

PUBLIC WORKS COMMISSION MEETING MINUTES

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Public Works Commission in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 suspending certain provisions of the Open Meeting Law was held at 4:00 p.m. on Wednesday, January 12, 2022. This meeting has been properly noticed with the Town Clerk and has been recorded.

PRESENT:

Commissioners:

Jef Fasser
David DeLong
Andrea Solomon
James Terry
K.C. Winslow

Staff:

Alan H. Cathcart, Director
Aaron I. Miklosko, MSFM, Highway and Grounds Superintendent
Steve Dookran, Town Engineer
Stephane Cherduville, Public Works Engineer
Jeffrey A. Murawski, Water and Sewer Superintendent
Nelson Mui, Management Analyst
Bob Hill, Management Analyst
Melissa Simoncini, Environmental Services Program Administrator
Anna R. Trout, Administrative & Special Projects Coordinator

Other:

Robert Hilsinger (League of Women Voters Observer)
Rod Riedel, 324 Main Street (Council on Aging Observer)
Elizabeth Hughes, Concord Town Planner
Melissa Saalfeld, 77 Concord Greene (Historical Commission)
Karlen Reed, 83 Whit's End
Mary Hartman, 16 Concord Greene
Elise Woodward, 379 Garfield Road
Joanne Gibson, 88 Walden Street
Nancy Nelson, 1695 Lowell Road
Nancy Fresella-Lee, 140 Walden Street
Dennis Fiori, 309 Strawberry Hill Road
Brooks Read
Michael Lawson
Linda Miller
Peggy Burke
Michael Capizzi
Andrew Feinburg
Pierce Brown

Chuck Gibson
Susannah Kay
Chessie Cataldo
Kate James
Linda Escobedo
Liz Stetson
Mary Clarke

A: ACTION ITEMS

A-1 through A-3 - The meeting was convened at 4:00 PM. by Commissioner Fasser. Attendance roll call of Commissioners was made as follows: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye, and Jef Fasser, Aye.

The meeting minutes from Dec. 8, 2021 were approved by roll call: Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye, and Jef Fasser, Aye.

Commissioner David DeLong joined the meeting after the roll call and meeting minutes approval.

Director Cathcart explained that the Solid Waste and Recycling Subscription Rate Hearing shown on the meeting calendar has been moved from February to June. This is being done to provide staff with an opportunity to take the time needed to analyze a number of factors. There has been some transition and temporary re-organization within Public Works to cover critical service areas and costs are being analyzed. The cardboard collection at Keyes Road is being included in this evaluation as the high demand and associated costs and impact on the Keyes Road campus call for a need to explore alternatives to the current process.

D: DISCUSSION/ACTION ITEMS

D-1: FY23 Roads Program Review

Director Cathcart welcomed those in attendance and explained that the presentation that was used at the Town Meeting preview this past weekend would be shared. A summary of the five-year capital improvement plan for key assets within the public Right-of-Way was shown. This plan includes needs relating to pavement/roads, pedestrian and bicycle improvements, stormwater improvements as well as traffic management and safety interests.

CPW is responsible for maintaining, repairing and replacing, 108 miles of public roadways. In addition, there are 25 miles of private roads that require attention. The Town has invested approximately two million dollars in the roads program for FY21 and FY22, which includes state contributions through the Chapter 90 funds. In accordance with recent requests through the Town Manager's office, staff have performed a comprehensive needs and budget

assessment over a five-year period. Using a pavement condition index metric, they have identified a significant budget increase will be required, starting in FY23, to improve the condition of average, town-wide condition of roads from poor to good. The budget plan also incorporates other infrastructure improvements that require attention including stormwater/culverts, sidewalks and traffic management.

When a new road is installed, it has an expected life cycle of twenty five years. If no maintenance or improvements are made, between 15 and 20 years there is a precipitous drop in the condition of the road. The goal is to maintain an average condition Town wide at a good to excellent range. A new focus on roadway preservation is being evaluated as it is much less expensive than reclamation. Such techniques can be used to restore the roads reasonably quickly so that the experience for residents and businesses are positive. This work has a useful life of five to ten years versus the fifteen to twenty five year span generally associated with rehabilitated roads. Rehabilitation is done when the road has been allowed to significantly deteriorate and when additional improvements in related infrastructure is planned or called for including drainage, significant changes in intersections, adding sidewalks and crosswalks. Underground utilities (electric, telecommunications, water, sewer, gas) are funded independently through each respective utility, adding notable additional costs to such projects.

