

OLD NORTH BRIDGE

TOWN OF CONCORD
SELECT BOARD'S OFFICE
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February 2016

Dear Concord Voter:

We encourage you to read these articles carefully and to participate in our Town Meeting process.

Over the next several months, you will have numerous opportunities to participate actively in the democratic process of Town government by electing Town officials, attending hearings and taking action at Town Meeting on the wide range of subjects described in the accompanying Warrant. This brief introduction summarizes the activities leading up to the elections and to the Town Meeting.

TOWN CAUCUS: Nominations of candidates for election were made at the Town Caucus which was held on Tuesday, January 19, 2016. Names of Caucus nominees will be on the ballot for the Town Election which will be held on Tuesday, March 1, 2016. The deadline for unregistered residents to register to vote at the Town Election is Wednesday, February 10, 2016, along with those nominated by petition.

WARRANT: The publication of the Warrant is the first event leading up to Town Meeting. The Warrant serves as the agenda for the Meeting; it is a combination of proposals by the Town's committees and professional staff, and those brought by petitions signed by at least ten registered voters. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action. Any motion made under an Article at Town Meeting must fit within the scope of that Article as presented in the Warrant as determined by the Moderator. The motion will often be more specific, however. For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined to make the intended action more workable as a result of discussion during the hearing process.

Some Articles provide for various funding methods. The phrase "**raise and appropriate**" means funding through the property tax levy. The phrase "**transfer from available funds**" means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes. Finally, the Treasurer may be authorized "**with the approval of the Select Board, to borrow ...**". This means the issuance of debt for which the Town commits its credit to make future repayment of the loan with interest. The motion made under a financial Article will always specify the financing method from among the possible options. The amount of money in the motion may vary up or down from the amount appearing in the Article text.

Does the majority always rule? Some votes require super-majority votes in accordance with state law. These include Articles authorizing the issuance of debt and zoning bylaws. You will be informed by the Moderator when a motion is made under an Article whether a 2/3rds or other super-majority vote is required for passage.

PUBLIC HEARINGS: Following publication of the Warrant, five public hearings will be held in the Town House hearing room as shown on the schedule at the end of this section. All citizens are encouraged to attend the hearings that provide an opportunity to gain a better understanding of the background and issues and serve a number of purposes:

- to provide better information on Warrant Articles to boards and committees charged with making recommendations to Town Meeting;
- to provide information to voters to help enable them to decide how to vote on Warrant Articles;
- to identify needs for further information on Warrant Articles;
- to provide an opportunity for voters to make brief comments about the content of the proposals being made, allowing time for the Warrant Article presenters to make changes in the motions prior to Town Meeting, if needed;
- to provide Warrant Article presenters with constructive feedback to help them improve presentations, respond to likely questions and objections, clarify ambiguities, remedy potential technical problems, and avoid unintended consequences.

After the hearings, the Finance Committee, which consists of fifteen citizens appointed by the Moderator, will prepare its report to the Town. This report summarizes the Town's financial position, reports on various issues, and makes recommendations to Town Meeting on each Article with financial impact. The recommendations of the Select Board on all Articles are also included in the report.

SCHEDULE OF PUBLIC HEARINGS Held at the Town House in the Hearing Room			
Committee	Articles	Time	Date
Finance Committee: FC Town Budget, related Articles and Town Capital Articles	3-10, 16, 19, 21-28, 31, 46, 49, 50, 57	7:00 PM	Monday, February 1
Finance Committee: FC/SC School Budgets & Articles Community Preservation Committee: FC/CPC	11-15, 17, 18 20	7:00 PM	Wednesday, February 3
Select Board: SB	1, 2, 29, 30, 43, 45, 47, 48, 58, 59	7:00 PM	Monday, February 8
Planning Board: PB	32-42	7:00 PM	Tuesday, February 9
Finance Committee: FC/ENT Enterprise Funds Budgets & Articles	44, 51-56	7:00 PM	Monday, February 29

SPECIAL ARRANGEMENTS OR NEEDS: Anyone with a disability requiring special arrangements for the Public Hearings or Town Meeting should contact the Assistant Town Manager/ADA Coordinator at (978) 318-3000.

TOWN MEETING: Will begin on Monday, April 4, 2016 at 7:00 PM and will convene at the Concord-Carlisle Regional High School. All registered voters are eligible to attend and vote.

The deadline for unregistered residents to register to vote at the Town Meeting is Wednesday, February 10, 2016. Attendees must check in with the Town Clerk's staff in the lobby. Check-in is done alphabetically by last name.

The Moderator, who presides at the Meeting, is elected each year at the annual Town Election. The Moderator will be on the stage, as will the Town Clerk. The Finance Committee and Select Board, along with the Town Manager, will be seated at tables at the front of the auditorium.

The Moderator will call each Article and its sponsor will make a motion. After the motion has been seconded, debate will start according to Town Meeting rules of order as set forth in the book, Town Meeting Time, which is

available at the Town libraries. The Moderator will recognize the speakers, rule on motions and amendments with respect to conformance to parliamentary procedure, and call for votes. The recommendations of Town Committees may be made on each Article. For additional information on the conduct of the Meeting, refer to the pamphlet "Concord Town Meeting Traditions and Procedures" which is available on the Town's website www.concordma.gov, from the Town Clerk's office in the Town House, or in the lobby as you enter Town Meeting.

Article Three, "Meeting Procedure," has been submitted by the Finance Committee to address the special constraints placed on Town Meeting by "Proposition 2½." Additional information on the Town's status relative to Proposition 2½ will be presented in the Report and Recommendations of the Concord Finance Committee to be published and mailed to all residents in late March.

We will again use a consent calendar, which is intended to expedite action on Articles that are expected to be non-controversial. (A full explanation will appear in the Finance Committee Report which will be mailed to residents in early April.) Also consistent with our recent procedures, certain Articles that attract a high level of community interest may be scheduled for specific dates and times. (Please watch for advance notice in the local media.) Other Articles will be taken up in accordance with the order of the Warrant until the conclusion of the Warrant.

Town Meeting is an important democratic institution open to all Concord registered voters, and is Concord's legislative body. The procedures are simple, and all have a right to attend and be heard. On each Article you will hear a formal presentation and recommendations from citizen committees. You may speak on the issues if you wish, and then cast your vote. By this process, the decisions made are based on the collective will and wisdom of the Meeting. We encourage your active participation, particularly for those Articles that are of greatest importance to you.

If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term assignment, bring yourself to the attention of the appointing authorities by filling out a "Green Card" and submitting it to the Secretary of the Select Board in the Town House. See page 58 to 60 of this Warrant for further information and a tear-out copy of the "Green Card."

Respectfully,

Alice N. Kaufman

Jane Hotchkiss

Michael E. Lawson

Steven Ng

Eric E. Van Loon

MODERATOR

Carmin C. Reiss

SELECT BOARD

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2016**

Middlesex, ss.

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 at Town Meeting for the transaction of Town affairs, to meet at 7:00 AM on Tuesday, the first day of March next, as follows, all in said Concord:

Those residing in Precinct 1 – at the Dept. of Planning & Land Management, 141 Keyes Road;

Those residing in Precincts 2 and 3 – at the Harvey Wheeler Community Center, 1276 Main Street;

Those residing in Precinct 4 – at the Ripley School Building, 120 Meriam Road;

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, at least seven days before the first day of March, then and there to act on the following articles:

ARTICLE 1. To bring their votes on one ballot for the following Town Officers:

One for Moderator	for one year
Two for Board of Selectmen	for three years
Two for School Committee	for three years
One for Housing Authority	for five years

You are further required in the name of the Commonwealth of Massachusetts to notify the legal voters of said Town of Concord, as aforesaid, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the fourth day of April 2016, at 7:00 pm in the evening, then and there to act upon the following Articles:

CHOOSE TOWN OFFICERS

ARTICLE 1. To choose all necessary Town Officers and Committees.

HEAR REPORTS

ARTICLE 2. To hear and act upon the reports of Town Officers and Committees.

MEETING PROCEDURE

ARTICLE 3. To determine whether the Town will adopt a rule of the meeting governing requirements on Motions and amendments to Motions made at this meeting under Articles concerned with expenditures, in order to assure compliance with the requirements of Chapter 59, Section 21C of the Massachusetts General Laws (generally referred to as "Proposition 2½"), or take any other action relative thereto.

<i>The motion to be made by the Finance Committee will specify that every motion to appropriate funds will be required to identify the source of funding. Town Meeting has adopted this meeting procedure for a number of years.</i>
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RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 4. To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows, or take any other action relative thereto:

1. Delete the title "Deputy Fire Chief" from Grade MP-5 and replace it by adding the title "Assistant Fire Chief" to Grade MP-6 effective May 7, 2015.
2. Add the title "Senior Information Systems Technician" to Grade MP-3 effective May 7, 2015.
3. Move the title "Chief Information Officer" from Grade MP-7 to Grade MP-8 effective May 7, 2015.
4. Change the title "Deputy Police Chief" to "Police Captain" effective June 25, 2015.
5. Add the title "Public Information Officer" to Grade MP-1 effective June 25, 2015.
6. Move the title "Human Resources Director" from Grade MP-6 to Grade MP-7 effective June 25, 2015.
7. Move the title "Natural Resources Director" from Grade MP-4 to Grade MP-5 effective September 30, 2015.
8. Add the title "Recreation Programs & Events Manager" to Grade MP-3 effective September 30, 2015.
9. Change the title "Council on Aging Director" to "Senior Services Director" effective September 30, 2015.
10. Change the title "COA Program Supervisor" to "Senior Services Programs Supervisor" effective September 30, 2015.
11. Add the title "Assistant Town Engineer" to Grade MP-5 effective October 28, 2015.
12. Add the title "Assistant Public Works Supervisor" to Grade TCL-5 effective October 28, 2015.
13. Add a new grade, designated as HS-A, with a salary range of \$10.00 to \$25.00 per hour effective October 28, 2015.
14. Add the title "Human Services Assistant" to Grade HS-A effective October 28, 2015.
15. Add the title "Childcare Services Manager" to Grade MP-3 effective October 28, 2015.
16. Move the title "Recreation Director" from Grade MP-7 to Grade MP-6 effective December 9, 2015.
17. Remove the title "Meter Reader" from Grade EL-1 effective December 9, 2015.
18. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 4, 2016, and April 4, 2016.

The Town Manager has authority to create and modify positions throughout the fiscal year; titles and salary ranges are determined using the Town's established classification system. Under the Personnel Bylaw, the Personnel Board is authorized to approve temporary changes in the Classification and Compensation Plans, pending ratification of such actions at the next Town Meeting. Seventeen actions already taken appear in the Warrant; if additional actions are taken by the Personnel Board after the close of the Warrant, notice will be filed with the Town Clerk and details will be presented at Town Meeting.

PERSONNEL BYLAW AMENDMENTS

ARTICLE 5. To determine whether the Town will vote to amend Sections 3, 5, 10, and 11 of the Personnel Bylaw as follows, or take any other action relative thereto:

Section 3. PERSONNEL POLICIES AND PROCEDURES

Delete the first paragraph and replace with the following:

The Personnel Board and Town Manager shall adopt and maintain personnel policies and procedures as needed to implement and interpret the provisions of the Personnel Bylaw.

Section 5. CLASSIFICATION PLAN

5.2 Job Descriptions

Delete the first paragraph and replace with the following:

The Town Manager or his/her designee(s) shall prepare and maintain summary job descriptions for all position classifications in the Classification Plan. Such descriptions shall consist of a statement describing the essential nature and level of the work performed by employees in that classification; illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the classification.

5.4 Periodic Review of the Classification Plan

Delete all text and replace with the following:

It shall be a responsibility of the Town Manager to ensure that position classifications and job descriptions are reviewed at reasonable intervals, as he/she deems necessary and as resources are available.

Section 10. PAY POLICIES

10.1 Appointment Rates

Delete all text and replace with the following:

New employees and employees who receive a promotion will be appointed at a base rate of pay within the approved range for the position's classification; the Town Manager shall determine the starting rate based on his/her consideration of the individual's qualifications, available funds, market influences, internal equity and any other relevant factors.

Section 11. SICK LEAVE

11.2 Use

Delete the first paragraph and replace with the following:

Sick leave is generally granted to employees for protection against loss of pay due to their own personal illness or injury, and to attend medical appointments with health care professionals. However, the Town Manager and Personnel Board may adopt policies that permit an employee to use accrued sick leave to care for an immediate family member during an illness or injury, and for any purpose for which leave may be taken under the Family and Medical Leave Act or Small Necessities Leave Act. Such policies shall define "immediate family member" for the purposes of family-related sick leave use.

Current language, which applies only to non-union employees, gives the Personnel Board administrative responsibilities related to personnel policies, job descriptions, starting salaries, and sick leave use that are inconsistent with a strong Town Manager form of government and do not provide sufficient responsiveness to changes in the municipal employment market and federal and state laws. The amendments allow more efficient and effective administration of non-union personnel matters, while maintaining compensation and paid leave parameters set by the Personnel Board and Town Meeting within which the Town Manager must work.

