

**TOWN OF CONCORD  
TOWN HOUSE  
CONCORD, MA 01742**

**BULK RATE  
U.S. POSTAGE PAID  
PERMIT No. 51**

**RESIDENTIAL CUSTOMER  
LOCAL 01742**

**WARRANT FOR SPECIAL TOWN MEETING  
MONDAY, OCTOBER 1, 2018**

7:00 PM

CONCORD-CARLISLE REGIONAL HIGH SCHOOL AUDITORIUM  
500 WALDEN STREET

**ADJOURNED SESSION (IF NECESSARY)  
TUESDAY, OCTOBER 2, 2018**

IN CASE OF INCLEMENT WEATHER VISIT THE TOWN'S WEBSITE  
AT [WWW.CONCORDMA.GOV](http://WWW.CONCORDMA.GOV) OR CALL 978 318-3006

**JOINT PUBLIC HEARING  
WEDNESDAY, SEPTEMBER 12, 2018**

7:00 PM

TOWN HOUSE – HEARING ROOM

**FINANCE COMMITTEE, PLANNING BOARD  
& SELECT BOARD**

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**PARKING** – On-site parking, via the Walden Street entrance, is limited and carpooling is encouraged. Additional parking for those who need to be close will be marked. Overflow parking will be at Alcott School first and, if necessary, at the Concord District Court. Shuttle buses will be available to bring residents to and from the satellite parking.

**CHILDCARE** – Will be provided by Concord Recreation at the high school for children ages 2½ and older at a cost of \$5 per child per hour or \$25 for two or more children for the evening. Please call 978/369-6460 to reserve your child’s place.

**SENIOR TRANSPORTATION** – Seniors may arrange transportation with the Council on Aging office at 978/318-3020. Advance reservations are necessary. Rides will be available on a first come first served basis.

**CHECK-IN** – All voters who are registered to vote by Sept. 21, 2018 are eligible to participate at Town Meeting. Voters should check-in at the tables in the High School Cafeteria and pick up a Town Meeting ballot on each night of attendance. Only one ballot per voter per evening of attendance. Ballots are not transferrable. **Assisted Listening Devices** will be available at check in.

**SEATING** – Meeting will be held primarily in the auditorium with the Gymnasium reserved for overflow only if necessary. Accommodations for addressing the audience and voting will be provided by the deputy moderator. Viewing of the meeting is available in the Cafeteria but no voting will take place.

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR SPECIAL TOWN MEETING  
Monday, October 1, 2018**

Middlesex, ss.

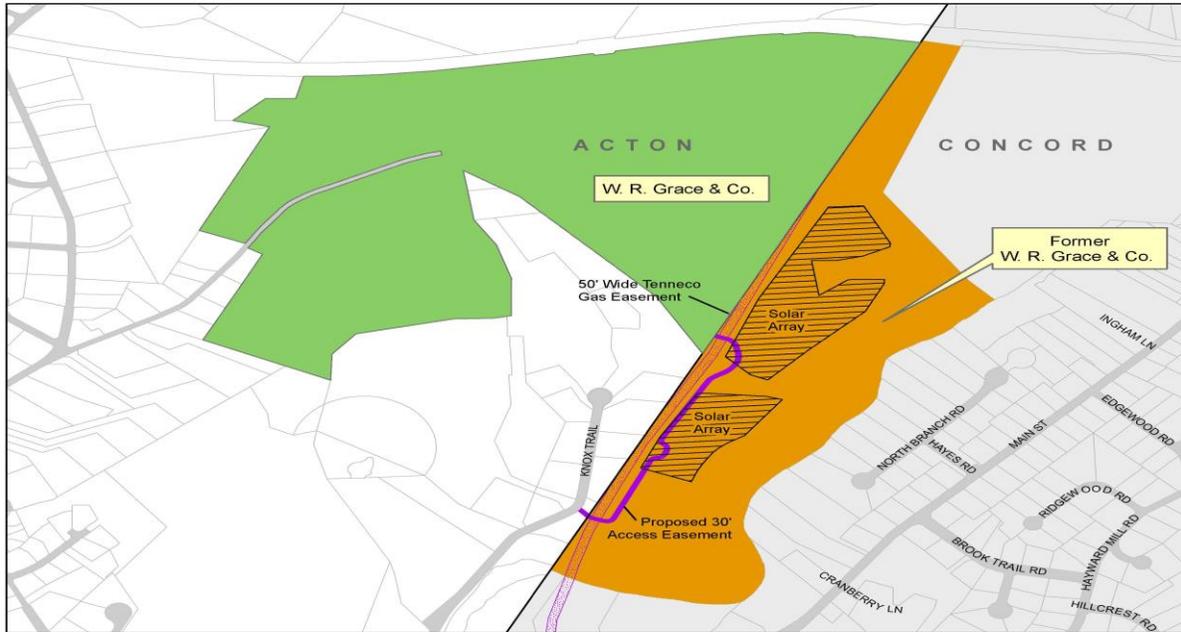
To any of the Constables of the Town of Concord, in said County,