Under the road preservation strategy different preservation techniques can be used every five years or so. These techniques are fairly low cost to keep the roads in good condition.

Commissioner Terry asked about the Micro Processing and Asphalt Rubber treatments. He noted that there were a number of other techniques that were discussed and asked if they would also be used. Town Engineer, Steve Dookran, explained that there are several preservation treatments being evaluated. Micro Processing and Asphalt Rubber will be used first, as these techniques have been demonstrated to have had good results in the surrounding communities. Commissioner Fasser asked some questions about the longevity of these new techniques. Seven to ten years of use can be expected with the Asphalt Rubber process. The results of this process will be realized quickly.

Commissioner Winslow asked if these processes were more disruptive to residents. Mr. Dookran answered that the surface can be driven over within a few hours of application. Ms. Winslow also asked about the projected expenses being higher than in the past. Mr. Dookran explained that the goal is to raise the overall condition of roads from poor to fair to good to excellent. This requires a much larger investment into the treatment of the roadways. He noted the Town can't just concentrate on preservation and modest rehabilitation work. We also need to spend even more money on the roads that are in poor condition. Escalating asphalt prices, labor and fuel prices are also taken into account resulting in the need for increased funding.

Commissioner DeLong asked what the actual increased cost year by year is over what we've been spending. In the past we have found that if we were asking for two million dollars from the general fund budget, we might receive 1.25 million which would have been supplemented with Chapter 90 funds from the State. Director Cathcart highlighted the fact that unlike past budgets, for the first time he was aware of, this five-year plan includes an appropriate level of investment for less obvious infrastructure needs such as stormwater needs and culverts. When you look at all the costs associated with infrastructure needs within the public Right-of-Way over a five year planning cycle it totals approximately 34 million dollars. The two million dollars allocated for these same needs in the recent past has resulted in the deterioration currently identified in this important infrastructure.

Mr. Dookran explained that if money isn't invested into the roads and related infrastructure based on the plan submitted, the cost will only escalate over time. If the 34 million dollars is not spent over the five year planning cycle, cost would probably be double this amount to bring the roads up to good condition. The Town of Lexington has been doing a mix of preservation and traditional rehab for many years now. Their PCI is presently in the 80's and their current budget is two million dollars annually. They have a similar number of miles of roads to maintain.

Commissioner Terry complimented Engineering for doing this analysis earlier than in the past which allows the Town to get bids out earlier allowing more competitive bids. Commissioner Fasser also expressed his appreciation for the granular level of budget data which makes it much easier to understand the cost.

Robert Hilsinger (League of Women Voters Observer) asked what the attendance was for the Roads Program Zoom Meeting held on January 11, 2022. Director Cathcart informed him that about twenty people participated.

The Engineering Division roads program plan presented to the Public Works Commission is based on the FY22 budget which has already been approved. The plan for increased investment has been submitted for consideration in future budget cycles. The Commission was informed that abutters that would be impacted by the work planned over the next construction period had been notified in writing and invited to a Roads Program Zoom Meeting held on January 11, 2022. Notification of this public meeting was also provided through a News and Notice on the website to invite the general public. This was done to make residents aware of the roadwork planned and allow them the opportunity to ask questions and provide input.

Mary Hartman, 16 Concord Greene, asked about the \$450,000 placeholder for traffic signals, and whether that is for replacing or adding new signals. Mr. Dookran answered that the existing signal at the intersection of Baker, Main and

Cottage and another at the intersection of Fitchburg Tpk. and Sudbury Road require replacement.

D-2: Annual Town Meeting – Draft Articles

- **PWC Sponsored:**

Director Cathcart noted that all articles to be sponsored at the upcoming annual Town Meeting by the Public Works Commission are non-controversial “administrative” articles that will likely be placed on the consent calendar. In the event an article is pulled from the consent calendar, a Commissioner will be assigned to present the article with support from staff - if needed. There are no significant borrowing requests anticipated for the water or sewer enterprise funds.

- **Scenic Roads Bylaw (Historic Commission):**

A Scenic Roads Bylaw proposal, to be sponsored by the Historic Commission has been placed on the agenda for discussion given the potential impact it may have on public works existing authority and activities. Historically there have been conversations regarding enabling legislation that allows communities to designate certain roads as “Scenic Roads”. Concord’s Town Planner Elizabeth Hughes, who has been actively involved in advancing this proposed bylaw was invited to provide the Commission with an overview.

