

**Town of Concord
Special Town Meeting
April 27, 2011**

Pursuant to a Warrant signed by the Board of Selectmen on March 21, 2011, Town Moderator Eric E. Van Loon called the Special Town Meeting to order at 7:37 pm on Wednesday, April 27, 2011 at the Concord-Carlisle High School Auditorium and Cafeteria. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened. He announced that George Dallas had been appointed Assistant Moderator and will serve in the Cafeteria for Article 1, and Carrie Flood will serve as Assistant Moderator for the Special Town Meeting beginning with Article 3.

ARTICLE 1. AMENDMENT TO NON-CRIMINAL DISPOSITION OF VIOLATIONS OF TOWN BYLAWS BYLAW—ADOPTION OF APPENDIX A (FINES)

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To amend the “Non-Criminal Disposition of Violations of Town Bylaws Bylaw” to add a new Section 5 and Appendix A as follows:

Section 5. Penalties

Penalties for violations shall be as listed in Appendix A.

APPENDIX A

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Alcoholic Beverages Bylaw	1 st and each subsequent offense	\$100.00	Police Officers
Animal Bylaws	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Police Officers
Construction Noise Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Demolition Delay Bylaw	1 st and each subsequent offense	\$300.00	Building Commissioner
Dog Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$50.00 \$100.00	Dog Officer and Police Officers
Groundwater Protection Bylaw	Each day of violation	\$200.00	Board of Health
Horses on Sidewalks Bylaw	1 st offense 2 nd & each subsequent offense	Warning \$50.00	Police Officers

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
House Numbering Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Building Inspector
Hunting Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Internal Combustion Engines on White Pond Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Motor Boat Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Outdoor Fires and Camping Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Peeping Bylaw	1 st and each subsequent offense	\$100.00	Police Officers
Permit Parking Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Private Digging of Roads Bylaw	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Town Engineer or his/her designee
Regulation of Vehicles Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Sale of Tobacco to Minors Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense within 24-month period	\$100.00 \$200.00 + 7-day suspension \$300.00 + 30-day suspension	Public Health Director or his/her designee
Sign Bylaw	1 st offense 2 nd offense, 90 days after notice 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Building Commissioner
Smoke Free Workplace Bylaw	1 st offense 2 nd offense 3 rd offense 4 th offense Each subsequent offense	\$25.00 \$50.00 \$100.00 \$200.00 \$300.00	Board of Health
Smoking in Public Places Bylaw	1 st and each subsequent offense	\$25.00	Police Officers

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Snow and Ice Disposal Bylaw	1 st offense 2 nd offense Each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Snow and Recreational Vehicles Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Soliciting Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$200.00	Police Officers
Underground Fuel Storage Systems Bylaw	1 st and each subsequent offense	\$100.00	Fire Chief
Trash Pickup Bylaw	1 st offense 2 nd & each subsequent offense	Warning \$25.00	Public Works Director and/or his/her Designee
Unregistered Motor Vehicles Bylaw	1 st offense 2 nd offense-30 days after warning 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Water Use Restriction Bylaw	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Police Officers
Wetlands Bylaw	1 st offense 2 nd offense 3 rd offense	\$100 per day \$200 per day \$300 per day	Natural Resources Director or other Designee of the Town Manager
Zoning Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	\$50.00 \$50.00 \$100.00	Building Inspector

ARTICLE 2. LAND ACQUISITION IN WEST CONCORD

There was **NO MOTION** made under this article.

Phil Adams, Chair of the West Concord Task Force, provided a brief overview report from the West Concord Task Force.

ARTICLE 3. ZONING BYLAW AMENDMENT—TABLE OF USE REGULATIONS (WEST CONCORD INDUSTRIAL DISTRICT)

On a **MOTION** made by Planning Board Member Chris Sgarzi that was duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS** to modify the uses in the West Concord Industrial (WCI) District.

