



**Town of Concord**  
Office of the Town Clerk  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535

## PUBLIC NOTICE

**DATE OF POSTING:** June 18, 2018

The attached Zoning Bylaw Amendments and Town General Bylaw Amendment approved at the April 2018 Annual Town Meeting have been approved by the Office of the Attorney General and are now in effect in the Town of Concord.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of the above posting date (i.e., September 16, 2018). Copies of the attached bylaws may be obtained from the Town Clerk's Office at the Town House in Monument Square.

Kaari Mai Tari  
Town Clerk

### April 2018 Annual Town Meeting:

#### General Bylaws:

Article 22 – Alcoholic Beverage Bylaw Amendment

Article 30 – To Prohibit All Types of Non-medical “Marijuana Establishments” as Defined in MGL c. 94G, §1

*Approved by the Voters of Concord at a Special Town Election on June 12, 2018*

Article 41 – Tree Preservation Bylaw Amendment

#### Zoning Bylaws:

Article 32 – Zoning Bylaw Amendment—Marijuana Establishment Moratorium Extension

Article 33 – Zoning Bylaw Amendment—Definition of a Dwelling Unit

Article 34 – Zoning Bylaw Amendment—Height of Accessory Buildings

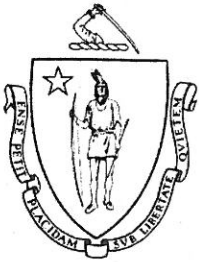
Article 35 – Zoning Bylaw Amendment—Combined Business/Residence

Article 36 – Zoning Bylaw Amendment—Reconstruction of Nonconforming Structures

Article 37 – Zoning Bylaw Amendment—Off Street Parking, Loading & Design Standards

Constable Signature:





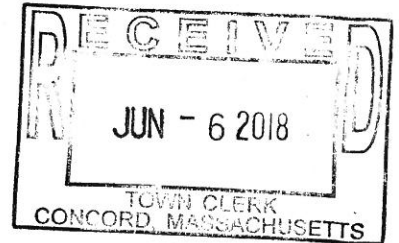
THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

June 6, 2018



Kaari Mai Tari, Town Clerk  
Town of Concord  
P.O. Box 535  
Concord, MA 01742

Re: **Concord Annual Town Meeting of April 9, 2018 -- Case # 8860**  
**Warrant Articles # 32, 33, 34, 35, 36, 37, 38, and 39 (Zoning)**  
**Warrant Articles # 14, 22, 30, and 41 (General)**

Dear Ms. Tari:

Articles 22, 30, 32, 33, 34, 35, 36, 37 and 41 - We approve Articles 22, 30, 32, 33, 34, 35, 36, 37 and 41 from the Concord Annual Town Meeting of April 9, 2018.

Articles 14, 38, and 39 – We retain Articles 14, 38, and 39 for further review and will issue our decision on them by our deadline of August 1, 2018.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

by: Margaret J. Hurley, Assistant Attorney General  
Chief, Central Massachusetts Division  
Director, Municipal Law Unit  
Ten Mechanic Street, Suite 301

Worcester, MA 01608  
(508) 792-7600 x 4402

cc: Town Counsel Mina Makarious



# Town of Concord

Office of the Town Clerk  
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## ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

### ALCOHOLIC BEVERAGE BYLAW AMENDMENT

#### ARTICLE 22.

#### FINAL VERSION OF BYLAW AS AMENDED

#### ALCOHOLIC BEVERAGE BYLAW

##### Section 1.

No person shall drink any alcoholic beverage, or possess an open container of any alcoholic beverage, as defined in Massachusetts General Laws, c. 138, § 1, while in or upon any public way or any way to which the public has a right of access, whether in or upon a vehicle, or on foot, or while in or upon any public place or public building or playground, or while in or upon a private parking lot, or a private way to which the public has access as invitees or licensees, or in or upon any private land or place without the consent of the owner or authorized person in control thereof. A police officer may arrest without a warrant any person who commits a violation of this bylaw in the officer's presence. All alcoholic beverages being used or possessed in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person arrested or summonsed before the court.

