RECORD OF VOTE OF THE CONCORD SELECT BOARD
May 21, 2018

At a duly called public meeting of the Concord Select Board on May 21, 2018, the Board voted as follows:

That the Board has determined that advertising under General Laws Chapter 30B for the Town's acquisition of the following parcel of real property will not benefit the governmental body's interest due to the unique qualities of the property:

The land with the buildings thereon commonly known as 369, 37B and 37Y Commonwealth Avenue, Concord, Middlesex County, Massachusetts, containing 7.00 acres of land, more or less (collectively, the "Property"). The Property is shown on the Town of Concord Assessor's Map as Parcels #2157, #2158 and #2159.

Specifically, the Property consists of open space that has access to Warner's Pond. Portions of the Property may be used as a Town Beach, and other portions could be used for other recreational opportunities. The Town's acquisition of the Property is consistent with the 2017 Open Space and Recreation Plan because it would increase access to active recreation and waterfront opportunities in West Concord. The existing home on the Property may also be redeveloped for affordable housing.

TOWN OF CONCORD
By its Select Board

Thomas McKean, Chair

Michael Lawson, Clerk

Alice Kaufman

Jane Hotchkiss

Linda Escobedo

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONCORD
WARRANT FOR THE SPECIAL TOWN ELECTION
June 12, 2018**

ss. Middlesex

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote in elections, to vote on Tuesday, June 12, 2018 at Precincts 1 through 5 at the following locations, all in said Concord:

- Those residing in Precinct 1 at Dept. of Planning & Land Management (141 Keyes Road);
- Those residing in Precincts 2 and 3 at the Harvey Wheeler Community Center (1276 Main St.);
- Those residing in Precinct 4 at the Ripley School (120 Meriam Road); and
- Those residing in Precinct 5 at the Hunt Gymnasium (90 Stow Street);

By posting a printed copy of this Warrant, by you attested, at the Town House and in at least one public location in each precinct in Concord, seven days, at least, before the said 12th of June, then and there to act on the following ballot question:

QUESTION 1

SHALL THIS TOWN ADOPT THE FOLLOWING BYLAW?

SUMMARY

A majority of voters in Concord voted in favor of Question 4 on the 2016 state election ballot, entitled "Legalization, Regulation, and Taxation of Marijuana." Subsequently, the state enacted General Law Chapter 94G, section 3. Under that statute, towns where a majority of ballots were cast in favor of Question 4 must submit any bylaw limiting the type or number of marijuana establishments, or prohibiting such establishments altogether, to voters for approval. On April 11, Concord Town Meeting proposed the bylaw below and voted to submit it for approval to voters pursuant to Chapter 94G.

A "yes" vote on this question would prohibit any marijuana establishment, as defined in chapter 94G, section 1 of the General Laws, from operating in Concord. The prohibition would apply to marijuana establishments including, without limitation, marijuana cultivators, independent testing laboratories, marijuana product manufacturers, and marijuana retailers. The prohibition would not apply to Registered Marijuana Dispensaries that dispense medical marijuana. If this ballot question is approved, the Cannabis Control Commission — a statewide commission created by the Legislature to promulgate regulations and to review license applications for marijuana establishments — would deny licenses to applicants who propose to operate a marijuana establishment in Concord. A "no" vote disapproves the bylaw, meaning the prohibitions described below would not take effect in Concord.

MARIJUANA ESTABLISHMENTS

The operation within the Town of Concord of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw.

YES
NO

The polls will be open at 7:00 o'clock AM, and will remain open until 8:00 o'clock PM. Hereof fail not and make return of this warrant with your doings thereon at the time and place of said election.

Given under our hand this 21st day of May 2018.

Board of Selectmen:

By virtue of this Warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

Constable

Date

**TOWN OF CONCORD
Special Town Election
April 14, 2016**

Warrant Posting Places

PRECINCT 1 – Department of Planning & Land Management, 141 Keyes Road;
Concord Free Public Library, 129 Main Street; Hunt Gymnasium, 90 Stow Street

PRECINCT 2 – Harvey Wheeler Community Center, 1276 Main Street; Fowler
Library, 1322 Main Street

PRECINCT 3 – Willard School, 185 Powder Mill Road

PRECINCT 4 – Town House, 22 Monument Square

PRECINCT 5 – Concord Municipal Light Plant, 1175 Elm Street

Posted _____



Town Clerk's Office
22 Monument Square
Concord, MA 01742

Memo

To: Select Board
Cc: Chris Whelan, Town Manager
Kerry Lafleur, Finance Director
Board of Registrars
From: Kaari Mai Tari, Town Clerk
Date: May 21, 2018
Re: Election Officer Appointments

Pursuant to MGL Chapter 54: Section 12, I would like to request, on behalf of the Board of Registrars, reappointment of 4 voters as Election Officers for terms to expire July 31, 2018.

Election Officers 2017-2018 Appointment List

Party	Name	Address	Precinct
U	Maureen Belt		Lincoln
U	Cosette Dunn	131 Ministerial Dr	3
U	William F. Miles	68 Commonwealth Ave 219	2
D	Rosetta Moreau	1990 Main Street	2
4			

Party Affiliation among all appointed Election Workers, including those proposed in this memo:

Democratic	30	43%
Republican	11	16%
Unenrolled	29	41%
Total Election Workers	70	

Thank you for your consideration.

Kaari