Ms. Hughes provided a general overview of the draft bylaw stating that the Scenic Roads Act of 1973 provides enabling legislation authorizing cities and towns the opportunity to adopt such regulations. If approved at Town Meeting, the Act authorizes the Historical Commissions, the Natural Resources Commissions (Conservation Commissions) or Planning Boards to develop regulations for any repair, maintenance, reconstruction or paving work within the public way that would require the cutting or removal of trees, or the tearing down or destruction of stone walls within designated roads. The proposed bylaw calls for the Planning Board to serve as the regulatory agent. The enabling legislation also states that if a Public Shade Tree hearing is required by the Tree Warden, it can be consolidated with a Planning Board public hearing.

Ms. Hughes volunteered that town interest in potentially adopting a Scenic Roads bylaw began in 1987, as it was included as a recommendation for consideration in a Town Land Use Plan. Similar recommendations also occurred in 1995 and 2001 where the Historic Master Plan recommended evaluation of the bylaw. The 2005 Comprehensive Long Range Plan also includes a recommendation for consideration of adopting an official Road’s Policy that dealt with the historic and environmental sensitivity within that policy and included action items and goals dealing with implementing items for the protection of the historical and cultural vistas including farmland, scenic roadways, stone walls, major trees and village centers. The Envision Concord

Plan; Bridge to 2030, recommended action items to address the character and cultural resources of our roadways looking at the Scenic Roads as critical issues and looking at the 1994 roads policy to define features of a historical landscape.

Nine public roads are included in the draft warrant, with no private roadways being included. The roadways included are Ball's Hill Road, Barrett's Mill Road, Garfield Road, Liberty Street, Monument Street, Old Road to Nine Acre Corner, Strawberry Hill Road, Sudbury Road and Westford Road. The Town's website has an interactive map and other information on the Historical Commission's web page dedicated to the Scenic Roads Bylaw.

With regard to Town projects, repair, reconstruction, or paving projects that remove trees or destroy stone walls in the public right-of-way, the Scenic Roads Bylaw provisions would apply. Cutting or removal of trees by the Town in connection with right of way maintenance or to mitigate, eliminate or avoid hazardous conditions as determined by the Tree Warden is intended to be exempt. Scenic Roads designation does not affect receiving Chapter 90 funds.

Ms. Hughes explained that the rules and regulations for the scenic roads bylaw would be developed only if the bylaw is passed. These rules and regulations will define the actual application process for public hearings with the Planning Board. Guidance on how the Planning Board would evaluate projects that need a public hearing because of the Scenic Roads would also need to be defined. Public Safety would be a determining factor in making these decisions.

Steps to be taken by the Town Planner and Senior Planner between now and Town Meeting include gathering bylaws, rules and regulations, meetings with Town staff stakeholders and an initial draft of rules and regulations. If the article passes at Town Meeting the Town Clerk would certify the vote and submit to the Attorney General. Town staff would complete the draft of rules and regulations and review of those draft regulations would occur with the Public Works Commission, Historical Commission and Planning Board. A Public Hearing would then occur on the adoption of those rules and regulations.

Melissa Saalfield, Chair of the Historical Commission, residing at 77 Concord Greene was introduced to offer the perspective from the Historical Commission, the present sponsor of this article. Ms. Saalfield explained that it is the mission of the Historical Commission to identify and safeguard for posterity unique physical attributes of the Town; to conduct research for places of historic value and to recommend to the Town Manager methods of protecting and preserving these historic attributes and to review the effectiveness of regulatory tools to better protect and preserve the Town's character and cultural resources. The Commission is putting forth the Scenic Roads Bylaw and is urging Concord to join the over 100 Massachusetts towns that have adopted this bylaw. She expressed that she believes a mutually agreed solution can be developed by Town staff and she's asking for support of this regulatory tool.

Commissioner Fasser asked about personal property issues which appears not to be affected by the Scenic Roads Bylaw, as mentioned in a “Frequently Asked Questions” document developed for this article. He asked for clarification as the regulations provide guidance to property owners on the application process. Ms. Hughes explained that the bylaw could relate to a property owner who may be requesting the removal of a stone wall that is within the Town’s Right of Way to install a driveway. In this case the Scenic Roads Bylaw would apply. It would not apply if the stone wall was on private property.

Commissioner Fasser also inquired as to how the Scenic Roads Bylaw would relate to areas already designated as historic districts. Ms. Hughes indicated this question had not previously been contemplated and volunteered she would look into this. Her understanding would be that in some cases, the Historic Districts Commission and Planning Board would likely be required to exercise their respective authority.