- 1) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District col-

umn, insert the word “no” next to the following subsection: 4.5.15 Vehicular dealerships; and

2) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District column, insert the letters “SP” next to the following subsections: 4.3.8 Lodge and club; 4.5.2 Personal service shop, 4.5.7 Funeral home, 4.5.9 Veterinary and kennel, 4.5.13 Auto service station and 4.5.14 Auto repair shop;

so that Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses						Industrial Dis-	
						tricts	
						WCI	I
4.1	Extensive Uses						
4.1.1	Forestry					yes	yes
4.1.2	Agriculture, horticulture, floriculture and viticulture					yes	yes
4.1.3	Greenhouse					yes	yes
4.1.4	Earth Removal					SP	SP
4.1.5	Conservation use					yes	yes
4.1.6	Private recreation					yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling					no	no
4.2.2	Two-family or additional dwelling unit					no	no
4.2.3	Combined business/residence					no	no
4.2.4	Combined industrial/business/ residence					SP	SP
4.2.5	Residential Compound					no	no
4.2.6	Residential Cluster Development					no	no
4.2.7	Planned Residential Development					no	no
4.2.8	Boarding house					no	no
4.2.9	Hotel and motel					no	no
4.3	Institutional Uses						
4.3.1	Educational					yes	yes
4.3.2	Child care facility					yes	yes
4.3.3	Religious					yes	yes
4.3.4	Philanthropic					yes	yes
4.3.5	Hospital and nursing home...					no	no
4.3.6	Assisted living residence					no	no
4.3.7	Cemetery					no	no
4.3.8	Lodge and club					<u>SP</u>	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use					yes	yes
4.4.2	Underground utility					yes	yes
4.4.3	Above ground utility					yes	yes
4.5	Business Uses						
4.5.1	Retail store					no**	no**

Principal Uses						Industrial Dis-tricts	
						WCI	I
4.5.2	Personal service shop					SP	no
4.5.3	Craft shop					yes	yes
4.5.4	Restaurant					yes	yes
4.5.5	Indoor amusement					yes	yes
4.5.6	Outdoor amusement					yes	yes
4.5.7	Funeral home					SP	yes
4.5.8	Repair shop and building trade					yes	yes
4.5.9	Veterinary and kennel					SP	yes
4.5.10	Financial and business office					yes	yes
4.5.11	Professional office					yes	yes
4.5.12	Medical center and laboratory					yes	yes
4.5.13	Auto service station					SP	yes
4.5.14	Auto repair shop					SP	yes
4.5.15	Vehicular dealerships					no	yes
4.5.16	Boat sales and rental					yes	yes
4.5.17	Parking facility					yes	yes
4.5.18	Transportation services					SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse					yes	yes
4.6.2	Storage yard, open-air sales					SP	SP
4.6.3	R&D and Light Manufacturing					yes	yes
4.6.4	Manufacturing, packaging, processing, and testing					yes	yes
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses					no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a combined industrial/business/residence building

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

ARTICLE 4. ZONING BYLAW—COMBINED INDUSTRIAL/BUSINESS/RESIDENCE USE (WEST CONCORD INDUSTRIAL DISTRICT & INDUSTRIAL DISTRICT)

The following **MOTION** was made by Planning Board Member Chris Sgarzi and duly seconded:

To amend **Zoning Bylaw Section 4.2.4 Combined industrial/business/residence** use to revise the standards and criteria for allowing issuance of a special permit for such combined uses in the West Concord Industrial (WCI) and the Industrial District by deleting the section in its entirety and inserting the following new Section 4.2.4:

4.2.4 Combined industrial/ business/ residence: A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and non-retail business uses are conducted provided that:

4.2.4.1 Each such dwelling unit and retail store (including grocery store) is structurally part of an industrial/non-retail business building(s), having at least a common foundation and roof.

4.2.4.2 At least twenty (20) percent of the dwelling units (and no less than one unit) are available as affordable housing; however, if at least ten (10) percent of the industrial use and/or non-retail business use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

4.2.4.3 In a combined industrial/business/residence project, one or more retail store(s) or grocery store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area.

4.2.4.4 In a combined industrial/business/residence project, the industrial and non-retail business uses combined shall be not less than thirty percent (30%) of the total gross floor area.

4.2.4.5 No residential dwelling units shall be located on the ground/first floor.

4.2.4.6 If located in the West Concord Industrial District, the design of the structure and the site for the combined industrial/business/residence project shall adhere to the recommendations of the West Concord Design Guidelines. A special permit shall be issued under this section only if the Board shall find that the combined industrial/business/residence use is in harmony with or advances the recommendations and intent of the 2010 West Concord Master Plan and the criteria listed in Section 11.6 Special Permit.