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 6. To determine whether the Town will vote to amend the Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2016, or take any other action relative thereto:

CLASSIFICATION AND COMPENSATION PLAN

Effective July 1, 2016

ADMINISTRATIVE-CLERICAL

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-1	Hourly	16.15	19.42	22.68
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	18.03	21.68	25.33
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	20.45	24.59	28.72
Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	22.09	26.56	31.02
Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	23.61	28.38	33.15
Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant				
AC-6	Hourly	24.42	29.37	34.31
Finance Assistant				
AC-7	Hourly	26.99	32.45	37.91
Executive Assistant to the Town Manager				

TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TCL-1	Hourly	15.93	19.26	22.59
Building Custodian				
TCL-2	Hourly	18.00	21.76	25.51
Building Maintenance Custodian				
Laborer/Truck Driver				
TCL-3	Hourly	19.80	23.94	28.08
Cemetery Specialist				
Equipment Operator				
Park & Tree Specialist				
Water/Sewer System Maintainer				
TCL-4	Hourly	22.16	26.81	31.45
Equipment/Line Operator				
Master Mechanic				
Park & Tree Specialist (Aerial)				
Senior Park & Tree Specialist				
TCL-5	Hourly	24.54	29.67	34.80
Assistant Public Works Supervisor				
Cemetery Supervisor				
Crew Leader				
Senior Master Mechanic				
Treatment Systems Operator				
TCL-6	Hourly	27.56	33.33	39.10
Fleet Supervisor				
Senior Treatment Systems Operator				
TCL-7	Hourly	30.58	36.99	43.39
Public Works Supervisor				

MANAGERIAL-PROFESSIONAL

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week;
compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-1	Annual	43,865	55,017	66,169
Aquatics Supervisor				
Associate Engineer				
Engineering Technician				
Public Information Officer				
Recreation Supervisor				
MP-2	Annual	49,502	62,086	74,669
Administrative & Special Projects Coordinator				
Assistant Aquatics Coordinator				
Assistant Local Inspector				
Assistant Natural Resources Director				
Budget Analyst				
Environmental Health Inspector				
Environmental & Regulatory Coordinator				
Field Lister				
GIS Technician/Analyst				
Information Systems Technician				
Office Accountant				
Public Health Inspector				
Senior Engineering Technician				
Senior Services Programs Supervisor				
Telecommunications Network Technician				
Utility Software Coordinator				
Water Conservation Coordinator				
MP-3	Annual	58,410	73,260	88,110
Aquatics Coordinator				
Assistant Human Resources Director				
Assistant Public Health Director				
Assistant Public Works Engineer				
Assistant to the Water/Sewer Superintendent				
Assistant Town Accountant				
Assistant Treasurer				
Childcare Services Manager				
Civil Engineer				
Customer Service Administrator				
Energy Conservation Coordinator				
Facilities Maintenance Supervisor				
Fitness Coordinator				
Local Inspector				
Management Analyst				
Recreation Coordinator				
Recreation Programs & Events Manager				
Retirement System Administrator				
Senior Budget & Operations Analyst				

Senior Environmental & Regulatory Coordinator
 Senior Information Systems Technician
 Senior Planner

MP-4	Annual	62,446	78,322	94,197
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Assistant Recreation Director
 Budget & Purchasing Administrator
 Environmental Services Program Administrator
 Financial Administrator
 GIS & Application Integration Program Manager
 Operations Engineer
 Public Works Engineer
 Senior Services Director
 Telecommunications Coordinator

MP-5	Annual	67,170	84,245	101,320
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Assistant Library Director
 Assistant Town Engineer
 Deputy Treasurer/Collector
 Facilities Manager
 Highway & Grounds Superintendent
 Natural Resources Director
 Police Lieutenant
 Public Health Director
 Town Clerk
 Town Planner

MP-6	Annual	74,022	92,840	111,657
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Assistant Fire Chief
 Building Commissioner
 Police Captain
 Recreation Director
 Town Accountant
 Town Assessor
 Town Engineer
 Water/Sewer Superintendent

MP-7	Annual	84,760	106,308	127,855
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Assistant Town Manager
 Director of Planning & Land Management
 Human Resources Director
 Library Director

MP-8	Annual	94,431	118,438	142,444
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Chief Information Officer
 Fire Chief
 Police Chief
 Public Works Director

MP-9	Annual	103,492	129,804	156,115
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Finance Director

ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1	Hourly	17.56	21.24	24.92
EL-2	Hourly	22.29	26.96	31.62
Lineworker, Grade 3 Meter Technician				
EL-3	Hourly	28.28	31.97	35.66
Lineworker, Grade 2 Utility Electrician				
EL-4	Hourly	35.11	39.70	44.29
Lineworker, Grade 1				
EL-5	Hourly	36.77	41.57	46.37
Lead Lineworker				
EL-6	Hourly	39.60	44.77	49.94
Line Supervisor				

ELECTRICAL MANAGEMENT

*Annual rates are controlling and are based on 52.2 weeks at 40 base hours per week;
compensation will be prorated for part-time schedules.*

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EM-1	Annual	59,792	71,884	83,975
Meter Supervisor				
EM-2	Annual	75,832	91,165	106,498
Electrical Engineer				
EM-3	Annual	90,203	108,442	126,680
Assistant CMLP Director Power Supply & Rates Administrator				
EM-4	Annual	110,344	132,655	154,965
CMLP Director				

SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
SF-1	Hourly	10.00	35.00	60.00
Swim/Fitness Specialist				

HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-A	Hourly	10.00	17.50	25.00
Human Services Assistant				
HS-1	Hourly	15.23	22.84	30.45
Human Services Specialist				
HS-2	Hourly	15.23	27.92	40.60
Child Care/Education Specialist				

With annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps Town salaries competitive in the employment market, maintains internal equity of salary ranges, maintains comparability with salaries of unionized employees, and keeps pace with changes in the cost of living. This article does not control the amount of the actual salary increases to be received by employees in FY17. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.

TOWN BUDGET

ARTICLE 7. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2017, or take any other action relative thereto:

General Fund Operating Budget

Item No.	Department	Fiscal 2015 Expenses	Fiscal 2016 Appropriation	Fiscal 2017 Proposal
General Government \$2,825,910 is 7.2% of Total				
1	Town Manager's Office			
	A. Town Manager	\$ 336,040	\$ 376,637	\$ 369,362
	B. Human Resources	206,258	226,842	230,271
	C. Facilities Management	200,000	225,962	235,000
	D. Resource Sustainability Fund	75,000	75,000	118,433
	E. Visitor's Center and Restroom	24,489	27,426	32,635
	F. 37 Knox Trail	-	-	8,334
	Subtotal	841,787	931,867	994,036
2	Legal Services	174,280	225,000	225,000
3	Elections and Registrars			
	A. Elections	25,714	52,164	34,815
	B. Registrars	4,646	8,103	7,967
	Subtotal	30,360	60,267	42,782
4	Town Meeting and Reports	64,522	81,550	44,900
5	Planning			
	A. Planning Administration	323,485	452,128	460,857
	B. Natural Resources	228,506	211,537	228,799
	C. Inspections	401,364	441,573	461,727
	D. Health	283,497	299,701	297,156
	Subtotal	1,236,852	1,404,939	1,448,539
6	141 Keyes Road	74,560	73,368	70,654
	Total General Government	\$ 2,422,362	\$ 2,776,991	\$ 2,825,910
Finance and Administration \$2,249,414 is 5.7% of Total				
7	Finance Committee	3,404	3,410	3,410
8	Finance			
	A. Finance Administration	276,262	281,410	284,105
	B. Treasurer-Collector	269,893	282,809	283,744
	C. Town Accountant	124,032	155,274	157,708
	D. Assessors	379,175	409,151	405,291
	E. Town Clerk	231,282	238,590	240,696
	Subtotal	1,280,644	1,367,234	1,371,544
9	Information Systems	639,125	681,610	768,020
10	Town House	104,672	105,087	106,440
	Total Finance and Administration	\$ 2,027,843	\$ 2,157,341	\$ 2,249,414

Item No.	Department	Fiscal 2015 Expenses	Fiscal 2016 Appropriation	Fiscal 2017 Proposal
Public Safety \$8,900,701 is 22.7% of Total				
11	Police Department	4,156,906	4,241,558	4,244,504
12	Fire Department	3,833,878	4,279,385	4,299,821
13	West Concord Fire Station	35,692	60,062	40,289
14	Police-Fire Station	227,409	234,812	275,011
15	Emergency Management	12,216	22,810	15,077
16	Animal Control Officer	23,452	25,100	26,000
	Total Public Safety	\$ 8,289,552	\$ 8,863,728	\$ 8,900,701
Public Works and Facilities \$4,054,201 is 10.3% of Total				
17	Public Works			
	A. CPW Administration	181,338	184,968	184,155
	B. Engineering	374,537	389,847	383,244
	C. Highway Maintenance	1,277,325	1,298,187	1,288,605
	D. Parks and Trees	646,590	647,670	663,288
	E. Cemetery	61,336	68,114	66,684
	Subtotal	2,541,125	2,588,786	2,585,975
18	Snow and Ice Removal	868,268	570,000	597,500
19	Street Lighting	64,955	73,463	73,463
20	CPW Equipment	288,000	250,000	300,000
21	Drainage Program	205,000	205,000	205,000
22	Sidewalk Management	100,000	100,000	100,000
23	Road Improvements	90,000	90,000	90,000
24	133/135 Keyes Road	109,202	101,305	102,263
	Total Public Works and Facilities	\$ 4,266,550	\$ 3,978,554	\$ 4,054,201
Human Services \$2,838,078 is 7.2% of Total				
25	Library	1,978,038	2,034,562	2,081,963
26	A. Human Services	-	9,000	21,217
	B. Senior Services	310,949	336,889	343,870
	C. Recreation Services	104,356	50,000	73,175
27	Harvey Wheeler Community Ctr.	117,348	117,945	119,340
28	Hunt Recreation Ctr.	91,241	96,976	104,147
29	Veterans	67,581	60,889	69,990
30	Ceremonies and Celebrations	23,944	24,006	24,376
	Total Human Services	\$ 2,693,457	\$ 2,730,267	\$ 2,838,078

Item No.	Department	Fiscal 2015 Expenses	Fiscal 2016 Appropriation	Fiscal 2017 Proposal
Unclassified				
\$1,095,708 is 2.8% of Total				
31	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	157	2,500	2,500
	C. Employee Assistance Program	7,177	7,500	7,500
	Subtotal	97,334	100,000	100,000
32	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$10,000 were made to other accounts in FY15				
33	Salary Reserve**	56,000	267,133	755,708
**Transfers totaling \$502,134 in FY15 and \$376,271 (to date) in FY16 were made to other accounts				
34	Land Fund	10,000	15,000	15,000
	Total Unclassified	\$ 163,334	\$ 607,133	\$ 1,095,708
TOWN GOVERNMENT SUBTOTAL (Accounts 1-34)		\$ 19,863,100	\$ 21,114,013	\$ 21,964,013
Joint (Town - CPS)				
\$17,319,828 is 44.1% of Total				
35	Insurance			
	A. Group Insurance	4,650,000	4,650,000	4,650,000
	B. OPEB	900,000	1,150,000	1,400,000
	C. Property/Liability	225,000	225,000	250,000
	Subtotal	5,775,000	6,025,000	6,300,000
36	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	100,461	100,000	100,000
	B. Workers' Comp.	54,433	100,000	100,000
	Subtotal	154,894	200,000	200,000
37	Retirement	3,125,000	3,220,000	3,317,000
38	Social Security and Medicare	660,297	740,000	765,000
39	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,539,919	2,551,988	2,751,725
	CPS Principal and Interest	906,030	940,113	883,375
	Subtotal	3,445,949	3,492,101	3,635,100
	Interest on Notes	-	72,899	54,900
	Other Debt Expense	8,567	40,000	40,000
	Subtotal Within Levy Limit	3,454,516	3,605,000	3,730,000
	B. Excluded Debt			
	Town Principal and Interest	208,721	204,906	101,089
	CPS Principal and Interest	3,787,529	4,115,594	3,906,739
	Less: Use of Stabilization Funds	(500,000)	(1,500,000)	(1,000,000)
	Subtotal Excluded Debt	3,496,250	2,820,500	3,007,828
	Debt Service Subtotal	6,950,766	6,425,500	6,737,828
	Total Joint (Town - CPS)	\$ 16,665,957	\$ 16,610,500	\$ 17,319,828
TOTAL APPROPRIATION (Accounts 1-39)		\$ 36,529,057	\$ 37,724,513	\$ 39,283,841

That the Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

That the sum of \$11,000, state aid to libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the sum of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's rabies clinic;

That the appropriation for salary reserve under line item 33 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2016 and thereafter pursuant to the salary schedules adopted under Article 6, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town authorize the following sums to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY 2017:

<u>Amount</u>	<u>Loan #</u>	<u>Original Loan</u>	<u>Date of Issue</u>	<u>Final Maturity</u>	<u>Town Authorization</u>
\$10,828.73	T5-97-1070	\$200,000	12/22/99	FY21	Art. 46 (1997)
\$70,317.00	T5-05-1243	\$703,170	03/18/09	FY19	Art. 50 (2004)
\$29,616.00	T5-05-1243-A	\$296,830	06/13/12	FY23	Art. 50 (2004)
\$32,472.00	T5-05-1243-B	\$324,715	05/22/13	FY23	Art. 42 (2009)
\$19,745.70	T5-05-1243-C	\$197,457	01/07/15	FY25	Art. 42 (2009)

That the Town appropriate the sum of \$50,000 from the Emergency Response Stabilization Fund, to be expended under the direction of the Town Manager, for the purpose of partially paying the third year operating costs of the Fire Department for the deployment of an ambulance in West Concord, including salaries, protective gear, equipment, fuel and related expenses, and that said appropriation shall be in addition to the sum contained in line item 12 herein;

That the Town appropriate the sum of \$1,000,000 from the High School Debt Stabilization Fund, to be expended under the direction of the Town Manager, to pay a portion of Concord's share of debt service excluded from the property tax levy limit due and payable during fiscal year 2017, and that said appropriation shall be in addition to the sum contained in line item 39 herein.

The Town budget article provides for all General Fund (tax-supported) Town operations and activities organized by Town Charter under the direction of the Town Manager. The total appropriation to be presented for Town Meeting approval meets the spending guideline set by the Finance Committee in November 2015.

The text above also makes certain other appropriations from stabilization funds, authorizes certain other transfers between appropriation accounts, and appropriates Title 5 septic loan payments.

HOME RULE PETITION TO ESTABLISH A CONCORD SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION

ARTICLE 8. To determine whether the Town will request home rule legislation substantially in the form shown below, to establish a Concord senior means-tested property tax exemption.

SECTION 1. With respect to each qualifying parcel of real property classified as Class one, residential in the Town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the states "circuit breaker" income tax credit, and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The Board of Assessors may deny an application if it finds the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (a) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (d) the applicant or at least 1 of the joint applicants has been domiciled in the Town of Concord for at least 10 consecutive years before filing an application for the exemption;
- (e) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Concord single family residence plus 10 per cent; and
- (f) the Board of Assessors has approved the application.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to 0.5% per cent of the fiscal year's total residential property tax levy for the Town of Concord, including the levy for the regional high school if not included in the Town of Concord's tax levy at some subsequent date with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the Select Board within a range of 0.5 percent to 1.0 percent of the residential property tax levy of the Town of Concord. In the event that benefits to the applicants may be limited because the percentage established annually by the Select Board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the Town of Concord shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 8. This act shall expire after 3 years of implementation of the exemption.

The Tax Fairness Committee was appointed by the Select Board to examine "fair allocation of property tax burdens" as well as the "loss of economic diversity resulting from reliance on the property tax in Concord". The Tax Fairness Committee's proposal will assist seniors with limited incomes to stay in their homes as the property tax burden continues to rise. In 2012 the State Legislature passed a Special Act for such an exemption for the Town of Sudbury, and it has been working there for two years. This warrant article is based on the Sudbury law.