Commissioner Fasser also noted that while it had been suggested in this presentation that the Public Works Commission might be included in the process of developing rules and regulations, this is not actually referenced in the “Frequently Asked Questions”. Ms. Hughes answered that she would make that edit. She also said that while the warrant article itself is fairly simple, the explanation section below it will include this same information.

Commissioner Fasser pointed out to the audience and some of the newer Commissioners that the Town does have a well thought out Roads Program Policy (developed at the request of the Select Board back in 1994). This Policy highlights a number of important design considerations and factors that inform the Public Works Commission when reviewing maintenance and improvements activities proposed within public ways, including impacts on stonewalls and shade trees. He further explained that this policy is something Public Works has historically been very proud of managing and administering to the benefit of the community. He explained the Policy informs design and construction considerations for *all* (emphasized) roadways and Right-of-Ways within the Town of Concord.

Ms. Hughes acknowledged this important policy and suggested that while the policy provided “guidance”, the Scenic Roads Bylaw was intended to provide an additional layer of regulatory oversight when involving stone walls and public shade trees. It is not simply a recommendation of what “should” be considered and authorized by the Public Works Commission but what “shall” be considered and approved through the Planning Board.

Ms. Saalfield mentioned that this is not about what’s going on right now in Town, but it is about the future development pressures on this Town and those around us which is enormous, and that we’re trying to protect the historic character of Concord.

Commissioner Winslow stated that it's good to see an extra layer of protection. She expressed that it would help to give guidance for Public Works and that it adds some formality to make sure that things don't fall between the cracks.

Commissioner Solomon expressed concern that imposing a new regulation in an area already managed effectively through Public Works would only involve an unnecessary layer of bureaucracy. She was glad to see that the bylaw noted that public safety is an important factor in evaluating what could be accommodated but felt it needed additional emphasis in any policy or regulation. She also questions if the Zoning Board should be the authority for these decisions. Ms. Hughes explained that the Planning Board is the correct authority in these situations.

Commissioner Fasser talked about the current Public Shade Tree Bylaw. This bylaw would trigger a hearing if a curb cut was requested through a stone wall. Ms. Hughes said that Planning would not have jurisdiction unless it was a Historic Road. Mr. Dookran explained that if there is a subdivision it goes to the Planning Board with review from Engineering. When someone comes to Engineering for a driveway permit, if there is a stonewall on private property, CPW has no jurisdiction. If the stone wall is in the Town's Right of Way, Engineering can put measures in place to mitigate.

There was a discussion about enforcement of the Bylaw and what fine can be assessed. Ms. Hughes stated that the fine is \$300 per day. Commissioner Terry asked about the fine and indicated that the Bylaw states \$300 per violation. Ms. Hughes will investigate further and get back to Director Cathcart with confirmation.

Elise Woodward, 379 Garfield Road expressed that from her perspective this bylaw is intended as a tool for the Planning Board and the Public Works Commission similar to the Public Shade Tree Bylaw to bring attention to the particular elements of our roadways that contribute to the unique and scenic properties of the Town. This bylaw reinforces the 1994 Public Works Commission Roads Policy and specifically the 1999 Commissioner's Road policy statement. The benefits of such an integrated approach were articulated in the Comprehensive Long Range Plan, which she was a co-chair, specifically section 4.7 in public facilities and infrastructure goal three mentioned the rural character of select roads. She encourages the Commission to support this bylaw.

Karlen Reed, 83 Whit's End asked if the Planning Board has voted to support this bylaw. Ms. Hughes responded that a formal vote has not been taken. It will come before the Jan. 25 or a meeting in February to take a formal vote.

Joanne Gibson, 88 Walden Street, explained that she felt the Public Shade Tree Bylaw is a good example of citizens and CPW working together. She sees the Scenic Roads Bylaw as another opportunity to work together with Public Shade

Tree hearings on the roads which are designated as scenic. She sees this as a way for citizens and commissions to work together as part of a team.

Nancy Nelson, 1695 Lowell Road, explained that she looks at this as an opportunity to combine the expertise of people with historical background and experience. She said there is no real teeth that would damage anyone's project or property rights, but it allows people to exchange more information about what are the important elements of safety, the important characteristics of a historic road and how that contributes to the historic character. She felt it strengthens the dialogue among citizens and helps inform engineers about historical knowledge.