4.2.4.7 In a combined industrial/business/residence project where at least ten percent of the dwelling units are available as affordable housing and at least ten percent of the industrial or non-retail business use area is available at an affordable rent or lease, the Board may grant a special permit to allow an increase in the height of the building to forty (40) feet, as defined in Section 6.2.11, if the Board finds that the proposed combined industrial/business/residence project is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to be located.

After discussion, the following **MOTION TO AMEND** Mr. Sgarzi's motion was made by Nan Conway, and duly seconded:

To amend the main motion by deleting from Section 4.2.4.2 the following phrase:

however, if at least ten (10) percent of the industrial use and/or non-retail business use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

Mr. Sgarzi reported that the Planning Board recommended no action on the proposed amendment. After further discussion, a **MOTION TO CALL THE QUESTION ON THE AMENDMENT** was made by Barbara Pike and duly seconded. A **VOTE** was taken on a show of hands and Ms. Pike's motion **PASSED** by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator. A **VOTE** was then taken on Ms. Conway's amendment, which **FAILED TO PASS** on a show of hands (simple majority required). After further discussion, at 8:40 pm a **VOTE** was taken on Mr. Sgarzi's original motion, which **PASSED** on a show of hands by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator.

ARTICLE 5. ZONING BYLAW AMENDMENT—ESTABLISH THE WEST CONCORD MIXED USE OVERLAY DISTRICT

There was **NO MOTION** made under this article.

ARTICLE 6. ZONING BYLAW AMENDMENT—ESTABLISH WEST CONCORD VILLAGE DISTRICT (by petition)

The following **MOTION** was made by Leslie Sederlund and duly seconded:

To amend **Zoning Bylaw Section 2.1 Classification of Districts** by inserting the following phrase, “West Concord Village (WCV) at the beginning of the list under the *Commercial Districts* list;

Amend **Zoning Bylaw Section 2.2 Zoning Map** by changing the following parcels or portions of parcels located in West Concord along Commonwealth Avenue, Church Street and Main Street, as shown on Assessor’s Map D-9, that are currently zoned as “West Concord Business” to “West Concord Village”:

Beginning along the northerly side of Commonwealth Avenue and moving southeasterly, those portions of Parcels: 2184-1-2, 2190, 2191, 2192, 2193-92, 2193-94, 2193-96, 2193-98, 2193-100, 2194-LL, 2194-84, 2194-84A, 2194-86, 2194-88, and 2195 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing southeasterly to the centerline of the MBTA commuter rail then easterly along the centerline of the MBTA commuter rail to the West Concord Depot, that portion of the commuter rail line and Parcel 2196-2, and Parcels 2201, 2200-3, 2200-2, and 2200-1 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing along the westerly side of Junction Park to the centerline of Main Street, then proceeding westerly along the centerline of Main Street to the westerly property line of Parcel 2451 (also known as the 99 Restaurant) then following the rear lot lines of the following parcels on the south side of Commonwealth Ave. and Church Street in their entirety: Parcels 2451, 2202, 2203, 2204-41, 2204-43, 2204-45, 2204-47, 2205, 2206, 2207, 2208, 2209 and 2210, and a portion of 2447, that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Proceeding northwesterly along the western property line of Parcel 2209 to the centerline of Church Street, then northerly to the centerline of the MBTA commuter rail line, then incorporating parcels 2212, 2213, 2214, 2215, 2216 to the centerline of Maple Court/driveway right-of-way and proceeding northwesterly across Bradford Street and continuing along the centerline of Maple Court to include parcels, 2218, 2219, 2231, 2232 which are currently zoned as West Concord Business District shall become West Concord Village District; at Parcel 2232 the zoning district line follows the western property line of Parcel 2232 to the side line of Commonwealth Ave., which then proceeds to the centerline of Commonwealth Ave. that is opposite the westerly property line of Parcel 2184-2.