Income limits for the exemption are tied to the requirements of the State Income Tax Circuit Breaker – currently \$58,000, or less, for a single homeowner and \$84,000, or less, for a married couple. The assessed value of the property must be no greater than the average assessed value of Concord single family homes. Applicants' property tax cannot be reduced by more than 50%. The value of all exemptions granted cannot exceed 0.5% of the property tax levy. The exemption is funded by a shift in the residential tax rate. To take effect if approved by the legislature, this exemption must be passed by a majority of Concord voters at the polls.

CLOSE ELEMENTARY SCHOOL DEBT STABILIZATION FUND

ARTICLE 9. To determine whether the Town will vote to close the Elementary School Debt Stabilization Fund established by vote under Article 10 of the 2008 Annual Town Meeting and transfer the balance remaining therein to the General Stabilization Fund account, or take any other action relative thereto.

The Elementary School Debt Stabilization Fund was established at the 2008 Town Meeting and funded from a Free Cash transfer for the purpose of helping to mitigate the tax impact expected from the sale of bonds in 2009 to finance the Willard School construction. Through June 30, 2015, \$411,912 was added to the Fund from investment earnings. Over four years, FY11-FY15, \$2,910,000 was appropriated from the Fund to reduce the property taxes that otherwise would have been required for this purpose. As of Dec. 31, 2015, \$1,914.33 remains in the Fund. This article proposes to close the fund and transfer the remaining balance at the time of closing to the Town's General Stabilization Fund which presently has a balance of \$2,280.

PEG ACCESS AND CABLE-RELATED FUND

ARTICLE 10. To determine whether the Town will vote to appropriate the sum of \$560,000, or any other sum, said funds to expended during the fiscal year commencing July 1, 2015 under the direction of the Town Manager and to be used only for cable-related purposes consistent with the franchise agreement during the fiscal year commencing July 1, 2015, of which the sum of \$468,000 is the estimated revenue to be received during FY2017 in accordance with the franchise agreement and the sum of \$92,000 shall be allocated from the available fund balance, or take any other action relative thereto.

In 2014, the Town signed a ten-year cable television franchise agreement with Comcast Corporation, which required Comcast to pay to the Town or its designee 4.8% of the total annual revenue of the company from Concord ratepayers. The 2015 Annual Town Meeting adopted a 2014 law enabling the Town to receive the money from Comcast, and to pay it out for local cable access services. The Town has contracted with CCTV to provide community access services. FY2017 is the second year of operation within this new framework. PEG Access services are Public, Educational and Governmental local cable channels.

PUBLIC SCHOOL BUDGET

ARTICLE 11. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2017, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
	Department	Fiscal 2015 Adopted	Fiscal 2016 Adopted	Fiscal 2017 School Committee Vote of Dec. 8, 2015
1	Concord Public Schools Budget/Appropriation	\$32,440,538	\$34,542,735	\$35,660,111

This article provides the annual operating budget for the Concord Public Schools. The appropriation to be presented for Town Meeting approval of \$35,660,111 is at the Concord School Committee adopted budget level voted on December 8, 2015, which meets the spending guideline set by the Concord Finance Committee in November 2015.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 12. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, 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, the sum of \$570,000, or any other sum, to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, including original equipment and related work, at various Concord Public School facilities, and up to the sum of \$300,000, or any other sum, to be expended under the direction of the Town Manager for facilities to be newly constructed on behalf of the Concord Public Schools, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$870,000 for construction, renovations, repairs, and related work at various Concord Public School facilities. \$300,000 of the funding provided under this article will be assigned to the School Transportation Facility project if supplemental funding is approved under Article 15. This borrowing is part of the Town Manager's five-year Capital Plan, with the debt service cost to be funded within the Levy Limit.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

ARTICLE 13. To determine whether the Town will vote to raise and appropriate the sum of \$20,719,713, or any other sum, as set forth below, for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2017, or take any other action relative thereto.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET				
	Department/Description	Fiscal 2015 Adopted	Fiscal 2016 Adopted	Fiscal 2017 School Committee Vote of Dec. 8, 2015
1	Concord-Carlisle Regional High School			
	Total Budget	\$27,437,330	\$30,643,037	\$31,654,473
	Concord assessment	\$17,715,062	\$20,070,650	\$20,719,713*
*(includes \$17,035,005 assessment for operating budget and \$3,684,708 assessment for debt exclusion)				

This article provides Concord's assessed share of the annual operating budget for the Concord-Carlisle Regional High School. The appropriation to be presented for Town Meeting approval meets the spending guideline set by the Concord Finance Committee in November 2015.

CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT – LANDFILL REMEDIATION

ARTICLE 14. To determine whether the Town will vote to approve \$1,100,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for landfill remediation; provided, however, that this approval shall be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, §21C(k); to exempt the Town's allocable share of the amounts required for the payment of interest and principal on said borrowing; or take any other action relative thereto.

This article provides Concord's share of the cost for remediation of the former private landfill located on Concord-Carlisle Regional School District land, the cost 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 2017.

SCHOOL TRANSPORTATION FACILITY – SUPPLEMENTAL APPROPRIATION

ARTICLE 15. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, 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, the sum of \$1,950,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of designing, constructing and originally equipping a transportation facility to be located at 214Y Main Street (assessor's parcel #2322), including facilities for vehicle repair, fueling, storage and parking, and related activities, and including design, engineering, testing and other related work, provided, however, that this borrowing authorization shall be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, §21C(k) to exempt the amounts required for the payment of interest and principal; or take any other action relative thereto.

Funding was appropriated under Article 12 of the 2014 Annual Town Meeting (\$925,000) and under Article 24 of the 2015 Annual Town Meeting (\$950,000) for the development of school bus storage and repair facilities to be constructed under the direction of the Town Manager. Additionally, \$300,000 of the appropriation and borrowing authorization proposed to be made under Article 12 of the 2016 Annual Town Meeting Warrant will be directed to this project. Town staff has been working with the School Committee and administration to design the new school transportation facility to be located at the former WR Grace property on Main Street. This site was acquired by the Town in August of 2015.

The total project cost is estimated at \$4,125,000. The available appropriation, including \$300,000 assigned from the appropriation proposed under Article 12, will total \$2,175,000. Therefore, an additional appropriation of \$1,950,000 is requested to adequately fund the planned four-bay, 7,700 square foot facility, including parking for buses and employee vehicles as well as fuel facilities. CCRSD use of the facility will be subject to a rental payment to the town to cover its share of operating and capital costs. It is proposed that this borrowing authorization be made subject to voter approval to exempt this supplemental funding from the limits of Proposition 2-1/2 via a debt-exclusion ballot question to be voted at a town-wide ballot following the annual town meeting. The tax impact of the proposed debt exclusion on the median single-family residential tax bill is projected between \$24 and \$32 per year depending upon the term and interest rate of the borrowing.

BY PETITION RECONSIDERING THE SCHOOL BUS TERMINAL LOCATION

ARTICLE 16. To determine whether the Town will vote to recommend the Select Board and School Committee reconsider locating a school bus terminal at an appropriate location either at the CCHS property or the former Landfill, or take any other action relative thereto.

PETITIONER'S EXPLANATION: *School buses drive empty between their depot and their routes picking-up and dropping-off students. Parking school buses near CCHS instead of Knox Trail would annually save the fleet roughly 60,000 miles and 3000 hours of driver time. For future electric buses, parking near schools would reduce the required battery size 15% — reducing purchase cost. Furthermore, if the Knox Trail price has increased, there could be added savings.*

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET

ARTICLE 17. To determine whether the Town will vote to raise and appropriate the sum of \$406,353, or any other sum, as set forth below, for the following necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2017, or take any other action relative thereto.

<u>MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET</u>				
	Department/Description	Fiscal 2015 Adopted	Fiscal 2016 Adopted	Superintendent's Proposed Budget & Fiscal 2017 Assessment
1	Minuteman Regional High School Budget Assessment	\$19,645,065 \$191,6889	\$19,831,003 \$407,041	\$19,728,097 \$490,276 (est. @ 12/10/2015)

This article provides Concord's assessed share of the annual operating budget for the Minuteman Regional Technical High School District. Concord's assessment increase is due primarily to increased enrollment. At October 1, 2014, enrollment was 12 high school students and 2 post-grad students. At October 1, 2015, enrollment was 15 high school students and 2 post-grad students. Each of the 16 member town assessments is calculated by a formula established pursuant to the regional agreement.

MINUTEMAN REGIONAL HIGH SCHOOL BUILDING PROJECT APPROVAL

ARTICLE 18. To determine whether the Town will approve the \$144,922,478 borrowing authorized by the Minuteman Regional Vocational Technical School District (the "District"), for the purpose of paying costs of designing, constructing and originally equipping a new district school to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of School Building Committee the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA; provided, however, that this approval shall be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, §21C(k); to exempt the Town's allocable share of the amounts required for the payment of interest and principal on said borrowing; and provided further, that any approval of this borrowing shall be contingent upon the approval, on or before March 1, 2016, of the 2016 Amended Regional Agreement for the District by the town meetings of all 16 member towns of the District; or take any other action relative thereto.

This article authorizes the borrowing for construction of a new building for the regional vocational-technical high school. The new Minuteman High School will feature a Career Academy model that supports 16 programs and 20 career majors. Building a new school will also ensure Minuteman's continued accreditation by the New England Association of Schools and Colleges (NEASC). NEASC has placed Minuteman's accreditation on "warning" status solely due to the condition of the current building.

Minuteman has been working with the Massachusetts School Building Authority (MSBA) since 2009 and has explored several alternatives to improve a 40+ year old facility that needs a new roof, new mechanical, plumbing and electrical systems, and better access for the disabled, among many other things. After an extensive feasibility study, the Minuteman School Committee and the MSBA both concluded that replacement of the existing school is the most cost-effective solution. The MSBA has committed roughly \$45 million to assist with the construction of a new school, the balance to be funded by member communities.

During Minuteman's work with the MSBA on this project, the Town of Concord has been actively represented on both the Minuteman Regional School Committee and on the Minuteman School Building Committee.

FREE CASH USE

ARTICLE 19. To determine whether the Town will vote to authorize and direct the Assessors to take \$1,000,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2017, or take any other action relative thereto.

This article seeks Town Meeting approval to allocate a portion of the available General Fund balance to support the FY2017 budget. The proposed amount is consistent with the Finance Committee's FY2017 Guideline Budget Plan.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 20. To determine whether the Town will vote to appropriate the sum of \$1,480,844, or any other sum, from the Concord Community Preservation Fund, of which up to \$85,427 shall be appropriated from the undesignated fund balance as of June 30, 2015; \$70,417 shall be appropriated from the Open Space Reserve Fund; \$15,000 shall be appropriated from the Historic Preservation Reserve Fund; and up to \$1,310,000 shall be appropriated from projected Fiscal Year 2017 Fund Revenues, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Category	Sources				Total Amount Recommended
			Open Space Reserve Fund	Historic Preservation Reserve Fund	Prior Year Fund Balance	FY17 CPA Fund Revenues	
A	Town of Concord – Regional Housing Services Program	Community Housing				17,500	17,500
B	Concord Housing Development Corporation – Affordable Housing Buy Down Program	Community Housing				120,000	120,000
C	Community Housing Reserve Fund (reserve for future appropriation)	Community Housing				82,500	82,500
D	Emerson Umbrella – Window Restoration	Historic Preservation			79,427	58,823	138,250
E	Town of Concord Public Works Department - Sleepy Hollow Cemetery Roadway and Stone Wall Improvements	Historic Preservation		15,000		210,000	225,000
F	Town of Concord – Wheeler Harrington House Preservation	Historic Preservation				40,000	40,000

Item	Project/Description	Category	Sources				Total Amount Recommended
			Open Space Reserve Fund	Historic Preservation Reserve Fund	Prior Year Fund Balance	FY17 CPA Fund Revenues	
G	New Church – Main Entrance Steps Repair	Historic Preservation				12,000	12,000
H	Town of Concord Natural Resources Division – Old Calf Pasture Habitat Restoration	Open Space	36,000			0	36,000
I	Concord Children's Center/Sudbury Valley Trust–Gowings Swamp Invasive Plant Removal	Open Space	14,100			0	14,100
J	Town of Concord – Bruce Freeman Rail Trail Phase 2C	Open Space			6,000	56,500	125,000
		Recreation				62,500	
K	Town of Concord Natural Resources Division – White Pond Restoration Project	Open Space	20,317			104,183	166,000
		Recreation				41,500	
L	Town of Concord/Concord Rotary Club – USS Concord Bell Memorial Park Restoration	Recreation				50,000	50,000
M	Town of Concord/Concord On Tap – Drinking Water Fountains for Concord Playing Fields	Recreation				24,494	24,494
N	Concord Carlisle at Play – CCHS Field Renovation Project Phase III	Recreation				150,000	150,000
O	Land Acquisition Reserve Fund (reserve for future appropriation)	TBD				250,000	250,000
P	Town of Concord – Staff and Technical Support	Administrative				30,000	30,000
			70,417	15,000	85,427	\$1,310,000	\$1,480,844

or take any other action relative thereto.

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$220,000 for Community Housing, \$415,250 for Historic Preservation, \$237,100 for Open Space, \$328,494 for Recreation, \$30,000 for Administration, and will set \$250,000 aside for future land acquisition projects in any category. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee, provided, however, that the CPA requires that a minimum of 10% of the annual revenues of the Community Preservation Fund be either appropriated to or reserved for future spending for each of three categories: Community Housing, Historic Preservation and Open Space purposes.

OUTDOOR RECREATIONAL FACILITIES – EMERSON TRACK

ARTICLE 21. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, 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, the sum of \$100,000, or any other sum, for resurfacing of the Emerson Field Track and related work, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This article funds improvements at the Emerson Field track. This facility, converted from a cinder track to a top-quality running surface nearly 20 years ago, requires modest investment for periodic renewal of the surface. This borrowing is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit.

MUNICIPAL BUILDING RENOVATIONS

ARTICLE 22. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, 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, the sum of \$200,000, or any other sum, for remodeling, reconstructing or making extraordinary repairs to the Harvey Wheeler Community Center at 1285 Main Street and the Hunt Gymnasium at 90 Stow Street, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$200,000 for roof replacement and exterior repairs and renovations at the Harvey Wheeler Community Center and gymnasium ceiling and HVAC repairs and renovations and exterior repairs and renovations at the Hunt Gymnasium. This borrowing is part of the Town Manager's Five-Year Capital Plan with the debt service cost to be funded within the levy limit.