Nancy Fresella-Lee, 140 Walden Street, expressed that this is about education. She explained that even in the past citizens have been careful to preserve Concord's history and that other Towns have put this bylaw in place. This is about drawing attention to our scenic roads and emphasizing commitment to protecting the character of the Town.

Dennis Fiori, 309 Strawberry Hill Road, stated he is a member of the Historic Districts Commission and wanted to give a concrete example of how these Commissions and Public Works can work together to create a better situation. This came into place with the intersection of Cambridge Tpk. and Lexington Road. The original plan was fairly insensitive to the surroundings. With input from Historic Districts, Public Works was able to come up with an excellent solution for that intersection.

This topic will continue to be discussed at future meetings where the public is welcome to attend.

D-3: Director's Report

- **Solid Waste and Recycling Program (Presented by Melissa Simoncini, Environmental Services Program Administrator) –**
 - **Compost Site** – Highway crew did a great job accepting Xmas, trees, Styrofoam block and holiday lights at the compost site which is open Jan. 7,8,14 and 15. Residents order their Styrofoam bag online, pick them up at Public Works, pre-fill them with Styrofoam and bring to the compost site on the dates above.
 - **Winter Season Curbside Pickup** – We urge residents to place containers in a location that will not impede snow removal operations. In the event of inclement weather and the cancellation of pickup, curbside pickup will occur on Saturday of that particular week. Communications via news/notice on the website and Code Red will inform residents of this situation.

- **Engineering (Presented by Steve Dookran, Town Engineer) –**
 - **Hubbard Street** – Sewer lining work has been initiated with the roads program project to be completed in the spring.
 - **Monument Street Culvert** – After completion of this reconstruction project, National Grid returned to reconnect their pipeline. A patch was placed on the road which will be resurfaced in the spring.
 - **Safe Routes to School** – A grant request has been submitted for a sidewalk from Cambridge Turnpike to Heywood Street. CPW had worked with the NRC to extend the stone wall into the right of way.

- **Highway, Grounds and Cemetery (Presented by Aaron Miklosko, Highway and Grounds Superintendent) –**
 - **Winter Operations** – The first snow operation for the season occurred at about 2 AM on Christmas until about 11:30 PM. There was a total of 565 labor hours including Town staff and contractors and about 370 tons of salt were used bringing the cost of this storm to just over \$57,000.
 - **Compost Site** – Last month brush grinding was performed at the compost site. It is collected throughout the year on Wednesdays and Saturdays. This area is also used as a snow dump in the winter time.
 - **Emerson Park** – Sod was installed by our crews at Emerson Park.
 - **Ripley Field** – A large pine tree was removed which had been damaged during a storm event.

- **Water/Sewer (Presented by Jeffrey Murawski, Water/Sewer Superintendent)-**
 - **Hubbard Street – Sewer Rehabilitation Project** – A sewer pipe collapsed during the lining work, requiring an emergency repair of a small section of pipe.
 - **Monument Street – Water Main Break** – Repairs were made to a twelve inch cast iron water main on December 26.
 - **January 2d Water/Sewer Events** – A water main on Commerford Road and a sewer backup on Stow Street both underwent emergency repairs on this day. The Town of Bedford provided some assistance with equipment and personnel for the Stow Street work. There also was a power outage that affected one of our pump stations.

Director Cathcart pointed out that CPW operations crews had recently been called upon to respond to a number of untimely storm events and system upsets during both the Christmas and New Year’s long-weekends. The hard work of the team should be recognized and is greatly appreciated.

D-4: Commissioner’s Comments

Commissioner Terry mentioned that Commonwealth Avenue will be built next year – he asked that pot holes be filled between the train tracks and Laws Brook Road. He also suggested that a thank you letter be sent to Bedford Public Works from the PWC for their assistance over the New Year’s weekend.

D-5: Public Comments

None.

Commissioner Winslow **MOVED** to adjourn the meeting at 5:53 PM, Commissioner DeLong **SECONDED**, and it was **VOTED** by roll call vote as follows: David DeLong, Aye, Andrea Solomon, Aye, James Terry, Aye, K.C. Winslow, Aye and Jef Fasser, Aye.

ADJOURNED: 6:12 PM

Respectfully submitted,

Approved,

| | |
|--|---------------------------------------|
| Anna R. Trout Administrative & Special Projects Coordinator Concord Public Works | Jef Fasser Public Works Commission |
|--|---------------------------------------|