As shown on a map titled West Concord Zoning dated January 3, 2011;

And amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS** to insert and establish the following uses for the West Concord Village District:

In Table I – Principal Use Regulations, insert the West Concord Village (WCV) column.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “no” next to the following sub-categories of uses: 4.2.1 Single-family dwelling, 4.2.2 Two-family or additional dwelling unit, 4.2.4 Combined industrial/business/residence, 4.2.5 Residential Compound, 4.2.6 Residential Cluster Development, 4.2.7 Planned Residential Development, 4.2.8 Boarding house, 4.2.9 Hotel and motel, 4.3.5 Hospital and nursing home, 4.3.6 Assisted living residence, 4.3.7 Cemetery, 4.5.7 Funeral

home, 4.5.8 Repair shop and building trade, 4.5.9 Veterinary and kennel, 4.5.12 Medical center and laboratory, 4.5.13 Auto service station, 4.5.14 Auto repair shop, 4.5.15 Vehicular dealerships, 4.5.16 Boat sales and rental, 4.5.17 Parking facility, 4.5.18 Transportation services, 4.6.1 Warehouse, 4.6.2 Storage yard, open-air sales, 4.6.4 Manufacturing, packaging, processing and testing, and 4.7.1 Prohibited uses.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “yes” next to the following sub-categories of uses: 4.1.1 Forestry, 4.1.2 Agriculture, horticulture, floriculture and viticulture, 4.1.3 Greenhouse, 4.1.5 Conservation use, 4.1.6 Private recreation, 4.3.1 Educational, 4.3.2 Child care facility, 4.3.3 Religious, 4.3.4 Philanthropic, 4.4.1 Municipal use, 4.4.2 Underground utility, 4.4.3 Above ground utility, 4.5.1 Retail store, 4.5.2 Personal service shop, 4.5.3 Craft shop, 4.5.4 Restaurant, 4.5.5 Indoor amusement, 4.5.6 Outdoor amusement, and 4.5.10 Financial and business office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word and symbols “yes***” next to the following subsections: 4.2.3 Combined business/residence and 4.5.11 Professional office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters and symbols “SP***” next to the following subsections: 4.3.8 Lodge and club and 4.6.3 R&D and Light manufacturing.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters “SP” next to subsection: 4.1.4 Earth removal.

At the bottom of Table I – Principal Use Regulations, add the following footnote:

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

so that the WCV column in Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
4.1	Extensive Uses						
4.1.1	Forestry	<u>yes</u>	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture and viticulture	<u>yes</u>	yes	yes	yes	yes	yes
4.1.3	Greenhouse	<u>yes</u>	yes	yes	no	yes	yes
4.1.4	Earth Removal	<u>SP</u>	SP	SP	SP	SP	SP
4.1.5	Conservation use	<u>yes</u>	yes	yes	yes	yes	yes
4.1.6	Private recreation	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling	<u>no</u>	yes	no	no	no	no

Principal Uses		Commercial Districts				Industrial Dis- tricts	
		WCV	B	WCB	LB	WCI	I
4.2.2	Two-family or additional dwelling unit	<u>no</u>	SP	SP	no	no	no
4.2.3	Combined business/ residence	<u>yes</u> ***	yes	yes	yes ³	no	no
4.2.4	Combined industrial/ business/ residence	<u>no</u>	no	no	no	SP	SP
4.2.5	Residential Compound	<u>no</u>	SP	no	no	no	no
4.2.6	Residential Cluster Development	<u>no</u>	SP	no	no	no	no
4.2.7	Planned Residential Development	<u>no</u>	SP	no	no	no	no
4.2.8	Boarding house	<u>no</u>	yes	no	no	no	no
4.2.9	Hotel and motel	<u>no</u>	yes	SP	yes ¹	no	no
4.3	Institutional Uses						
4.3.1	Educational	<u>yes</u>	yes	yes	yes	yes	yes
4.3.2	Child care facility	<u>yes</u>	yes	yes	yes	yes	yes
4.3.3	Religious	<u>yes</u>	yes	yes	yes	yes	yes
4.3.4	Philanthropic	<u>yes</u>	yes	yes	SP ⁸	yes	yes
4.3.5	Hospital and nursing home	<u>no</u>	yes	no	SP ⁶	no	no
4.3.6	Assisted living residence	<u>no</u>	no	no	SP ⁸	no	no
4.3.7	Cemetery	<u>no</u>	yes	no	no	no	no
4.3.8	Lodge and club	<u>SP</u> ***	yes	SP	no	yes	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use	<u>yes</u>	yes	yes	yes	yes	yes
4.4.2	Underground utility	<u>yes</u>	yes	yes	yes	yes	yes
4.4.3	Above ground utility	<u>yes</u>	yes	yes	SP	yes	yes
4.5	Business Uses						
4.5.1	Retail store	<u>yes</u>	yes	yes	no	no**	no**
4.5.2	Personal service shop	<u>yes</u>	yes	yes	no	no	no
4.5.3	Craft shop	<u>yes</u>	yes	yes	no	yes	yes
4.5.4	Restaurant	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.5	Indoor amusement	<u>yes</u>	yes	yes	no	yes	yes
4.5.6	Outdoor amusement	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.7	Funeral home	<u>no</u>	yes	SP	yes ³	yes	yes
4.5.8	Repair shop and building trade	<u>no</u>	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	<u>no</u>	no	no	no	yes	yes
4.5.10	Financial and business office	<u>yes</u>	yes	yes	yes* [♦]	yes	yes
4.5.11	Professional office	<u>yes</u> ***	yes	yes	yes [♦]	yes	yes