LAND ACQUISITION – BALLS' HILL ROAD

ARTICLE 23. To determine whether the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, fee, easement or other property interests in, on, over, across, under and along all or any portion of the property located at 221 and 265 Balls' Hill Road, shown on the Assessors Maps as parcel #'s 1376-1 and 1374-2, consisting of approximately 80 +/- acres, for open space purposes, on such terms and conditions as the Select Board may determine, and that to meet such expenditure, the Town will raise and appropriate, or transfer from available funds in the Treasury, or appropriate a sum not to exceed \$150,000 from the Community Preservation Fund Open Space Reserve account subject to favorable recommendation of the Community Preservation Committee, and/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, the sum of \$1,600,000, or any other sum, for the purpose of acquiring the subject property, including incidental related expenses, or take any other action relative thereto.

The property at 221 and 265 Ball's Hill Road is comprised of 80 acres of undeveloped open space with more than 1 mile of frontage along the Concord River, located directly across the river from the Great Meadows National Wildlife Refuge. The property has been identified in the "2015 Open Space and Recreation Plan" as one of several "Properties of Conservation and Recreation Interest".

The land is immediately adjacent to 17 acres of land purchased by the Town in 2001 for water supply purposes. Acquiring the abutting 80 acres would further protect a future water supply source for the Town.

The asking price for the property is currently \$6,900,000. The Select Board has partnered with the Concord Land Conservation Trust which hopes to raise the additional funding required to complete the purchase. The land has long been identified as a priority property for preservation by the Land Trust. This borrowing is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit, half of the \$1.6 million borrowing to be supported from taxation and half to be supported from the Water Fund.

PUBLIC SAFETY EQUIPMENT

ARTICLE 24. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, 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, the sum of \$150,000, or any other sum, for the remodeling, reconstruction or rehabilitation of existing firefighting apparatus, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This article funds the rehabilitation of Engine 3, midway through its expected 16-year life. This borrowing is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit.

CEMETERY ROADWAY INFRASTRUCTURE AND DRAINAGE IMPROVEMENTS

ARTICLE 25. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, 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, the sum of \$150,000, or any other sum, for the repair, construction, reconstruction, renovation of roadways within the Sleepy Hollow Cemetery including drainage, curbing, retaining walls and related roadway infrastructure, said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose, or take any other action relative thereto.

Concord Public Works and the Cemetery Committee have developed a multi-phase plan to address infrastructure improvement needs at the Sleepy Hollow Cemetery. These improvements include roadway, drainage and retaining wall rehabilitation and reconstruction. The project is proposed to be funded through a combination of Community Preservation Act funding, Concord Public Works in-kind services, Cemetery Fund available resources and the proposed \$150,000 debt authorization. Future Community Preservation Act and funding requests are anticipated to complete additional construction phases. This borrowing is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit.

2016 ROAD PROGRAM

ARTICLE 26. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, 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, the sum of \$1,350,000, or any other sum, for the repair, reconstruction, renovation or design of roads, streets and parking lots within the town including drainage, curbing and sidewalk improvements, said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state grants as may be available for the same purpose, and that the Treasurer, with the approval of the Select Board, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44 of the Massachusetts General Laws, in anticipation of reimbursement of this amount, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$1,350,000 for the repair, reconstruction or renovation of Concord's roads and public parking areas. Combined with expected state road aid and \$90,000 proposed under Article 7, item 23, funds will be used to protect and replace Concord's 107 miles of public roads including drainage and sidewalk construction and renovation. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

ROAD REPAIR REVOLVING FUND EXPENDITURES

ARTICLE 27. To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with the Motion passed under Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed the sum of \$140,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53E½ of the Massachusetts General Laws, or take any other action relative thereto.

Pursuant to Article 47 of the 1992 Annual Town Meeting, this article authorizes up to \$140,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in fiscal year 2016 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.

NAGOG POND WATER TREATMENT FACILITY, INTAKE PIPING AND RESERVOIR IMPROVEMENTS

ARTICLE 28. To determine whether the Town will vote to appropriate the sum of \$16,500,000, or any other sum, for the construction of water supply and water treatment facilities and improvements associated with the Nagog Pond water filtration plant, Nagog Pond water intake piping and Annursnac and Pine Hill reservoir improvements, including engineering, regulatory and other related services and costs necessary for said facilities and improvements; and that to meet this appropriation the Treasurer with approval of the Select Board be authorized to borrow the sum of \$16,500,000 under the provisions of Massachusetts General Laws and Acts in amendment thereof or in addition thereto, Chapter 44, Section 8, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

The \$16,500,000 debt authorization, with debt service to be paid from the Water Enterprise Fund, will provide funding for construction and construction phase engineering services for the following projects:

- 1) the construction of the Nagog Pond water treatment facility, maintaining the Town's ability to utilize Nagog Pond, as a reliable, high quality water supply capable of providing the Town of Concord in excess of 1 million gallons of drinking water per day;*
- 2) the replacement of the 16" Nagog Pond raw water intake pipeline which extends approximately 1,400 feet from the Nagog Dam gatehouse into Nagog Pond. The dam was constructed and the pipeline placed during the early 1900s;*
- 3) rehabilitation of the Annursnac and Pine Hill water storage tanks to include mid-term repairs such as structural concrete repair and coating to the 2.5-million gallon Annursnac tank and minor rehabilitation to the 5-million gallon Pine Hill tank.*

BY PETITION REMOVAL OF PARKING METERS

ARTICLE 29. To determine whether the Town will vote to require the Town of Concord to remove all parking meters from the Town, or take any other action relative thereto.

PETITIONER'S EXPLANATION: The purpose of this article is to help prevent more retailers from closing for lack of customers that are being driven away by parking meter fees, to towns that have no parking meters like Acton, Stow and Bedford and the malls.

BY PETITION SNOW REMOVAL FROM SIDEWALKS

ARTICLE 30. To determine whether the Town will vote to require the Town of Concord, to remove snow, from the sidewalks, streets, and gutters in the following areas:

1. Concord Center Main and Walden Streets
2. Thoreau Street in the Depot area
3. Commonwealth Avenue in West Concord

By 8:00 A.M. following the snowstorm, or take any other action relative thereto.

PETITIONER'S EXPLANATION: *The purpose of this article is to remove snow from sidewalks, gutters and streets to allow free access for shoppers. This was the standard practice for over 35 years.*

REGIONAL HOUSING SERVICES REVOLVING FUND EXPENDITURES

ARTICLE 31. To determine whether the Town will vote that the fees paid by member towns into the Regional Housing Services Revolving Fund, in an amount not to exceed \$200,000, or any other sum, be expended for the fiscal year ending June 30, 2017 without further appropriation, under the direction of the Town Manager, for the purposes of continuing the operation of a multi-town consortium set up to assist member communities in managing affordable housing resources, in accordance with Chapter 44, Section 53E½ of the Massachusetts General Laws, or take any other action relative thereto.

The Select Boards in Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston approved an inter-municipal agreement to participate in and jointly operate a Regional Housing Services Office (RHSO). The RHSO provides the member communities with affordable housing support and information. Concord serves as the lead community for FY15 through FY17.

DEMOLITION REVIEW BYLAW

ARTICLE 32. To determine whether the Town will vote to replace the existing **Demolition Delay Bylaw** with a new **Demolition Review Bylaw** as follows:

Section 1. Intent and Purpose

The Demolition Review Bylaw is intended to establish a uniform process for preserving and protecting significant buildings and structures within the Town of Concord (the "Town"), which constitute or reflect distinctive features of the architectural, cultural, political, or social history of the Town; to encourage owners of these structures to actively seek out alternatives which preserve, rehabilitate, relocate or restore the structures rather than demolish them; and to provide a reasonable time period for public discussion before a historic structure is lost. The Bylaw further seeks to document those structures which cannot be saved through photographic, video and/or written materials and to preserve these materials as part of the public record.

Section 2. Definitions

For the purposes of this bylaw the following words and phrases shall have the meanings set forth below:

2.1 "CHC" - the Concord Historical Commission

2.2 "Building Commissioner"- the Building Commissioner of the Town of Concord, or other person authorized by state law or local bylaw to issue demolition permits in the Town

2.3 "Building or Structure" - any combination of materials forming a shelter for persons, animals, or property

2.4 "Application" - An application to the Building Commissioner for a demolition permit as defined by this bylaw.

2.5 "Demolition Permit" - Any permit issued by the Building Commissioner which is required by the State Building Code and which authorizes the total demolition or removal of a building or structure.

2.6 "Total Demolition" - The razing, destruction, or removal of the entire portion of a building or structure which is above ground, excepting its foundation.

2.7 "Historically Significant Building or Structure": Any building or structure which is in whole or in part built before 1941 **and**

- (1) is listed on or within an area listed on the National Register of Historic Places, or listed on or is within an area listed on the State Register of Historic Places;
- (2) is included in Concord's Survey of Historical and Architectural Resources; and/or,
- (3) has been determined by the CHC or its designee to be a historically significant building after a finding that it:
 - a) is importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Concord, the Commonwealth of Massachusetts or the United States of America: and/or,
 - b) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures.

2.8 "Preferably Preserved": An historically significant building or structure which the CHC determines would be better preserved than demolished, in accordance with the standards set forth in section 3.4 below.

2.9 "One Year Delay period" - the 12 month period dating from the determination by the CHC that the building or structure is Preferably Preserved.

Section 3. Procedure

3.1 No demolition permit for a building or structure which is in whole or in part built before 1941 shall be issued by the Building Commissioner except in conformity with the provisions of this bylaw, as well as with any other applicable law, statute, bylaw or regulation.

3.2 If any applicant, or the owner of the building or structure if different from the applicant, seeks to demolish a building or structure which is in whole or in part built before 1941, the owner of the building or structure shall file a Demolition Review Application with the CHC for a determination as to whether the building or structure is Historically Significant. The Application shall include the following information:

- (1) a plot plan of the property showing the structure(s) proposed to be demolished;
- (2) photographs of all existing façade elevations of the building or structure to be demolished; and,
- (3) a description of the proposed plans for demolition and the reason(s) therefore.

The date that the CHC receives all the above information shall be stamped on the information received and shall be considered the submission date.

3.3 The Demolition Review Application shall initially be reviewed by a designated CHC member and a member of the Planning Department for a determination of Historical Significance as defined in section 2.7 above. If the building or structure is determined to be Not Historically Significant, no further review is required and the CHC shall notify the Building Commissioner of its determination.

3.4 If a building is found to Historically Significant, and following public notice as set forth below in section 3.7, the CHC shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be Preferably Preserved and therefore demolition delayed for up to one year. If the CHC by a majority vote finds that the proposed demolition would result in the loss of a historically significant building or structure which would be detrimental to the architectural or historical heritage of the Town of Concord, then the CHC shall find that the building or structure is Preferably Preserved.

3.5 Upon a determination that the building or structure which is the subject of an application for a demolition permit is Preferably Preserved, the CHC shall give written notice of the determination to the Building Commissioner and to the owner/applicant for the demolition permit. For any property determined to be Preferably Preserved:

- (1) No demolition permit shall be issued for the total demolition of a building or structure found Preferably Preserved until one (1) year after the CHC determination. The CHC has the authority to waive all or part of the One Year Delay period if the applicant for the Demolition Permit:
 - a) has made bona fide, reasonable and unsuccessful efforts to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; and/or,
 - b) has agreed to accept a demolition permit on conditions specified by the CHC.
- (2) Once the One Year Delay is waived or expired, the applicant shall have two (2) years from the date of the expiration of the delay in which to act upon a demolition permit. No demolition permit shall be issued for the same building or structure after the expiration of this two (2) year period without a new Demolition Review.

3.6 Should the CHC fail to make any determination concerning preferable preservation within forty-five (45) days of the submission date of a Demolition Review Application, the Building Commissioner may grant a demolition permit for the subject building or structure.

3.7 Public notice of Demolition Review hearings shall provide the date, place and time of the hearing and the address of the property to be considered at the hearing. Public notice shall include, at a minimum, posting with the Town Clerk and notification to the Director of Planning and Land Management, to the Building Commissioner, to the applicant, to the owners of all abutting properties, and to other property owners deemed by the CHC to be materially affected.

Section 4. Securing Historically Significant and Preferably Preserved Buildings and Structures

If a building or structure has been determined to be Historically Significant, or during the One Year Delay Period for Preferably Preserved buildings or structures, such building or structure is destroyed through fire or other cause, the Building Commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the building or structure was located (except as necessary to secure public safety or health) until the end of the One Year Delay Period, unless the owner can provide evidence to the CHC that they took reasonable steps to secure the building or structure against fire or other loss and that the cause of the destruction was not due to the owner's negligence.

Section 5. Emergency Demolition

If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the Building Commissioner. As soon as practicable after the receipt of such request, the Building Commissioner shall arrange to have the property inspected by a committee consisting of himself, the town engineer, the fire chief, and the chair of the CHC, or their designees. After inspection of the building or structure and consultation with the other committee members, the Building Commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure. If the Building Commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Commissioner may issue an emergency demolition permit.

Whenever the Building Commissioner issues an emergency demolition permit under the provisions of this section of the bylaw, he shall prepare a written report describing the condition of the building or structure to the CHC. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143.

Section 6. Enforcement and Remedies

6.1 The CHC and/or the Building Commissioner are authorized to request that the Town Manager, with the approval of the Select Board, institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

6.2 Anyone who demolishes a Preferably Preserved building or other structure without first complying fully with the provisions of this bylaw shall be subject to a 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.

6.3 No building permit for a new building or other structure shall be issued for any premises upon which a Preferably Preserved building or other structure has been voluntarily demolished in violation of this bylaw for a period of two (2) years after the date of the completion of the demolition. As used herein "premises" includes the parcel of land upon which the demolished Preferably Preserved building or other structure was located, and all adjoining parcels of land under common ownership or control.

6.4 Nothing in this bylaw shall be deemed to exempt applicants from any requirements of the State Building Code.

Section 7. Local Historic Districts

Nothing in this bylaw shall be deemed to conflict with the provisions of Chapter 345 of the Acts of 1960 as amended (the Historic Districts Act). This bylaw shall not apply to any proposed demolition of a building or other structure which is located within a Local Historic District established under the Local Historic Districts Act. The Historic Districts Commission shall have jurisdiction over any demolition proposals within a Local Historic District pursuant to all procedures, standards and requirements set forth therein.

Section 8. Severability

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

or take any other action relative thereto.

