

## Town Manager's Weekly Report

Monday, February 23, 2009

**To: Board of Selectmen**  
**From Christopher Whelan, Town Manager**

- 1. Board of Assessors Membership.** Carrie Flood submitted her resignation from the Board of Assessors this week, a few months before her term was due to expire in May. She joined the Board in 2003 during a very challenging period, and nearly completed the maximum allowable two 3-year terms on the Board, include a period as Chair. Associate member William Jaros is the likely candidate to fill Carrie's seat on the board, as he has been attending Assessors meetings for some time. That will leave us with no Associate members, so any resident interested in serving should fill out a "green card" expressing a willingness to serve and submit it to the Town Manager's office. We are very grateful for Carrie's many years of service on a variety of committees and wish her well in the future.
- 2. Fire Chief's Last Day is Friday.** Chief Ken Willette will be officially retiring from office on Friday, February 27, after 35 years of public service, the last five of which were in Concord. In typical fashion, he is working right up to the last day. An informal reception for the Chief has been planned by the Concord Firefighters on Friday the 27<sup>th</sup> from 11:00 a.m. to 3:00 p.m. Chief Willette brought a high level of professionalism, skill, and commitment to service to the Concord Fire Department, and dramatically increased the Town's cohesiveness in responding to a wide variety of emergency situations.
- 3. New Staff Planner.** Julie D. Vaughan joined the Planning Division staff on Friday, February 20th as Senior Planner. Her primary responsibilities will be coordinating plan review and working with the Planning Board and Comprehensive Sustainable Energy Committee. Julie is a graduate of the University of Virginia, Charlottesville, with a degree in Urban and Environmental Planning. She has earned her certification from the American Planning Association (AICP) and is an accredited professional in Leadership in Energy and Environmental Design (LEED). Julie has worked in New Jersey with a multi-disciplinary firm that provided master plan and technical planning services to municipalities; her work included preparing master plans for affordable housing and farmland preservation, reviewing subdivisions and site plans for technical review committees, and preparing environmental impact reports, feasibility studies and build-out analysis. She also has strong skills in the application of GIS and CAD to prepare the supporting graphics for master plans, environmental constraints and site mapping. Julie brings abundant technical and interpersonal skills as well as enthusiasm to her new position.
- 4. Open Meeting Law / Public Records Law Public Forum.** Town Clerk Anita Tekle has arranged with the Middlesex County District Attorney's Office to schedule a public information session on these two important laws. The event will be held on Thursday, April 2, at 7:00 p.m. in the Hearing Room of the Town House. Town board and committee members are encouraged to attend. And the public is invited.

5. **ConcordCares Weatherization Seminar.** The weatherization seminar arranged by our ConcordCares initiative and presented by the MA Municipal Association will take place in the Town House Hearing Room this Thursday, February 26 at 7:00 p.m. with registration and light refreshments starting at 6:30.
6. **Town House Storm Windows.** For the first time ever, the large windows of the Town House will be FULLY protected with insulating storm windows to promote energy conservation. The large old wooden windows are a source of significant heat loss for the building. The funds were provided by the Sawyer Trust Fund, created by the donation of \$1.7 million to promote energy efficiency and resource conservation in Town buildings. Although the procurement contract was signed last fall, the windows only arrived this week due to the need for custom manufacturing.

7. **Public Works Up-date.**

**Unattended Trench and Excavation Permitting** – Pursuant to the provisions of M.G.L. 82A and the regulations of the Division of Occupational Safety, all municipalities in the Commonwealth are required to establish and implement by March 1<sup>st</sup> 2009 a permitting program for all trenches and excavations which occur on public or private property and meet the criteria as detailed in the regulations. The Town of Concord has established such a program for all trenches and is prepared to issue permits as required. This law is intended to protect the general public from hazards inherent in unattended trenches and excavations. It requires all unattended trenches to be backfilled, barricaded, plated or covered and establishes a permitting process and authority to ensure the use of these trench protections. The law applies to all excavators and sets forth actions which must take place and penalties for violations through the Department of Public Safety.

**Solid Waste and Recycling Collection Contract** – CPW has successfully negotiated a 1 year extension to the existing collection and disposal contract with Waste Management which was set to expire in June 2009. Although CPW was prepared to advertise a Request for Proposal following an extensive qualifications process, it was determined that the current bidding climate and downturn in the recycling commodity market would likely result in less favorable bid responses. It was determined that the most prudent strategy would be to delay the RFP advertisement until the recycling commodity market pricing and demand recovers.

8. **Planning Department Up-date**

**Natural Resources Division**

- **Warner's Pond Invasive Species Removal:** Tom Hughes met with Bill Renault, Acting Town Engineer, to coordinate aquatic and terrestrial invasive species removal in the area of the Warner's Pond Dam that will begin this spring. CPW will finalize the invasive species removal plan working from the draft bid documents prepared by Engineering with input from DNR last fall. We anticipate that DNR staff will assist in staking out new plant locations in the area of invasives removal, though CPW is looking at whether they can include this work in their invasive species removal contract. DNR staff will purchase and plant over 150 native plants in the mitigation area following invasives removal; plants will be paid for through a Garden Club grant that Natural Resources received last month.
- **Ripley Fields:** Delia Kaye met with Pete Castrichini and Jeff Adams to discuss siting a Little League baseball field at Ripley School. If approved, one of the two all purpose fields currently at Ripley will be retained, and the other will probably be relocated to Sanborn where there is adequate parking. No lights are proposed for the baseball field. A small portion of the field and a portion of the batting cage are proposed on the Burke land, which is currently farmed for corn. The baseball group intends to stake the outer limits of the field for review by the neighbors, the farmer, and the NRC. (A neighborhood meeting has been scheduled for Thursday, February 26 at 7:30 p.m. at the Hunt Gym).
- **300-330 Baker Ave:** At their February 18, 2009 meeting, the NRC issued an Amendment and 3-year Extension to construct one 130,000-square foot office building and one 70,000-square foot office

building (instead of the previously approved two 100,000-square foot office buildings). The project includes an onsite septic system for the 130,000 square foot building (instead of connecting to Town sewer) and associated site development now includes many Low Impact Development (LID) techniques.