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 at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the first day of October, 2018, at 7:00 o'clock in the evening, 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. Further a copy thereof shall be mailed to every household at least fourteen days before the Town Meeting, then and there to act upon the following Articles:

**EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) – ADDITIONAL COMPENSATION**

**ARTICLE 1** To determine whether the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, or any other authority, the sum of \$300,000, or any other sum, to be paid to W.R. Grace & Co. – Conn., as a settlement payment in compensation for the property at 214Y Main Street taken by eminent domain by the Town in August of 2015, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with the Massachusetts General Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

***Town Meeting voted under Article 36 of the 2012 Annual Town Meeting to authorize the Select Board to purchase the property at 214Y Main Street from the W.R. Grace Corporation, for solar power generation, wastewater treatment and other municipal purposes, for the sum of \$1,200,000, to be funded through a borrowing to be repaid equally by the Sewer Fund and the Electric Fund. The parties were unable to negotiate mutually-agreeable terms for sale of the property, and as a result, Town Meeting voted under Article 1 of the April 2015 Special Town Meeting to authorize the Select Board to take the property by eminent domain for the fair market value price of \$1,200,000, or any other fair market value of the appraisal. State law allows town government to take private property by eminent domain, provided doing so serves a municipal purpose. The property was taken in August of 2015 and the appraised value of \$800,000 was paid at that time. In the fall of 2017, W.R. Grace notified the Town that the company believed this appraisal did not account for the full value of the property and that the company was owed substantially more than had been paid by the Town. A settlement of this matter has been reached whereby the Town will pay an additional \$700,000 for the property, for a total compensation amount of \$1,500,000. For the purposes of funding the additional compensation, this article proposes that \$300,000 be authorized above the \$1,200,000 appropriation previously authorized by Town Meeting in 2012. The additional compensation to the company is one piece of a three-part settlement between the Town and W.R. Grace.***



**EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET, CONCORD & 37 KNOX TRAIL, ACTON) – GRANT OF EASEMENT**

**ARTICLE 2** To determine whether the Town will vote to authorize the Select Board to grant or deed an easement, on terms and conditions acceptable to the Select Board, over a parcel of land owned by the Town at 214Y Main Street, Concord and 37 Knox Trail, Acton, MA for the purposes of providing and maintaining emergency access to W.R. Grace & Co. – Conn., and its successors and assigns (collectively “Grace”), to and from Grace’s property in Acton; or take any other action relative thereto.