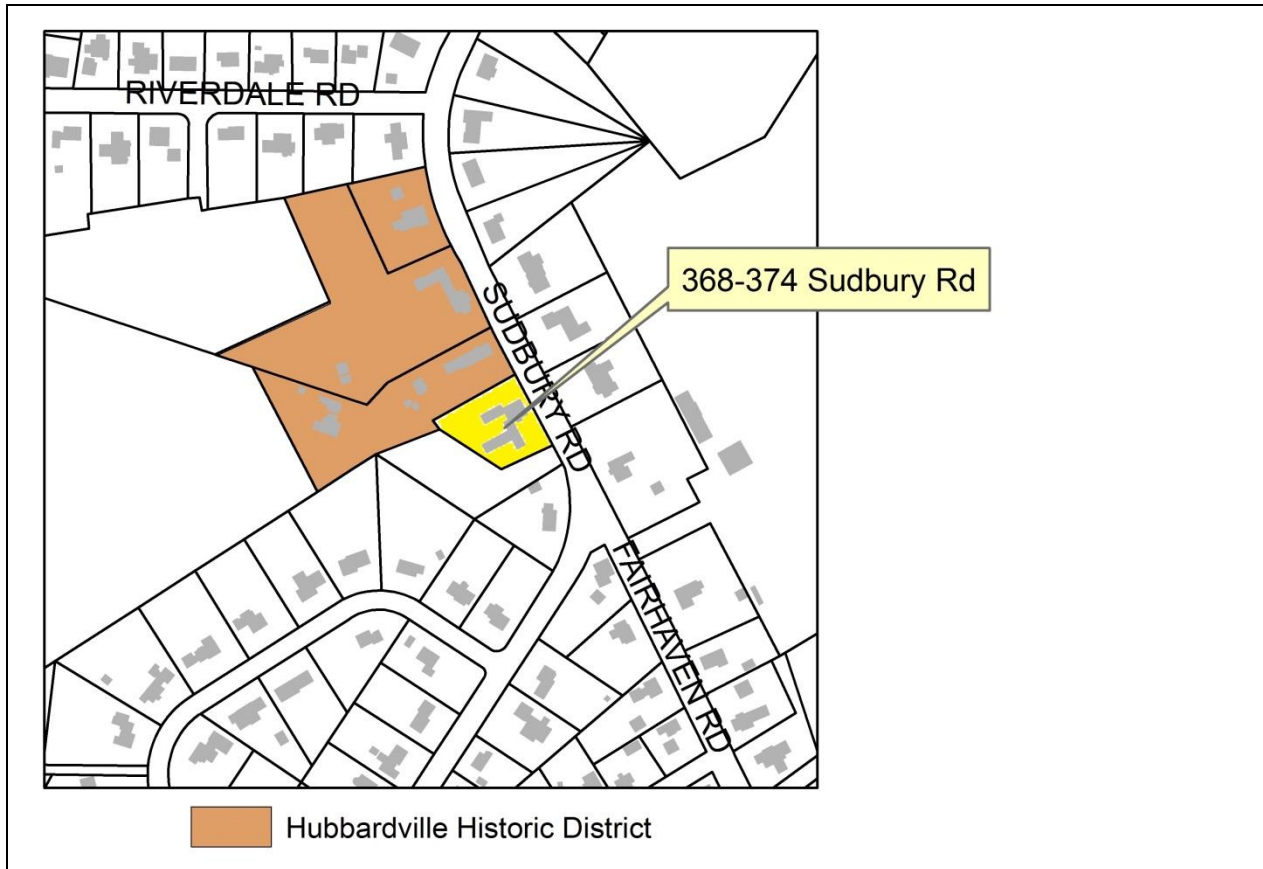
This article proposes to replace the Town's existing Demolition Delay Bylaw, which imposes a six month delay when demolition is proposed on properties included on a specific list, with a new Demolition Review Bylaw. The Demolition Review Bylaw would apply to any building that was built before 1941 when complete demolition is proposed and would allow the Town to impose a one year delay on demolition for significant historic structures. The Bylaw is intended to encourage the preservation and documentation of Concord's historic homes and neighborhoods.

HISTORIC DISTRICTS MAP AMENDMENT - HUBBARDVILLE DISTRICT

ARTICLE 33. To determine whether the Town will vote to extend the **Hubbardville District** southward to add the property comprised of 26,115 square feet and the building located upon it at 368-374 Sudbury Road, known as Assessor Parcel #0471 and being shown as Lot 1 on the plan entitled "Plan of Land in Concord Massachusetts Prepared for: KPH Realty LLC" dated July 1, 2015 by Perley Engineering LLC and recorded with the Middlesex South Registry of Deeds as Plan No. 556 of 2015, effective July 1, 2016,

or to take any other action thereto.

This property is required to be added to the Hubbardville Historic District as a condition of approval for the Special Permit that allowed the division of Assessor Parcel #0471 into two building lots for the purpose of preserving the existing historically significant dwelling at 368-374 Sudbury Road. The Planning Board, Historic Districts Commission and the Historical Commission unanimously support this warrant article.



ZONING BYLAW AMENDMENT - COMBINED BUSINESS/RESIDENCE

ARTICLE 34. To determine whether the Town will vote to amend **Zoning Bylaw Section 4.2.3.2 Combined Business/Residence** to insert at the beginning of the Section the phrase “For developments of four (4) or more units,” so that the section reads as follows:

4.2.3.2 For development of four (4) or more units, at least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

or take any other action relative thereto.

This section currently requires 20% of residential units be available for affordable housing regardless of the total number of units. This means that if only one unit is proposed, that unit would have to be affordable. This could make the creation of a residential unit uneconomic for the property owner. The Planning Board believes that allowing the creation of a business with three (3) or fewer residential units provides a much needed housing option in the village centers that are closest to services and transportation, and does not represent a significant burden on the Town. Additionally, this amendment would create diversity in housing that is needed in Town, as well as enhance a village atmosphere in the Town's business centers.

ZONING BYLAW AMENDMENT – RESIDENTIAL USES

ARTICLE 35. To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.2.1: Two-family or additional dwelling unit** to:

substitute the words “dwelling units” for “families”, and;

add the following sentence at the end of the paragraph: “Any additions to create an additional dwelling unit pursuant to this section shall be structurally part of the existing building and share a common wall or floor with the existing building” so that the paragraph reads as follows:

4.2.2 Two-family or additional dwelling unit:

4.2.2.1 The Board may grant a special permit for the alteration and use of a building existing at the time its lot is placed in a single residence district for not more than two (2) dwelling units, provided the volume of any additions shall not exceed in all one-fifth of the volume of the existing building. Any additions to create an additional dwelling unit pursuant to this section shall be integral to and part of the existing building, without use of a tunnel or pergola, and share a common wall or floor with the existing building.

or take any other action relative thereto.

The term “families” is not defined in the Zoning Bylaw. The intent of this Section is to regulate the number of dwelling units, which is defined in the Bylaw. Some applicants before the Board of Appeals have argued that the term “additions” simply means a “connection”, such as a tunnel or a pergola, between the existing building and the additional dwelling unit. This interpretation results in two very distinct, detached single family dwellings upon a lot, which was not the intent of this section of the bylaw. The Planning Board believes this section of the Zoning Bylaw is intended to allow the creation of two-family dwellings in one building or in existing buildings (such as a house plus a barn and carriage house), which typically provide smaller dwelling units and addresses a specific housing need of providing additional dwelling units without significant change to an existing neighborhood.

ZONING BYLAW AMENDMENT – PLANNED RESIDENTIAL DEVELOPMENT DIVERSITY OF DWELLING UNITS

ARTICLE 36. To determine whether the Town will vote to amend the **Zoning Bylaw Planned Residential Development Section 10.2.3 Diversity of Dwelling Units** to delete the second sentence in its entirety and insert the following reformatted and bulleted sentence: “Such diversity shall consist of the following mix: (a) the number of bedrooms available; (b) the price or rental rates of the units, and; (c) two of the three styles of units: single-family, two-family or multi-family.” and insert at the end of the fourth sentence the following sentence “If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, than at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1” so the Section reads as follows:

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:

- (a) the number of bedrooms available;
- (b) the price or rental rates of the units, and;
- (c) two of the three styles of units: single-family, two- family or multi-family.

If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

or take any other action relative thereto.

The Planning Board believes that the element of diversity of housing in a PRD should be mandatory, not optional. This amendment seeks to strengthen the requirement for diversity, prohibit the use of different gross floor areas of units as an option for diversity, and require that there be a mix in the style of units. Additionally, this amendment will require half of any affordable units granted as part of a density bonus be offered for sale or rent at the low income level (80% Area Median Income), which allows such units to be counted on the Dept. of Housing & Community Development's Subsidized Housing Inventory.

ZONING BYLAW AMENDMENT - SITE PLAN REVIEW FOR RELIGIOUS USES, EDUCATIONAL USES AND CHILD CARE FACILITIES

ARTICLE 37. To determine whether the Town will vote to amend the **Zoning Bylaw Section 11.8.7.1 Site Plan Review for religious uses, educational uses and child care facilities** to add the following: subsection (e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of light and air; subsection (f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site, and; subsection (g) Adequacy of fire protection measures so that the Section reads as follows:

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and child care facilities, the following issues shall be considered:

- (a) Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks.
- (b) Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.
- (d) Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky.
- (e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage.
- (f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.
- (g) Adequacy of fire protection measures.

or take any other action relative thereto.

This amendment identifies three additional items (items e, f & g) that shall be considered when evaluating a Site Plan for religious uses, educational uses and child care facilities. Currently, there is no requirement for an evaluation of the provision for surface water drainage, adequacy of the methods of disposal of refuse and other wastes, or the adequacy of fire protection measures. The Planning Board believes these are important components to site plan review and should be addressed adequately in each project proposal.

ZONING BYLAW AMENDMENT – FLOOD PLAIN CONSERVANCY DISTRICT BOUNDARY

ARTICLE 38. To determine whether the Town will vote to amend the third paragraph of **Zoning Bylaw Section 2.2 Zoning Map** by inserting the date January 1, 2015 in place of the date of January 1, 2014, inserting

reference to the LOMR dated August 14, 2015 for FIRM Panel 25017C0378F and 25017C0379, and inserting reference to the Letter of Map Revision dated August 14, 2015 so that said third paragraph reads as follows:

Flood Plain Conservancy District, Town of Concord, **January 1, 2015** (Scale 1"=1000' consisting of a single sheet). The general boundaries of the Flood Plain Conservancy District includes all special flood hazard areas within the Town of Concord designated as Zone A, AE and AH, on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Concord are panel numbers 25017C0244F, 25017C0263F, 25017C0264F, 25017C0356F, 25017C0357F, 25017C0358F, 25017C0359F, 25017C0366F, 25017C0367F, 25017C0376F, 25017C0377F, 25017C0378F, 25017C0379F, 25017C0381F, 25017C0383F, 25017C0386F, and, 25017C0387F dated July 7, 2014, **with panels 25017C0378F and 25017C0379F revised by Letter of Map Revision dated August 14, 2015.** The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014 **and Letter of Map Revision dated August 14, 2015.** The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

And, by amending Zoning Bylaw Section 2.3.5 to insert a reference to the Letter of Map Revision as follows:

"2.3.5 The exact boundaries of the Flood Plain Conservancy District shall be the location on the ground of the 100-year flood contours shown on the FPCD maps or the Middlesex County FIRMs, and as determined by an actual field survey. Supplementary information concerning flood elevations and the limits of the floodway may be found in the Middlesex County "Flood Insurance Study" booklet dated July 7, 2014 **and Letter of Map Revision dated August 14, 2015** and published by the Federal Emergency Management Agency."

or take any other action relative thereto.

This Zoning Bylaw amendment updates the Flood Plain Conservancy District boundary as a result of an alteration to the Flood Insurance Rate Map for a portion of the Mill Brook through a Letter Of Map Revision submitted by the Town. Changes above are shown underlined and bold for the Warrant only.

ZONING BYLAW AMENDMENT – FLOOD PLAIN CONSERVANCY DISTRICT

ARTICLE 39. To determine whether the Town will vote to amend the Zoning Bylaw by moving **Section 7.2.5.2 Uses permitted subject to review by the Board** to a new **Section 7.2.4.8 entitled - Uses permitted without review by the Board**, said section 7.2.4.8 to read as follows:

7.2.4.8 Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain Conservancy District is found to be not, in fact, subject to flooding through a Letter of Map Amendment, Letter of Map Revision or physical map revision submitted to and approved by the Federal Emergency Management Agency.

or take any other action relative thereto.

This amendment removes the requirement that a property owner receive a Special Permit to do work in the Flood Plain Conservancy District even if FEMA has issued a Letter of Map Amendment, Letter of Map Revision or physical map revision. The Planning Board does not see any purpose in making a property owner go through the Special Permit process just to have the Zoning Board of Appeals agree the area of work is not within the 100-year flood plain.

ZONING BYLAW AMENDMENT – AGRICULTURAL USES

ARTICLE 40. To determine whether the Town will vote to amend the **Zoning Bylaw Extensive Uses Section 4.1.2 Agriculture, horticulture, floriculture and viticulture, Section 4.1.3 Greenhouse, Table I-**

Principal Use Regulations, Zoning Bylaw Accessory Uses Section 5.3.4 Stable, Section 5.3.7 Farm products sales, Table II-Accessory Use Regulations, Section 5.3.8 Lodging for farm employees and Zoning Bylaw Temporary Accessory Uses Section 5.4.4 Christmas trees sales as follows:

4.1.2 Farming, or agriculture - *Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. Horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.*

4.1.3 Greenhouse and farm stand – Commercial greenhouse, salesroom, or stand for the sale of nursery, garden **agricultural** or **farming** products, *including facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities are only permitted on parcels of 5 acres or more or; parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.*

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses	AA	A	B	C	WCV	B	WCB CCB, TDB, NACB	LB	MP	WCI	I	IPA	IPB	LIP#1 LIP#2	Site Plan Approval
4.1.3 Greenhouses	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR

5.3.4 Stable: The Board may, by special permit, authorize the stabling **or** boarding ~~or breeding~~ of horses in a residential district on lots of less than five (5) acres, provided that the written consent of the owners of all lots within three hundred (300) feet of the stable are filed with the Board. No special permit is required for such uses on lots of five (5) acres or more. **To the extent that a stable includes breeding and raising of horses and associated activities, such activities shall constitute “commercial agriculture” within the meaning of G.L. c. 40A, § 3, if such activities occur: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates \$1,000 per acre or more of gross sales.**

5.3.7 Farm product sales: ~~In the residential districts, the Board by special permit may authorize The sale of farm products raised outside the Town of, and towns contiguous to, Concord if such sales are secondary to the operation of the farmstand~~ **farm product sales are allowed** as permitted under subsections 4.1.2 **and 4.1.3.**

TABLE II – ACCESSORY USE REGULATIONS

Accessory Uses	AA	A	B	C	B	CCB TDB, NACB	WCB	WCV	LB	MP	WCI	I	IPA	IPB	LIP#1	LIP#2
5.3.4 Stable	SP*	SP*	SP*	SP*	yes	yes	yes	yes	yes ¹	yes	yes	yes	yes	yes	yes	yes
5.3.7 Farm product sale	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.8 Lodging for farm employees	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

*** Except as permitted pursuant to Section 5.3.4**

5.3.8 Lodging for farm employees: ~~In the residential districts, the Board by special permit may authorize Lodging for farm employees is **allowed as an accessory use to uses** if such lodging secondary to the use of the premises permitted under subsections 4.1.2 or 4.1.3 or agriculture.~~

5.4.4 Christmas tree sales: ~~In the Business District and at any farmstand or greenhouse permitted under subsections 4.1.2 or 4.1.3, The sale of Christmas trees shall be permitted **under subsections 4.1.2 or 4.1.3** during the months of November and December.~~

or take any other action relative thereto.