##### Section 2.

Notwithstanding the provisions of Section 1 of this Bylaw, the Select Board may, to the extent permitted by State law, issue a one-day special license for the sale or service of alcohol on property owned by the Town, and which is subject to the control of the Select Board or the Town Manager, in connection with a community event or celebration being held on such Town property.

A True Copy Attest:

Kaari Mai Tari  
Town Clerk





# Town of Concord

Office of the Town Clerk

22 Monument Square

P.O. Box 535

Concord, Massachusetts 01742-0535

## ANNUAL TOWN MEETING

APRIL 9, 10, 11, and 12, 2018

### BYLAW AMENDMENT - TO PROHIBIT ALL TYPES OF NON-MEDICAL "MARIJUANA ESTABLISHMENTS" AS DEFINED IN MGL c. 94G, § 1

#### ARTICLE 30.

#### FINAL VERSION OF BYLAW

#### MARIJUANA ESTABLISHMENTS

The operation within the Town of Concord of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw.


A True Copy Attest:

Kaari Mai Tari  
Town Clerk





**OFFICIAL BALLOT  
SPECIAL TOWN ELECTION  
TOWN OF CONCORD  
TUESDAY, JUNE 12, 2018**

  
Town Clerk

To vote, fill in the oval  completely next to your choice, like this:

**QUESTION 1**

**SHALL THIS TOWN ADOPT THE FOLLOWING BYLAW?**

**SUMMARY**

A majority of voters in Concord voted in favor of Question 4 on the 2016 state election ballot, entitled "Legalization, Regulation, and Taxation of Marijuana." Subsequently, the state enacted General Law Chapter 94G, section 3. Under that statute, towns where a majority of ballots were cast in favor of Question 4 must submit any bylaw limiting the type or number of marijuana establishments, or prohibiting such establishments altogether, to voters for approval. On April 11, Concord Town Meeting proposed the bylaw below and voted to submit it for approval to voters pursuant to Chapter 94G.

A "yes" vote on this question would prohibit any marijuana establishment, as defined in chapter 94G, section 1 of the General Laws, from operating in Concord. The prohibition would apply to marijuana establishments including, without limitation, marijuana cultivators, independent testing laboratories, marijuana product manufacturers, and marijuana retailers. The prohibition would not apply to Registered Marijuana Dispensaries that dispense medical marijuana. If this ballot question is approved, the Cannabis Control Commission — a statewide commission created by the Legislature to promulgate regulations and to review license applications for marijuana establishments — would deny licenses to applicants who propose to operate a marijuana establishment in Concord. A "no" vote disapproves the bylaw, meaning the prohibitions described below would not take effect in Concord.

**MARIJUANA ESTABLISHMENTS**

The operation within the Town of Concord of any marijuana establishment, as defined in Massachusetts General Laws c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary as defined in Section 4.3.9 of the Zoning Bylaw.

YES

NO









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## ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

### ARTICLE 41. GENERAL BYLAW AMENDMENT – TREE PRESERVATION BYLAW

#### FINAL VERSION OF BYLAW AS AMENDED

#### TREE PRESERVATION BYLAW

##### 1. PURPOSE

The intent of the Tree Preservation Bylaw (Tree Bylaw) is to encourage the preservation and protection of trees on residential lots during significant demolition and/or construction activity by (a) designating areas of a lot where trees must be protected, and (b) requiring mitigation for trees removed via replanting or collection of fees to support the Town's tree planting and maintenance efforts.

##### 2. DEFINITIONS

For the purposes of this Tree Bylaw, the following definitions shall apply:

- 2.1 *Caliper*: Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.
- 2.2 *Certified Arborist*: A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).
- 2.3 *Diameter at Breast Height (DBH)*: The diameter of a tree trunk four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.
- 2.4 *Invasive Species*: Any plant listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture.
- 2.5 *Protected Tree*: Any existing tree with a DBH of six (6) inches or greater that has any portion of its trunk within a Tree Yard at grade level. Invasive Species (as defined herein) shall not be considered Protected Trees.
- 2.6 *Reviewing Agent*: Any agent delegated in writing by the Town Manager to administer and implement the Tree Bylaw.
- 2.7 *Tree Preservation Fund*: An account established pursuant to (M.G.L. 44 § 53E½) for the deposit of contributions in lieu of tree replanting as required by this Tree Bylaw.
- 2.8 *Tree Protection & Mitigation Plan*: A plan submitted to the Reviewing Agent for approval prior to the commencement of demolition and/or construction on a property on which a Protected Tree is located.