*This Article authorizes the Select Board to deed an easement over land the Town took by eminent domain from W.R. Grace in 2015, to be used for emergency access only, to connect property the company owns in Acton to Knox Trail in Acton. This article is one piece of a three-part eminent domain settlement between the Town and W.R. Grace.*

**EMINENT DOMAIN SETTLEMENT (214Y MAIN STREET) – ZONING BYLAW AMENDMENT**

**ARTICLE 3** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.4.1 Concord Municipal Use** to (i) add “(1)” before the words “the general use and welfare of the Town”; (ii) replace the period after the words “within the Town” with a semicolon (;); and (iii) add at the end of the section “or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.” so that the section reads as follows (changes are shown below in bold for reference only) - or take any other action relative thereto.

4.4.1 *Town of Concord Municipal Use:* use of any building, facility and/or area owned or leased by the Town of Concord for **(1)** the general use and welfare of the Town, its inhabitants or businesses located within the Town; **or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.**

*This Article makes a zoning change to allow the use of the easement proposed under Article 2. It would permit access over Town-owned land to an adjacent parcel with the Town’s permission. This article is one piece of a three-part eminent domain settlement between the Town and W.R. Grace.*

**WHITE POND ASSOCIATES, INC. – GIFT OF REAL ESTATE**

**ARTICLE 4** To determine whether the Town will vote to authorize the Select Board to accept from White Pond Associates Inc. the gift of the fee, easement or other property interests in, on, over, across, under and along all or any portion of Lot A-1, Lot B-1, Lot C-1 and Parcel X all as shown on a plan entitled “Plan of Land in Concord, Massachusetts,” prepared for White Pond Associates Inc. dated August 2, 2018 by Perley Engineering LLC, containing a total of 18.14 acres, more or less, with improvements thereon (herein the “White Pond Property”) subject to a perpetual restriction limiting the use of the White Pond Property to recreation, open space and/or conservation purposes under such terms and conditions as the Select Board and White Pond Associates Inc. mutually determine; or take any other action relative thereto.



***White Pond Associates, Inc. owns 18.14± acres located off Plainfield Road, Power Mill Road and Seymour Street. The existing principal use of this property is community recreational swimming. White Pond Associates Inc. seeks to work with the Select Board to ensure that the White Pond Property will continue to be used for recreational swimming and other uses compatible with preserving White Pond.***

**WHITE POND – APPROPRIATION OF FUNDS FOR BEACH OPERATIONS**

**ARTICLE 5** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$30,000, or any other sum, to be expended under the direction of the Town Manager, for the costs of operating a public bathing beach at White Pond, including staffing, equipment, materials, and consulting services related to operating a public bathing beach facility, and other costs necessary or incidental thereto; or take any other action relative thereto.

***In order to begin operating a public bathing beach at White Pond in the spring of 2019, it will be necessary to provide a preliminary budget for the hiring of staff, training, purchasing of supplies and other expenses related to operating the bathing beach beginning on Memorial Day weekend of 2019. An annual budget request will be submitted for consideration at the April 2019 Annual Town Meeting. This preliminary funding will help get the bathing beach up and running before the beginning of Fiscal Year 2020.***

## **CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL IMPROVEMENTS**

**ARTICLE 6** To determine whether the Town will vote to approve \$100,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purpose of making capital improvements at Concord-Carlisle Regional High School, including (i) drainage improvements at Lower Field, (ii) spray booth duct work, (iii) emergency shower repairs, and (iv) an ambulance cut to improve access to the nurse's office, and for the payment of all costs incidental and related thereto, which amount shall be expended at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

*This Article provides Concord's share of the cost for various capital improvements to the Concord-Carlisle Regional High School. The costs to be assessed annually over a period of years consistent with the term of bonds to be issued by the district with debt service expected to commence in Fiscal Year 2020. The debt issued under this article has not been excluded under the provisions of Massachusetts General Law c.52 §21(C), Proposition 2 ½.*

## **CONCORD-CARLISLE REGIONAL HIGH SCHOOL – CAPITAL FEASIBILITY STUDY**

**ARTICLE 7** To determine whether the Town will vote to approve \$200,000 of debt, or any other sum, authorized by the Concord-Carlisle Regional School Committee, for the purposes of conducting a design and engineering study of the Concord-Carlisle High School building and campus, including cost analysis and feasibility of potential capital improvements, said study to be undertaken at the direction of the Concord-Carlisle Regional School Committee; or take any other action relative thereto.