The Planning Board is proposing these Bylaw amendments based on changes to Massachusetts General Law Chapter 40A, Section 3, for agricultural uses. Changes above are shown in strikeout and bold italics for the Warrant only. For information purposes only, the following is the relevant language for MGL Ch. 40A, Section 3:

MGL Chapter 40A; Section 3. No zoning ordinance or by-law shall regulate or restrict the use of materials, or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, nor prohibit, unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 per cent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 per cent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to the General Laws. For the purposes of this section, the term "agriculture" shall be as defined in section 1A of chapter 128, and the term horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

ZONING BYLAW AMENDMENT – LIMITED BUSINESS DISTRICT #2 PRINCIPAL USE REGULATIONS, COMBINED BUSINESS/RESIDENCE & DIMENSIONAL REGULATIONS

ARTICLE 41. To determine whether the Town will vote to amend **Zoning Bylaw Table I Principal Use Regulations Section 4.2.3** to allow combined business/residence in the Limited Business District #2 by adding a superscript #2 in the LB column so that Table I reads as follows:

Principal Uses	AA	A	B	C	WCV	B CCB, TDB, NACB	WCB	LB	MP	WCI	I	IPA	IPB	LIP#1	Site Plan LIP#2 Approval
4.2.3 Combined business/residence	no	no	no	no	yes***	yes	yes	yes ^{2,3&7}	SP	no	no	no	no	no	R

And, by amending **Section 4.2.3.4 Combined Business/Residence** to insert at the beginning of the Section the phrase “Except in Limited Business District #2,” so that the section reads as follows:

4.2.3.4 Except in Limited Business District #2, in a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board find that the proposed combined business/residence development 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 take place.

And, by amending **Table III Dimensional Regulations** to change the Maximum Height in Feet in the Limited Business #2 District to 27.5 feet so that Table III reads as follows:

Zoning Districts	Minimum Lot Area In Sq.Ft.	Minimum Lot Frontage In Feet	Frontage Exception In Feet	Minimum Lot Width In Feet	Minimum Front Yard In Feet ³	Minimum Side Yard In Feet	Minimum Rear Yard In Feet	Corner Clearance	Maximum Height	Maximum Lot Coverage %	Maximum Floor Area Ratio
Limited Business 2	-----	-----	-----	-----	10	-----	-----	-----	27.5	----	-----

or take any other action relative thereto.

The Planning Board believes that creating a combined business/residence at 59 Walden St (officially, Limited Business District #2) is an appropriate use for the site and would provide an opportunity for much needed housing in Concord Center close to services and transportation. A combined business/residence in this location would create needed housing diversity and enhance a village atmosphere in Concord Center. To facilitate construction of a second story on the existing structure, the Board proposes to increase the District height limit from 25 feet to 27.5 feet. Because this location represents a transition zone from Concord Center Business District to the Residence C District, the Board does not believe the waivers available under Section 4.2.3.4 that permit a height of 40 feet should be allowed.

ZONING BYLAW AMENDMENT - DIMENSIONAL REGULATIONS ADD MAXIMUM FLOOR AREA RATIO FOR RESIDENCE DISTRICTS AND NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES

ARTICLE 42. To determine whether the Town will vote to amend **Zoning Bylaw Table III Dimensional Regulations** to insert a Maximum Floor Area Ratio in the Residence AA, A, B and C Districts with the following calculation $.24+(1200\div \text{actual lot area})$ so that Table III reads as follows:

Zoning Districts	Minimum Lot Area In Sq.Ft.	Minimum Lot Frontage In Feet	Frontage Exception In Feet	Minimum Lot Width In Feet	Minimum Front Yard In Feet ³	Minimum Side Yard In Feet	Minimum Rear Yard In Feet	Corner Clearance In Feet	Maximum Height	Maximum Lot Coverage %	Maximum Floor Area Ratio
Residence AA	80,000	200	160	160	40	15 ¹	Lesser of: 30' or 25% of lot depth	10	35 ²	----	<i>.24+(1200÷ actual lot area)</i>
Residence A	40,000	150	120	120	40	15 ¹	“ “	10	35 ²	----	<i>.24+(1200÷ actual lot area)</i>
Residence B	20,000	125	100	100	20	15 ¹	“ “	10	35 ²	----	<i>.24+(1200÷ actual lot area)</i>
Residence C	10,000	80	80	64	20	15 ¹	“ “	10	35 ²	----	<i>.24+(1200÷ actual lot area)</i>

And, by amending **Section 6.2.13 Maximum floor area ratio** to insert at the end of the Section the following sentences “Excluded from the gross floor area in the Residence Districts are basements, open porches, decks and accessory structures with no permanent foundation or less than 100 square feet in area. The Board may

grant relief from the Maximum Floor Area Ratio in the Residence Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”, so that the Section reads as follows:

6.2.13 Maximum floor area ratio: The total gross floor area of all buildings on a lot shall not exceed the maximum square footage per acre of lot area as noted in Section 6, Table III, except as provided in G.L. c.40A, sec. 9C for a child care facility as an accessory use. ***Excluded from the gross floor area in the Residence Districts are basements, open porches, decks and accessory structures with no permanent foundation or less than 100 square feet in area. The Board may grant relief from the Maximum Floor Area Ratio in the Residence Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.***

And, by amending **Section 7.1.5 Nonconforming single and two family residential structures** to insert the phrase “maximum floor area ratio” after the phrase “building coverage” in Subsection (a), (b), and (c), so that the Section reads as follows:

7.1.5 Nonconforming single and two family residential structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. Where the proposed extension does not increase the gross floor area contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- (a) alteration to structure located on a lot with insufficient area which alteration complies with all current setback, yard, building coverage, ***maximum floor area ratio***, and building height requirements.
- (b) alteration to a structure located on a lot with insufficient frontage which alteration complies with all current setback, yard, building coverage, ***maximum floor area ratio*** and building height requirements.
- (c) alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage, ***maximum floor area ratio*** and building height requirements.

In all other cases, the Board may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

or take any other action relative thereto.

This Bylaw amendment is intended to address concerns with demolition of existing smaller homes being replaced with larger homes in existing neighborhoods and the loss of neighborhood character as expressed in the 2005 Comprehensive Plan, the 2009 Mansionization Report, the 2011 Concord Housing Foundation Survey, the 2014 Town Biennial Citizen Survey, and most recently, the Comprehensive Plan Kick-off meeting held in October 2015. Floor Area Ratio (FAR) is a way of calculating the allowed square footage of all buildings on a lot as a ratio of the existing lot area. The allowed maximum FAR proposed is a calculation that considers the existing lot size, allowing for a more equitable floor area ratio for smaller nonconforming lots in each of the four residential districts. This specific formula attempts to balance the rights of individual land owners to maximize density on a lot with the preservation of collective neighborhood character through a floor area ratio that varies with the actual lot size. The total square footage of all the buildings is based on gross floor area and excludes any portion of the structure with a ceiling height of less than 6 feet 8 inches, basements, open porches, decks and accessory structures with no permanent foundation or less than 100 square feet in area. The proposed amendment includes a mechanism for property owners to apply for a Special Permit from the Maximum FAR from the Board of Appeals. Additionally, the proposed amendment to Section 7.1.5 continues to allow property owners with nonconforming lots and/or structures to reconstruct, extend, alter, or structurally change an existing structure if it meets all of the dimensional requirements. Changes above are shown bold italics for clarification in the Warrant only.

SIGN BYLAW AMENDMENT

ARTICLE 43. To determine whether the Town will vote to amend the Town's Sign Bylaw so that it reads as follows, or take any other action relative thereto:

TOWN OF CONCORD MASSACHUSETTS SIGN BYLAW

1. PURPOSE AND INTENT

The purpose and intent of this bylaw shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will (a) be appropriate to the land, building or use to which they are appurtenant; (b) be protective of property values and the safety of the public; and (c) not unnecessarily detract from the historic qualities and characteristics of the Town of Concord.

2. PERMIT REQUIREMENTS

- a. **General.** Except as otherwise provided herein, no sign shall be erected, altered or relocated without a permit issued by the Building Inspector. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Inspector at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Board of Appeals.
- b. **Signs in Historic Districts.** Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission, unless such sign is exempt from the requirement of such certificate under Section 6 of Statute 1960, Chapter 345 **(as amended)**.
- c. **Applications.** The applicant must submit to the Building Inspector a completed sign permit application, together with all supporting materials specifying building and sign dimensions, **materials of which the sign is composed**, colors, attachment methods, **and the** position of the sign, ~~and any other such pertinent information the Building Inspector may require to insure compliance with this bylaw and any other applicable laws.~~ A permit shall be issued only if the sign conforms to the provisions of this bylaw and all other applicable laws.
- d. **Fees.** Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.
- e. **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Inspector may, in his or her discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.
- f. **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this bylaw ~~and other requirements of law.~~
- g. **Existing Signs.** Existing signs are defined as those erected before April 9, 1987, and are classified into one of four separate categories. These are:
 1. ~~Conforming signs which~~ **signs that** comply with all provisions of this bylaw in its most recently amended form.
 2. Prohibited signs, as specified in Section 6.
 3. Non-conforming signs, which do not comply with one or more provisions of this bylaw in its form, prior to the April 1987 Annual Town Meeting, but which are not described as prohibited signs in Section 6.

4. Non-conforming protected signs, which fully complied with this bylaw prior to the amendments approved by the April 1987 Annual Town Meeting.
- h. **Removal of Existing Signs.** Non-conforming signs which are enlarged, ~~reworded,~~ redesigned, replaced, or altered in any way including repainting in a different color ~~or relettering,~~ shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.
- i. **Removal of Signs.** The Building Inspector ~~shall~~**may** order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

3. ADMINISTRATION AND PENALTIES

- a. **Enforcement.** The Building Inspector is hereby authorized ~~and directed~~ to enforce all of the provisions of this bylaw.
- b. **Failure to Act on Permit.** If no sign permit has been issued within **thirty** (30) days after the application therefor has been made, it shall be deemed to be denied.
- c. **Board of Appeals.**
 1. **Right of Appeal.** Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign, ~~and or~~ any person ~~dissatisfied aggrieved by with any~~ refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 20 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this bylaw, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Building Inspector may be annulled or modified only by a majority decision of the Board. If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.
 2. **Variances in Specific Cases.** The Board of Appeals may vary the provisions of this bylaw in specific cases **where (a) necessary to comply with other applicable laws, which (b) the Board of Appeals determines that the circumstances involved with a particular sign appear to them not to have been were not** contemplated by **the bylaw;** or **(c) unnecessary hardship will result to the owner of the sign, provided that, with respect to items (b) and (c) in each instance, desirable the requested** relief may be granted without substantially derogating from the intent and purpose of this bylaw ~~but not otherwise~~. Any decision to vary the provisions of this bylaw shall be by majority and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be approval of any variance sought.
 3. **Conditions and Safeguards.** The Board ~~shall~~**may include** set forth appropriate conditions ~~and safeguards whenever in its opinion they are desirable~~**in furtherance of this bylaw in a permit issued under this bylaw.**

- d. **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, ~~shall~~ **may** be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of (1) the date of issuance of any written notice given by the Building Inspector or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

4. ILLUMINATION

- a. Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.
- b. The intensity of such light shall be deemed acceptable if it does not exceed a factor of **three (3)** above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:
1. The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.
 2. With the sign turned off, the same measurement is repeated.
 3. The ratio of the measurement in (1) to that in (2) shall not exceed 3.
- c. No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. ~~except in those cases where the premises are open for business during such time or unless authorized by the Board of Appeals.~~

5. SIGNS ~~PERMITTED~~ ALLOWED IN ALL DISTRICTS

The following categories of signs are allowed in all districts under this bylaw in addition to any other sign allowed under this bylaw and, unless otherwise provided, such signs may be erected, altered or relocated without a permit issued by the Building Inspector pursuant to this bylaw:

- a. **Non-Commercial Signs.** *Non-commercial signs, subject to the following conditions:*
1. *No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way except pursuant to Section 5(a)(2) below;*
 2. *Non-commercial signs may be erected in the Town's right of way adjacent to a private property by the property owner only if (a) there is no protrusion of the sign into the public walkway or roadway; (b) placement of the sign will not damage any plantings that are in the area; and (c) placement does not pose a hazard to passersby;*
 3. *Non-commercial signs may be erected on other Town Property only pursuant to such other administrative policy governing the placement of signs on Town property duly enacted by the Select Board or the Town Manager;*
 4. *The non-commercial sign complies with Sections 6(b) through (j) of this bylaw;*
 5. *Any such non-commercial sign must be no larger than the largest commercial sign permitted in the district in which it is located; and*
 6. *The number of non-commercial signs permitted on one property shall be no more than the number of commercial signs permitted on the property pursuant to this bylaw, however non-commercial signs shall not count toward the allowable square footage or allowable number of signs on a parcel of land.*