### Planning Division

- **Historical Commission meeting of February 19:** Lara Kritzer attended the Historical Commission meeting to discuss a number of agenda items with them. The HC met with representatives from the National Park Service concerning the former Albano house demolition with the focus on whether the NPS could save the farm stand as a contributing element of the area and streetscape. The HC will request that the NPS use the money that would have been spent to demolish the structure to do minimal restoration work (new roof, etc.) and that an effort be made to find a tenant who might use the structure, even on an irregular basis, for produce, meat or ice cream sales. The HC also discussed the two wireless communication facility proposals at 200 Baker Ave. and Middlesex School, which are within areas of historic structures (both were determined to be acceptable because they were using existing structures); the failure to obtain a Massachusetts Historical Commission grant to consider the best approach to update the Historic Resources Master Plan; reviewed the information about Certified Local Government status and concurred that there was not enough benefit at this time to pursue designation; and, heard information from Chair Nancy Butman concerning efforts to preserve Hangar 24 at Hanscom.
- **Bruce Freeman Rail Trail:** Marcia Rasmussen continued to work on the Request for Proposals for design services to consider in greater depth various alternatives for the Rail Trail to cross the active commuter rail line; the latest version of the RFP was submitted to Jon Harris in the Finance Department for his review. Work also continued on the Intermunicipal Agreement between Acton, Carlisle, Westford and Concord, which is needed in the event the design funds are approved this spring. This draft agreement will be distributed to the Advisory Committee for its input at the next meeting on February 26.
- **40B Flyer sent to Concord residents:** The Planning Division staff was inundated with phone calls from Concord residents after they received a mass mailing from the Massachusetts Slow Growth Initiative reporting information on 40B housing and its costs to the Town. Much of the information in the flyer was incorrect, so Planning Division staff prepared a notice for the web page and posted a lengthy memo on the Concord discussion group's web site. Paula Trebino, Nancy Hausherr and Lara Kritzer did an exceptional job in presenting the information to callers and responding to questions.

### Health Division

- **Verrill Farm Horseback Riding Summer Camp:** The Board of Health, at their Tuesday meeting, approved a "Site Assignment" for the location of a summer horseback riding camp for children at the Verrill Farm Stables on Wheeler Road. The site assignment is required by Massachusetts General Laws and is a determination that the drainage, accessibility, water supply, sewage disposal, and any impacts to area traffic conditions are acceptable to the Board of Health. The camp program still needs to submit a complete permit application for Division review.
- **Onsite Wastewater System Variance Policy:** Also at the Tuesday meeting, the Board of Health signed Policy 09-001, which grants the Public Health Director authority to grant certain variances and approvals for the repair of malfunctioning onsite wastewater systems at the staff level. The policy establishes a procedure for review of the variance and approval requests and procedures for referral to the Board for final determination at the Director's discretion. Brent and Stan are currently developing a risk characterization matrix that will be used as part of the variance and approval request evaluation process.

- **Nashoba Brook Bakery:** Gabrielle met onsite with Nashoba Brook Bakery on Thursday concerning proposed renovations at their West Concord facility. Renovations will include expansion of the wholesale bakery operations, and alterations to the existing retail kitchen facility. Both the Health Division and the Massachusetts Department of Public Health will oversee this project as the facility is licensed by both agencies.
- **Public Health Mutual Aid:** Brent met with representatives from the Acton Health Department to negotiate the language for a Public Health Emergency Response Mutual Aid Agreement between the two communities. Both Departments agree that the term should be no longer than 5 years and include renewal and cancellation clauses. Brent is drafting the final language prior to both Departments submitting for review by their respective management.
- **Medical Reserve Corps.** The Selectmen and Board of Health received a letter from the Massachusetts Region 4 Medical Reserve Corps commending Public Health Director Brent Reagor and the Town of Concord for "...the incredible contribution that your community has made to build and strengthen the Region 4A Medical Reserve Corps." The MRC's 4,000 volunteers donate their time as trained medical professionals to help local citizens during major emergencies. Eight volunteers from Concord joined 207 others last December to aid thousands of Central Mass residents left without power following a severe ice storm.

### **Building and Inspections Division**

- **Grandfathered lot determination under APP #39;** After careful review of the evidence submitted by the property owner, a Concord Planning Board recommendation letter to the Building Commissioner, and a December 17, 2008 public hearing, John Minty determined that Parcel #3057, Lot 38A, Old Marlboro Road, was held in common ownership with adjoining land on the date of the adverse zoning change. It was clear from the evidence that the lot is not a separate buildable lot as described under MGL Chapter 40A, Section 6. The applicant has the option of appealing this decision to the Board of Appeals if they feel that that decision is in error.
- **Nashoba Brook Bakery proposed expansion;** The Nashoba Brook Bakery, located in the old leather shop building at 152 Commonwealth Avenue, is proposing to expand their wholesale bread business on this site. The remodeling will include; expanding their existing kitchen area into space they already lease, (currently being occupied by South Mountain woodworking shop). A new cooler and bread baking oven is proposed which will to be accessed from the existing kitchen but located in the expansion space. This work will allow a larger bread packaging and receiving area. No additional staffing or seating is proposed as part of this expansion.