Principal Uses		Commercial Districts				Industrial Dis- tricts	
		WCV	B	WCB	LB	WCI	I
4.5.12	Medical center and laboratory	<u>no</u>	yes	no	SP ⁶	yes	yes
4.5.13	Auto service station	<u>no</u>	yes	SP	yes ¹	yes	yes
4.5.14	Auto repair shop	<u>no</u>	yes	SP	no	yes	yes
4.5.15	Vehicular dealerships	<u>no</u>	yes	no	no	yes	yes
4.5.16	Boat sales and rental	<u>no</u>	yes	no	yes ⁵	yes	yes
4.5.17	Parking facility	<u>no</u>	yes	no	no	yes	yes
4.5.18	Transportation services	<u>no</u>	SP	SP	no	SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse	<u>no</u>	yes	no	no	yes	yes
4.6.2	Storage yard, open-air sales	<u>no</u>	yes	no	no	SP	SP
4.6.3	R&D and Light Manufacturing	<u>SP</u> <u>***</u>	yes	SP	no	yes	yes
4.6.4	Manufacturing, packaging, processing, and testing	<u>no</u>	yes	no	no	yes	yes
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses	<u>no</u>	no	no	no	no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2. #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

And add a note to the footnotes of Table I – Principal Use Regulations as follows: “Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).”

Mr. Van Loon explained that the difference between this proposed Motion and Article 51 of the Annual Town Meeting is one parcel – this article includes Parcel #2232 from the West Concord Village District and Article 51 excludes Parcel #2232 (former Chrysler Dealership). Mr. Sgarzi, speaking for the Planning Board, reported that the Planning Board recommends that Parcel #2232 not be included in the District. It was agreed that the Planning Board will not make a motion under Article 51 of the Annual Town Meeting, and will accept the outcome of Article 6.

Chris Sgarzi made the following **MOTION TO AMEND** Ms. Sederlund’s **MOTION**, which was duly seconded:

To amend Article 6 as printed in the Warrant for the Special Town Meeting and as amended in the handout from the petitioner by deleting Parcel #2232, also known as 135 Commonwealth Avenue, from the proposed West Concord Village District.

Greg Howes, speaking on behalf of the Selectmen, reported that the Selectmen support Article 6 as originally presented, and noted that the issue could be revisited in the future if necessary. After further discussion, Bob Andrews made a **MOTION TO CALL THE QUESTION** on the amendment, which was duly seconded. A **VOTE** was taken by a show of hands on Mr. Andrews motion, which **PASSED** by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator. A **VOTE** was then taken on Mr. Sgarzi's amendment, which **FAILED TO PASS** on a show of hands (simple majority needed), and was so declared by the Moderator.

The Planning Board revised recommendation was to pass Article 6 as originally proposed. A **VOTE** was then taken on Ms. Sederlund's original motion, which **PASSED** on a show of hands by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator.

There being no further business to come before the assembly the Special Town Meeting was dissolved at 9:28 pm.

Respectfully submitted,

Anita S. Tekle
Town Clerk

ATTORNEY GENERAL APPROVAL:

Approval was received on May 27, 2011 for the following General & Zoning Bylaw Amendments:

General Bylaws:

- Article 1—Adoption of Appendix A Fines—Non-Criminal Disposition Bylaw
- **Zoning Bylaws:**
- Article 3—Zoning Bylaw Amendment—Table of Use Regulations (West Concord Industrial District)
- Article 4—Zoning Bylaw Amendment—Combined Industrial/Business/Residence Use (West Concord Industrial District & Industrial District)
- Article 6—Zoning Bylaw Amendment—Establish the West Concord Village District