- b. **Cautionary Signs.** A sign containing cautionary messages such as “Beware of Dog” or “No Trespassing,” provided such sign does not exceed two (2) square feet in area.
- c. **Directional and Traffic Safety Signs.** A sign indicating “entrance,” “exit,” “parking” or similar traffic directional information, provided such sign are erected on a lot pursuant to a federal, state, or local law or regulation. Such signs shall not be counted in calculating the maximum number of signs allowed on a property.
- d. **Street Banners.** A Street banners which ~~are~~**is** placed within the Town right-of-way at 100-200 Main Street, 1200-1300 Main Street, or 68-86 Thoreau Street providing notice of a public, **non-commercial** entertainment or advertising a charitable, religious or educational event, ~~as may be specifically approved by the Town Manager,~~ **and** may be displayed in a locations designated by the Town Manager **subject to his or her approval** for a period of time not to exceed 8 consecutive days, the first of which shall occur not more than 7 days prior to such entertainment or event. All ~~said~~ **such** banners shall be removed within 24 hours after such entertainment or event.
- e. **Temporary signs Construction and Real Estate Subdivision Signs.** Pursuant to a ~~p~~**Permit issued by the Building Inspector,** as for temporary **sign identifying** construction **or** and real estate subdivisions **provided such sign** signs be appropriate to the use being made of the premises and shall otherwise conforms to the requirements for signs in the district in which the temporary sign ~~is~~**it** is located.
- f. **Form Signs.** ~~Permits for~~**Pursuant to a permit issued by the Board of Appeals,** a **commercial** sign consisting exclusively of a human, animal or product form with or without lettering of any kind ~~may be issued by the Building Inspector only with the approval of the Board of Appeals, if a~~**provided that** a majority of said Board **finds**, after notice and a public hearing, ~~shall find and rule~~ that maintenance of such a sign will not be detrimental or injurious to the neighborhood and that granting of such a permit will not substantially derogate from the purposes of this bylaw. Any such permit may be revoked by a majority of said Board of Appeals at any time, after notice and a public hearing, whenever any condition attached to the granting of such permit shall be violated or whenever, in the opinion of a majority of said Board, maintenance of the sign would be detrimental or injurious to the neighborhood or would substantially derogate from the purpose of this bylaw.
- g. **Religious and Educational Non-profit/Non-Commercial Institutions Building Signs.** One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to ~~the premises of a church, synagogue, or other religious institution, or school, museum, library, or other not for profit organization~~ **a non-commercial building**, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide **additional** information to users on the site, provided that no single sign exceeds three (3) square feet.
- h. **Restaurants.** In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.
- i. **Gasoline Service Station Signs.** Gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

6. PROHIBITED SIGNS

- a. Signs, **other than ghost signs**, which advertise a **commercial** activity, business, product or service **not produced or conducted, or** no longer produced or conducted, on the premises

upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced, ***unless otherwise permitted by this bylaw.***

- b. Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.
- c. Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.
- d. Signs illuminated by other than a stationary white or off-white steady light are prohibited.
- e. Signs which are pasted or attached to utility poles, trees, fences, or structures ~~such as overpasses and bridges~~ are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
- f. Mechanically activated signs, other than rotating barber poles, are prohibited.
- g. No free standing sign or part thereof shall be more than twenty (20) feet above ground level. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited, except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with.
- h. Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs (except when permitted under 8(h)), and signs mounted on a truck or trailer chassis with or without wheels whose primary function is as a sign and not for the transport of goods or merchandise, are prohibited.
- i. Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw, is prohibited.¹
- j. Signs on a marquee or canopy are prohibited.²
- k. ~~A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, is prohibited, except street banners pursuant to Section 5a.~~

7. RESIDENCE DISTRICTS.

In a residence district, ***only*** the following signs ~~only~~ are permitted ***in addition to those permitted under Section 5 of this bylaw:***

- a. A sign of not more than two **(2)** square feet in area, displaying the street number, the name of the occupant of the property ~~and/or~~ historical references, if any, without the need for a permit under this bylaw. Such sign may include identification of an accessory professional office or other accessory use approved ***pursuant to the Zoning Bylaw*** ~~by the Board of Appeals.~~
- b. Signs pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine (9) square feet nor more than ***three and a half*** (3-½) feet in any dimension, ~~until such time as all lots, apartments or houses have been rented or sold,~~ ***until such time as all lots, apartments or houses have been rented or sold.***
- c. One contractor's sign, not exceeding ***twelve*** (12) square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing

¹ See Section 2-H for guidelines pertaining to nonconforming signs.

² See Section 8-E for exception to lettering on awnings.

information relevant to the project. Such sign shall not require a permit under this bylaw and shall be removed promptly after completion of construction.

- d. One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine **(9)** square feet in area, nor more than **three and a half** (3-½) feet in any dimension. In addition, each family unit may carry a single sign of not more than one square foot, without time limit.
- e. For gasoline service stations and farm stands, one identification sign not to exceed twelve (12) square feet in area except when the establishment fronts on Route 2, then twenty-five (25) square feet. In addition, product identification signs for gasoline service stations and farm stands may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area. Further, farm stands will be allowed to have additional signage for the specific purpose of advertising products grown on their property. These additional product signs may not exceed twenty-five (25) square feet each, except for farm stands on Route 2, which may have signs of fifty (50) square feet each. There shall not be more than two (2) such product signs per farm stand.

8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

In a business, limited business, or industrial district, only the following signs are permitted in addition to those permitted under Section 5 of this bylaw:

- a. **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.
- b. **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.
 - 1. The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.
 - 2. A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.
 - 3. A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

- c. **Secondary Signs.** If a business establishment consists of more than one building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.
- d. **Directories.** Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.
- e. **Awnings.** Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.
- f. **Temporary Sale Signs.** In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot.
- g. **Signs Painted on Windows.** In a business district, script describing a ***commercial*** product ~~or theme~~ and not including the name of the business. Such signage shall not require a permit under this bylaw or be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height.
- h. **Sandwich Boards.** One "A" frame Sandwich Board sign per building shall be permitted (including within the public right-of-way, sidewalk only, except in conditions of snow or ice), in addition to the other signs permitted under this Section 8, such signs shall not require a permit under this bylaw, subject to the following conditions:
 - 1. The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
 - 2. The sign shall not exceed 24" in width and 48" in height.
 - 3. The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
 - 4. The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
 - 5. Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Inspector. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.
 - 6. In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days ~~when~~ ***due to*** sidewalk congestion ~~is excessive~~.

7. ~~The sign~~ **Commercial sandwich-board signs** may be displayed only during business hours and must be removed from the sidewalk thereafter.

9. BYPASS DISTRICTS

In the Bypass District, the same restrictions on signs shall apply as in Business Districts. In addition, any nonconforming or prohibited sign, not authorized by the Massachusetts Highway Department ~~of Transportation under the provisions of Section 29 of Chapter 93 of the General Laws~~ shall be removed.

10. INDUSTRIAL PARKS DISTRICTS

In Industrial Parks the same restrictions on signs shall apply as in Business Districts except that a directory sign not to exceed 50 square feet in area may be placed at each public entrance to such park and more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the Park.

11. MEDICAL PROFESSIONAL DISTRICTS

- a. **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.
- b. **Principal Signs.** No more than two (2) principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.
 1. The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.
 2. A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.
- c. **Directories.** Where there are three (3) or more professional businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

~~12. SPECIAL PROVISIONS~~

- ~~a. **Gasoline Service Station Signs.** In addition to the signs permitted in the foregoing sections, gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.~~

~~The standard type gasoline pump bearing the name or type of gasoline and the price in usual size and form shall not be deemed a sign within the meaning of this Bylaw.~~

- b. ~~**Public Interest Signs.** Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet in area.~~
- c. ~~**Directional and Traffic Safety Signs.** Signs indicating "entrance", "exit", "parking", or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a Town or State regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.~~
- d. ~~**Political, Ideological, Charitable Purposes or Religious or other Personal, Non-commercial Message.** Permanent displays or notices of events for charitable purposes require a permit from the Building Inspector and shall not exceed the maximum dimensional limitations for the district in which they are located. Except as provided in Section 5(d), temporary display of charitable ideas or expressions of political, religious, ideological ideas shall be exempt from the provisions of this bylaw, subject to the following:~~
- ~~1. No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way.~~
 - ~~2. Signs may be erected in the Town's right of way by a homeowner in front of his or her own home, provided: a) there is no protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; c) placement does not pose a hazard to passersby; d) posted signs include the contact information of the sign owner attached in a visible manner to the sign; and e) signs may not be posted for more than two weeks without approval in writing of the Town Manager.~~
 - ~~3. Signs may be erected on other Town property only with the approval of the Town Manager consistent with the Town's APP #48 policy statement.~~

~~Temporary signs erected on Town property or right of way or other disapproved locations not meeting all of the foregoing conditions may be removed and stored at a Town facility awaiting the owner's retrieval for a period not to exceed 30 days, after which they may be discarded.~~

13. DEFINITIONS

- a. **"Sign"** means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include **(1)** national or state flags, **(2)** athletic scoreboards, **(3)** official announcements or signs of U.S., Massachusetts or Town government ~~(including any signs on Town property or the Town right of way)~~ approved by the ~~Board of Selectmen~~ **Select Board**, or **(4)** temporary holiday decorations customarily associated with any national, local or religious holiday.
- b. **"Area of Sign" means** the area of a freestanding or attached sign **and** shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing. The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted. The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols. A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

- c. **"Business Establishment"** means as independent economic unit, in a single physical location, where a business is conducted.
- d. **"Temporary Signs"** ~~(as opposed to 'permanent signs')~~ ~~are~~ **means** signs erected for a period not to exceed sixty (60) consecutive days.
- e. **"Ghost sign"** means an advertisement that was installed prior to 1960. Such "ghost sign" shall be allowed by sign permit from the Board of Appeals to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.
- f. Other terms, **including the names of districts**, shall, where applicable, have the meanings given to them in the Concord Zoning Bylaw.

14. **INTERPRETATION AND CONFLICT CLAUSE**

These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes **permissible** restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

15. **SEVERABILITY CLAUSE**

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

This article revises the Town's existing sign bylaw to update it in light of a recent Supreme Court decision (Reed v. Gilbert, AZ), which narrowed the permissible scope of permissible sign regulation. In particular, Reed limited the ability of towns to regulate non-commercial signs, including temporary signs, differently based on their content (e.g., religious v. charity event, political statement v. campaign sign etc.). Changes above are shown in strikeout and bold italics for the Warrant only.

BY PETITION REQUEST TO CREATE A CONCORD MUNICIPAL LIGHT BOARD ADVISORY COMMITTEE TO ANALYZE BENEFITS OF AND REQUIREMENTS TO IMPLEMENT A SINGLE REVENUE DECOUPLED TIME-OF-USE RATE STRUCTURE

ARTICLE 44. To determine whether the Town will vote to request the Select Board to require the Concord Municipal Light Board (CMLB) to create a Concord Municipal Light Modernization Advisory Committee with the goal of assisting CMLB in determining the benefits of and requirements to implement a single revenue decoupled time-of-use rate for all customers that directly relates customer behavior to Light Plant expenses. The advisory committee would include representation from the CMLB, CMLP staff, and citizen experts as deemed appropriate by the Select Board and CMLB.

PETITIONER'S EXPLANATION: This article is a request to form an advisory committee. The committee will review a new rate structure for Concord Light that could better align customer behavior with Light Plant expenses. When concluded, the committee will report its findings to the Concord Municipal Light Board where they will determine if any future action is needed.

BY PETITION BYLAW PROHIBITING POLYSTYRENE IN FOOD SERVICE WARE

ARTICLE 45. To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the prohibition of polystyrene in food service ware and packaging, as follows:

Section 1. PURPOSE AND INTENT

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, styrene, a component of polystyrene, is a known hazardous substance, classified by the National Toxicology Program (NTP) as “reasonably anticipated to be a human carcinogen” and also recognized by the NTP as a potential food and beverage contaminant that may “leach from polystyrene containers used for food products”; and

WHEREAS, polystyrene is made from fossil fuels, a non-renewable resource; and

WHEREAS, polystyrene manufacture, use, and disposal requires substantial energy consumption and contributes to greenhouse gases and other adverse environmental effects; and

WHEREAS, polystyrene is not biodegradable or compostable, and is generally not recyclable; and

WHEREAS, polystyrene is a common environmental pollutant that fragments into smaller pieces that harm or kill marine life and wildlife when they ingest them; and

WHEREAS, the EPA states “that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

WHEREAS, polystyrene is used as food service ware by food establishments operating in the Town; and

WHEREAS, disposable food service ware constitutes a portion of the litter in Concord’s streets, parks and public places, which increases Town costs; and

WHEREAS, affordable and effective ways to reduce the negative environmental impacts of polystyrene products through the use of reusable, recyclable, biodegradable and/or compostable materials are available for food service applications; and

WHEREAS, over 100 municipalities throughout the United States, Canada, Europe, and Asia have banned polystyrene food service ware;

NOW THEREFORE, the Town of Concord hereby enacts this bylaw to prohibit the use and distribution of foam and rigid polystyrene in food service ware and require the use and distribution of biodegradable, compostable, reusable, or recyclable products or materials in their place.

Section 2: DEFINITIONS

The following words and phrases shall, unless context clearly indicates otherwise, have the following meanings:

ASTM STANDARD Refers to materials meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate.

BIODEGRADABLE Materials that will completely degrade and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

COMPOSTABLE Materials that will completely degrade into, or otherwise become part of, usable compost

(e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, such that any customer or processor can easily distinguish the ASTM Standard compostable plastic from non-ASTM Specification compostable plastic.

DISPOSABLE FOOD SERVICE WARE All containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at food establishments.

FOOD ESTABLISHMENT An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a "Food Establishment" for purposes of this ordinance.

POLYSTYRENE The term means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this chapter is referenced as "Foam Polystyrene." Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. The term also means and includes clear or solid polystyrene which is also

known as "oriented," and referenced in this chapter as "Rigid Polystyrene." "Rigid Polystyrene" is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.

PREPARED FOOD Food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food establishment's premises within the Town of Concord. Prepared food may be eaten either on or off the premises, also known as "takeout food."

RECYCLABLE Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

RETAIL ESTABLISHMENT Any commercial business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores and vendors selling clothing, food, and personal items, and dry cleaning services

REUSABLE Materials that will be used more than once in its same form by a business establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor and customer that is provided take-out containers. Reusable also includes durable containers, packages, or trays used on- premises or returnable containers brought back to the food establishment.

Section 3. PROHIBITED USE AND DISTRIBUTION OF DISPOSABLE FOOD SERVICE WARE

3 (a) Food establishments are prohibited from providing prepared food to customers in Foam Polystyrene or Rigid Polystyrene food service ware.

4 (b) All food establishments using any disposable food service ware will use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on-premises.

5 (c) Retail establishments are prohibited from selling or distributing foam polystyrene or rigid polystyrene food service ware to customers.