*This Article provides Concord's share of the cost for a design and engineering study of the Concord-Carlisle Regional High School. The study will assess various capital improvements, including cost analysis and feasibility of (i) additional parking, (ii) potential uses for landfill area, (iii) roadway and lighting improvements, (iv) field improvements including concessions and restrooms, and other items as recommended by the School Committee and Superintendent. The costs will be assessed annually over a period of years consistent with the term of bonds to be issued by the district with debt service expected to commence in Fiscal Year 2020. The debt issued under his article has not been excluded under the provisions of Massachusetts General Law c.52 §21(C), Proposition 2 ½.*

## **TOWN MANAGER SEARCH – APPROPRIATION OF FUNDS**

**ARTICLE 8** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$20,000, or any other sum, to be expended under the direction of the Town Manager, for the cost of hiring a professional recruiting firm, and advertising and other costs associated with recruiting a new Town Manager; or take any other action relative thereto.

*This article would provide funding to allow the Town to hire a professional search firm to help recruit a qualified candidate to replace the current Town Manager, who plans to retire on or before July 1, 2019.*

**POLICE DEPARTMENT – FISCAL YEAR 2019 SUPPLEMENTAL APPROPRIATION**

**ARTICLE 9** To determine whether the Town will vote to transfer the sum of \$48,000, or any other sum, from the Emergency Response Stabilization Fund to be added to the amounts previously appropriated under Item No. 11, Police Department, of Article 7 of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

***This Article would amend the Fiscal Year 2019 budget by transferring \$48,000 to the Police Department from the Emergency Response Stabilization Fund to be combined with gift funds to pay the salary of one additional School Resource Officer within the Concord Public School System.***

**STATE GRANT FOR TRANSIT SERVICES – APPROPRIATION OF FUNDS**

**ARTICLE 10** To determine whether the Town will vote to appropriate from Transportation Network Surcharge Fees, the sum of \$3,210, or any other sum, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the town, including but not limited to, the complete streets program established pursuant to Massachusetts General Laws c. 90I, § 1, and other programs that support alternative modes of transportation; or take any other action relative thereto.

***Chapter 187 of the Acts of 2016 established a Commonwealth Transportation Infrastructure Fund. As required, each Transportation Network Company submits to the Department of Public Utilities the number of rides from the previous calendar year that originated within each city or town and a per-ride assessment of \$0.20, which is credited to the Fund. The Town received an allocation from the Commonwealth of Massachusetts in the amount of \$3,210, based on the estimated number of commuters believed to have passed through Concord while commuting to work during Fiscal Year 2018. These funds may only be used to provide transportation services in the community and must be appropriated by Town Meeting in order to be expended.***

**LEGAL SERVICES – APPROPRIATION OF FUNDS**

**ARTICLE 11** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$100,000, or any other sum, to be added to the funds appropriated under Article 7, Item 2 Legal Services of the 2018 Annual Town Meeting, said sum to be expended under the direction of the Town Manager; or take any other action relative thereto.

***The Town is currently involved in several litigation and collective bargaining matters that require expenditures for legal services above the \$250,000 annual allocation of funds for Legal Services. This supplemental appropriation will cover these higher costs without the need to fully utilize the Reserve Fund of the annual budget (Article 7, Item 32 of the 2018 Annual Town Meeting).***

**AMENDMENT OF PHASE II BLACK BIRCH SITE DEVELOPMENT AND USE PROPOSAL**

**ARTICLE 12** To determine whether the Town will vote to approve an amendment of the Phase II Black Birch Alternative Planned Residential Development (PRD) Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016, as further amended through March 14, 2017 (herein the "Phase II Black Birch Site Development and Use Proposal"), which Phase II Black Birch Site Development and Use Proposal was approved under Article 42 of the 2017 Annual Town Meeting pursuant to Section 10.3.4 of the Zoning Bylaw, by adding the following standard to the Phase II Black Birch Site Development and Use Proposal - or take any other action relative thereto.