Section 4. EXEMPTIONS

- . (a) Foods prepared or packaged outside the Town of Concord are exempt from the provisions of this chapter.
- . (b) Food establishments and retail establishments will be exempted from the provisions of this chapter for specific items or types of disposable food service ware if the Board of Health or its designee finds that a suitable biodegradable, compostable, reusable, or recyclable alternative does not exist for a specific application and/or that imposing the requirements of this chapter on that item or type of disposable food service ware would cause undue hardship.
- . (c) Any person may seek an exemption from the requirements of this chapter by filing a request in writing with the Town Manager or his/her designee. The Town Manager or his/her designee may waive any specific requirement of this chapter for a period of not more than one year if the person seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. For purposes of this chapter, an “undue hardship” is a situation unique to the food establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that food establishment. A person granted an exemption must re-apply prior to the end of the one year exemption period and demonstrate continued undue hardship if the person wishes to have the exemption extended. The Health Department’s decision to grant or deny an exemption or to grant or deny an extension of a previously issued exemption shall be in writing and shall be final.
- (d) Coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

Section 5. ENFORCEMENT: VIOLATIONS AND PENALTIES

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 food or retail establishment subject to this bylaw and found to be in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for 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.

Section 6. SEVERABILITY: EFFECTIVE DATE

(a) Each section of this chapter shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that chapter and all other chapters shall continue in full force.

(b) This Bylaw shall take effect January 1, 2017.

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

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Bylaw Prohibiting Polystyrene in Food Service Ware	1 st offense 2 nd offense 3 rd offense 4 th & each subsequent offense	Warning \$50.00 \$100.00 \$200.00	Town Manager's Designee

or take any other action relative thereto.

PETITIONER'S EXPLANATION: *This Article furthers Concord's commitment to sustainability by eliminating the use and/or sale of polystyrene food service ware by cafes, restaurants, prepared food shops and retailers. Specifically this article prohibits the use and distribution of the two main forms of polystyrene in food service: (1) foam polystyrene, typically used for beverage cups and takeout containers; and (2) rigid polystyrene, typically used for beverage lids, plates, cups, and takeout containers.*

The article requires the use and distribution of biodegradable, compostable, reusable, or recyclable products in place of polystyrene.

There are many reasons to prohibit polystyrene. Styrene, a component of polystyrene, is a known hazardous substance, reasonably anticipated to be a human carcinogen and as a potential food and beverage contaminant that may leach from polystyrene containers. Polystyrene is made from fossil fuels, and the manufacture, use, and disposal of polystyrene requires substantial energy consumption and contributes to greenhouse gases, litter, landfills, animal deaths, and plastic in rivers and oceans. Polystyrene is not biodegradable or compostable, and is not recycled via our curbside program.

Over 100 municipalities in the United States, Canada, Europe, and Asia prohibit the use of polystyrene food service ware. Concord too should take this on.

BY PETITION REQUEST TO CREATE A NET ZERO GREENHOUSE GAS EMISSIONS GOAL, TASK FORCE, FUNDING & PLAN

ARTICLE 46. To determine whether the Town will vote to urge the Town Manager and the Select Board to create a Net Zero goal to be achieved in twenty-five years or less, with concrete annual action targets and goals set for each year leading up to the 25-year goal. And further, to appoint a Net Zero Task Force to develop this Net Zero Plan for Concord. The Task Force should include representation from the CSEC, CMLP, the Planning Board, and other appropriate town committees, as well as from local business representatives, citizen experts, including climate and other civic groups as deemed appropriate by the Select Board. The plan's primary goal would be to offset all greenhouse gas emissions from all building structures in the town. The plan would include measures like reducing building energy use intensity, using energy from renewable resources, and exploring new ways for the Concord Municipal Light Plant to operate.

And further, to determine whether the Town will vote to appropriate the sum of \$85,000, or any other sum, to be expended under the direction of the Town Manager, for professional consultants and other services, to develop a scope for the Net Zero project, facilitate stakeholder sessions, prepare a detailed timeline, and provide specific action recommendations designed to transform Concord into a Net Zero Greenhouse Gas Community as quickly as possible; or take any other action relative thereto.

PETITIONER'S EXPLANATION: *This Article was formulated by members of Mothers Out Front (MOF), a nonprofit organization with teams in 10 Massachusetts communities and across the country. It builds on Concord's Town Sustainability Principles and the Select Board's Resolution in Support of Reducing Greenhouse Gas Pollution under the Clean Air Act. It would create a town Task Force and provide it with financial support to help it formulate a town Net Zero plan to make Concord a "Net Zero" Greenhouse Gas Community as quickly as possible. The plan would be built on climate science and would propose measures to move beyond "business as usual" to seek to provide a livable climate for our children's future.*

BY PETITION THREE-YEAR MORATORIUM ON THE INSTALLATION OF SYNTHETIC TURF ON TOWN LAND

ARTICLE 47. To determine whether the Town will adopt a moratorium on the construction or installation of any synthetic turf (monofilament carpet with infill) and any surface covering of loose fill made from scrap tires on any land, of any size, owned by the Town for a three-year time period starting on April 18, 2016 and ending on April 18, 2019; or take any other action relative thereto.

PETITIONER'S EXPLANATION: *Crumb rubber used in synthetic turf contains known carcinogens and endocrine disrupters raising concerns regarding its health effects, especially in young children. Further, the Environmental Protection Agency (EPA) has recently taken the position that without further study no conclusions can be drawn about the safety of crumb rubber and the Consumer Product Safety Commission (CPSC) has not rated synthetic turf or crumb rubber as a child-safe product. This three-year moratorium will prevent further installations of synthetic turf and, during this time, Grass Fields for Safe Sports will establish a task force to study and report to relevant Town agencies upon ongoing research on synthetic turf, including that currently being conducted by the States of California and Washington. The proposed moratorium does not include the sealed surfaces currently in use on running tracks and children's playgrounds; it would apply to Concord Public School fields but not Concord-Carlisle Regional High School fields or privately owned land.*

BY PETITION WORK TO REDUCE THE SALE AND USE OF NEONICOTINOID PESTICIDES

ARTICLE 48. To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the reduction/elimination of neonicotinoid pesticides, because extremely small amounts of this pesticide family are extremely toxic to honey bees and other pollinators, or take any other action relative thereto.

PETITIONER'S EXPLANATION: *Research has shown that extremely small amounts of the neonicotinoid pesticide family can cause an otherwise healthy hive to replicate colony collapse disorder (CCD). Neonicotinoids are extremely toxic to honey bees and other pollinators. They are not the only problems faced by pollinators, but working to reduce their presence in the environment makes sense.*

UNPAID BILLS

ARTICLE 49. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the Treasury, monies to pay the unpaid bills of prior fiscal years, or take any other action relative thereto.

If there are unpaid bills of a prior fiscal year, state law requires that such bills be presented to the Town Meeting.

DEBT RESCISSION

ARTICLE 50. To determine whether the Town will vote to rescind the following unused borrowing authorizations:

	<u>RESCIND</u>	<u>ORIGINAL AUTHORIZATION</u>
Article 28 of the 2012 Annual Town Meeting - Concord Municipal Light Plant Expansion	\$500,000	\$4,400,000
Article 32 of the 2014 Annual Town Meeting – Ambulance equipment	\$ 75,000	75,000
Article 34 of the 2014 Annual Town Meeting – Harvey Wheeler Building Improvements	<u>\$ 65,000</u>	340,000
TOTAL	\$640,000	

This article removes from the town's accounting records debt authorizations that will no longer be required to accomplish the purpose of the original article. This is routine fiscal practice.

LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES

ARTICLE 51. To determine whether the Town will vote that the income from sales of electricity and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws; and/or for other plant extensions, enlargements, additions, renewals and reconstruction; and further, to authorize a transfer of \$465,500, or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2017; or take any other action relative thereto.

This article authorizes the Town Manager, as Manager of the Light Plant, to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the Fiscal Year. This is a routine annual action. Further, this article authorizes the transfer of \$465,500 from the Operating Fund of the Light Plant to the General Fund, an amount consistent with past years and designed to represent what a private utility would pay in property taxes. The amount is based upon a relationship to the Light Plant's sales revenue.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 52. To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting, or take any other action relative thereto.

Pursuant to Article 27 of the 1989 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2017 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's composting site including the former landfill. This has been a routine annual action.

SEWER SYSTEM EXPENDITURES

ARTICLE 53. To determine whether the Town will vote that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting, or take any other action relative thereto.

Pursuant to Article 37 of the 1976 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2017 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Light Plant Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses and institutions are connected to the Town's municipal sewer system. This has been routine annual action.

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 54. To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with

the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

Pursuant to Article 25 of the 1989 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Fund) and fiscal year 2017 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system. This has been a routine annual action.

WATER SYSTEM EXPENDITURES

ARTICLE 55. To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting, or take any other action relative thereto.

Pursuant to Article 38 of the 1974 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2017 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Light Plant Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This has been a routine annual action.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES

ARTICLE 56. To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2016 (FY2017) for the operation of the Community Pool, in accordance with Chapter 44, section 53F½ of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This article enacts the operating budget for the Community Swim and Fitness Center, which is self-supporting from its own revenues. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted by Town Meeting. No tax funds are involved. In April 2015, Town Meeting appropriated a FY16 operating budget of \$2,741,330 (\$2,441,368 from estimated revenues, \$299,962 from the undesignated fund balance) and a capital budget of \$277,000 (funded from the undesignated fund balance). The FY17 budget will be submitted by the Town Manager and reviewed at a public hearing on February 29, 2016.

BRUCE FREEMAN RAIL TRAIL – PHASE 2B

ARTICLE 57. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$250,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of completing the Phase 2B design and engineering for the Bruce Freeman Rail Trail, or take any other action relative thereto.

Phase 2B of the Bruce Freeman Rail Trail includes a bridge over Route 2, which will connect the Concord portion the trail with the trail in Acton. MassDOT funded the initial 25% design. These funds will be combined with other CPA funds and State Transportation funds. This borrowing is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit.

LAND ACQUISITION – BRUCE FREEMAN RAIL TRAIL RIGHT-OF-WAY

ARTICLE 58. 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 all or 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 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, 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 the Sudbury town line. The property will be available for walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, inline skating, scooters and tricycles, rolling backpacks, strollers, cross country skiing, and other forms of active and passive recreation.

BRUCE FREEMAN RAIL TRAIL EASEMENTS OVER TOWN LAND

ARTICLE 59. To determine whether the Town will vote to authorize the Select Board to grant or deed easements over certain Town property for 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, or take any other action relative thereto.

This Article authorizes the Select Board to deed easements over town-owned land for the proposed use as a multi-use rail trail for non-motorized transportation, open space and recreation purposes.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 4th day of January in the year two thousand-sixteen.

Alice Kaufman

Jane Hotchkiss

Michael Lawson

Steven Ng

Carmin C. Reiss

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

ATTENTION CITIZENS

The Town of Concord depends upon the immense talent pool possessed by our citizens and we are always seeking interested townspeople to serve on citizen boards and committees, and also to carry out short-term projects. If you are willing to serve your Town on a voluntary basis and desire to participate in shaping the Town's future, please indicate your interest by filling out a "Green Card". Green cards are short forms for listing your areas of interest and any skills relevant to committee or project participation. The form is reproduced on the following page. You may fill it out, and return it to the Administrative Assistant to the Select Board in the Town House. Additional copies of the form are also available at the Town House, or will be mailed upon request (call 978-318-3001 or 978-318-3000).

You will find the Town Report useful for information on specific activities and responsibilities of the various boards and committees. For further information or to discuss your participation in town government in more detail, please feel free to talk with any member of the Select Board.

Please understand that, happily, we often have more interested citizens than vacancies on particular committees. For that reason, you may find that you may not be matched up immediately or matched up with a committee that is your top priority. Nonetheless, your indication of interest is strongly encouraged and appreciated.

COMMITTEE LISTING

KEY: + APPOINTED BY MODERATOR
 = APPOINTED BY SELECT BOARD
 # APPOINTED BY TOWN MANAGER WITH APPROVAL OF THE SELECT
 BOARD
 * APPOINTED BY TOWN MANAGER

=	AGRICULTURAL COMMITTEE
=	BOARD OF APPEALS
#	BOARD OF ASSESSORS
=	BRUCE FREEMAN RAIL TRAIL COMMITTEE
*	CEMETERY COMMITTEE
#	COMMITTEE ON DISABILITY
=	COMMUNITY PRESERVATION COMMITTEE
#	COMPREHENSIVE SUSTAINABLE ENERGY COMMITTEE
=	CONCORD CULTURAL COUNCIL
*	CONCORD MUNICIPAL LIGHT BOARD
*	COUNCIL ON AGING BOARD
+	FINANCE COMMITTEE
=	HANSCOM FIELD ADVISORY COMMISSION REPRESENTATIVE & ALTERNATE
*	BOARD OF HEALTH
#	HISTORICAL COMMISSION
=	HISTORIC DISTRICTS COMMISSION
=	HUGH CARGILL TRUST COMMITTEE
=	LIBRARY COMMITTEE
=	MASSPORT COMMUNITY ADVISORY COMMITTEE
*	MAPC REPRESENTATIVE
=	MBTA REPRESENTATIVE
+	MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL REPRESENTATIVE
#	NATURAL RESOURCES COMMISSION
=	PERSONNEL BOARD
=	PLANNING BOARD
=	PUBLIC CEREMONIES & CELEBRATIONS COMMITTEE
*	PUBLIC WORKS COMMISSION
=	RECORDS & ARCHIVES COMMITTEE
*	RECREATION COMMISSION
=	BOARD OF REGISTRARS
*	RETIREMENT BOARD
=	TAX FAIRNESS COMMITTEE
=	TAX RELIEF COMMITTEE
=	TRUSTEES OF TOWN DONATIONS
=	2229 MAIN STREET COMMITTEE
=	WHITE POND ADVISORY COMMITTEE
=	YOUTH COORDINATOR ADVISORY BOARD

LAST NAME:	FIRST NAME:	PRECINCT #:	TOWN OF CONCORD COMMITTEE INTEREST		
STREET ADDRESS:			INDICATE COMMITTEE PREFERENCE		
E-MAIL ADDRESS:					
PHONE – HOME:			1.		
OFFICE:			2.		
FAX #:			3.		
CELL#:					
PLACE OF EMPLOYMENT:			DATE APP'T	COMMITTEE	TERM EXPIRED
PROFESSION/TITLE:					
RELEVANT EXPERIENCE, EDUCATION:					
RELEVANT DEGREES, PROFESSIONAL CERTIFICATES:					

PLEASE CHECK THE ANNUAL TOWN REPORT FOR A COMPLETE LISTING OF COMMITTEES AND COMMITTEE REPORTS, THEIR APPOINTIVE AUTHORITIES, AND TERMS OF OFFICE.

ADDITIONAL COMMENTS:

CARDS WILL BE IN ACTIVE FILE FOR 5 YEARS.

MAIL COMPLETED CARD TO: ADMINISTRATIVE ASSISTANT
SELECT BOARD
TOWN HOUSE
PO Box 535
CONCORD, MA 01742