"4. As an alternative to the provision of two (2) affordable units as set forth in Paragraph 3 and in exchange for approval from the Town to complete the sixteen (16) units in Black Birch Phase II as market-rate units, ABODE agrees to donate one million dollars (\$1,000,000.00) to the Town, or any other entity designated and approved by the Select Board, to be placed in a fund restricted to affordable housing purposes subject to terms and conditions to be established by the Board of Appeals and approved by the Select Board based upon a determination by both Boards that such funds will enhance affordable housing opportunities in the Town of Concord."

***The 2017 Annual Town Meeting approved (Article 42) the Preliminary Site Development and Use Proposal for Black Birch II Alternative PRD that included a provision that two of the sixteen units would be sold as affordable units to persons earning not more than 80% of area median income. The intent was that the units would be included in the Town's Subsidized Housing Inventory (SHI) which measures the Town's compliance with the Massachusetts General Laws c. 40B goal of 10% affordable housing. A recent State decision regarding age restricted units, however, means that the proposed Black Birch units may not count in the SHI. The Select Board and Black Birch II have agreed to put before the voters and the Planning Board an amendment to the Site Development and Use Proposal which adds the option for the Town to receive a \$1,000,000 contribution from the Black Birch II in lieu of providing the units on site. Receipt of the funds would allow the Town to "buy down" existing units that would count in the SHI as well as provide additional options toward the expansion of the Town's affordable housing inventory.***

### **BRUCE FREEMAN RAIL TRAIL – GRANT OF EASEMENT**

**ARTICLE 13** To determine whether the Town will vote to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise fee, easement, leasehold, license or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and/or other rights in Concord comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts, (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28, and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, pages 302-317 and Book 14836, pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out an improved multi-use rail trail in that right-of-way and within associated easement, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Select Board may determine, and further to see if the Town will raise and appropriate or transfer from available funds the sum of \$25,000, or any other sum, or accept gifts for these purposes, or take any other action relative thereto.

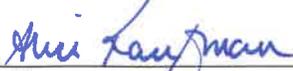
***This Article authorizes the Select Board to acquire the former railroad right-of-way to allow design and construction of the Bruce Freeman Rail Trail between the Acton town line and Commonwealth Avenue (the bridge over Route 2 connecting Phase 2A in Acton to the parking area located off Commonwealth Avenue at the end of Phase 2C).***

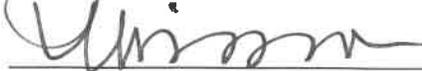
Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

Given under our hands this 13<sup>th</sup> day of August in the year two thousand-eighteen.

  
\_\_\_\_\_  
Thomas McKean

  
\_\_\_\_\_  
Jane Hotchkiss

  
\_\_\_\_\_  
Alice Kaufman

  
\_\_\_\_\_  
Michael Lawson

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

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord \_\_\_\_\_  
Date

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 of Concord

## **SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION**

The deadline for unregistered residents to register to vote at the Special Town Meeting is:

**Friday, September 21, 2018**

In addition to regular office hours, a special evening registration session will be held on Friday, September 21, 2018 until 8:00 PM at the Town Clerk's Office, 22 Monument Square for residents who are currently not registered voters in Concord.

Voter registration may be done online, by mail or in person.

Download a mail-in registration form by visiting the Town's Election & Voting web page  
**[concordma.gov/elections-voting](http://concordma.gov/elections-voting)**

Call the Town Clerk's Office at 978/318-3080 to have the form mailed to you.

Visit the Town Clerk's office at the Town House to register in person  
22 Monument Square  
Mondays-Fridays, 8:30 am-4:30 pm