- 2.9 *Protected Tree Impact and Removal Permit*: A permit issued by the Reviewing Agent prior to the commencement of demolition or construction on a property on which a Protected Tree is located.
- 2.10 *Tree Removal*: Mechanical demolition of a living tree, or any act (a) that has caused a tree to die within the previous 12 months or (b) is likely to cause significant decline or death as determined by the Reviewing Agent.
- 2.11 *Tree Save Area*: The area surrounding all Protected Trees, sufficiently large to ensure the health of the Protected Tree(s), including their trunks, crowns, and root systems.
- 2.12 *Tree Yard*: The minimum front, side and rear yard setback area of a parcel in a residential zoning district as specified in Zoning Bylaw Table III.

### 3. TOWN OF CONCORD TREE FUND

There is hereby established a Town of Concord Tree Preservation Fund ("Tree Fund") pursuant to M.G.L. 44 § 53E $\frac{1}{2}$ . Any contributions collected per Section 5.2(b) of this Tree Bylaw shall be deposited in the Tree Fund, and shall be used solely for the purpose of buying, planting and maintaining trees within residential neighborhoods in the Town.

### 4. SCOPE AND APPLICABILITY

4.1 Within the residential districts, it is prohibited to remove a protected tree during construction or within 12 months prior to application for a demolition or building permit for:

- (a) Demolition of an existing structure of 250 gross square feet or greater;
- (b) Construction of any building or structure on a vacant lot; or
- (c) Construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area by 50% or greater, excluding basements, open or screened porches and decks.

4.2 The requirements of this Tree Bylaw shall not apply to:

- (a) The subdivision of land under Town of Concord Subdivision Rules and Regulations;
- (b) Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR);
- (c) Public Shade Trees pursuant to M.G.L. Chapter 87;
- (d) Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent or the Town Tree Warden;
- (e) Trees severely damaged as the direct result of a natural disaster;
- (f) Trees that are hazardous as determined and confirmed in writing by a Certified Arborist, and;
- (g) Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist.

### 5. TREE PROTECTION & MITIGATION

5.1 *Protection*: Each Protected Tree without a Protected Tree Impact and Removal Permit to be retained on property planned for demolition and/or construction activity shall be protected by the establishment of a fenced-off Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to any demolition or site work, and shall remain in place until work is completed on the property, excluding final landscaping. The applicant shall submit written documentation, prepared, dated and signed by a Certified Arborist, to the Reviewing Agent confirming that the required Tree Save Area has been installed as identified in the Tree Protection & Mitigation Plan before work on the property commences.

5.2 *Mitigation:* The removal of a Protected Tree(s) from a property in connection with one or more of the circumstances set forth in Section 4.1 shall require mitigation based upon aggregate DBH of Protected Tree(s) removed. Mitigation shall be achieved by satisfying one or a combination of the following provisions:

- (a) *Replanting of Trees:* For each inch of DBH of the Protected Tree(s) removed, no less than one-half inch of caliper of new tree(s) shall be replanted in accordance with the following:
  - (1) Each new tree must have a minimum caliper of two (2) inches;
  - (2) Such replanting, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land, shall occur prior to the issuance of a Final Certificate of Occupancy, or be otherwise assured at such time to the satisfaction of the Reviewing Agent in a manner consistent with the Rules and Regulations;
- (b) *Contribution to the Town of Concord Tree Preservation Fund:* The Planning Board shall establish a Tree Fund contribution schedule with approval by the Select Board assigning a value per inch of DBH of Protected Tree(s) to be removed and not otherwise mitigated. Tree Fund contributions shall be received by the Town prior to the issuance of all applicable permits.

Mitigation measures shall be identified in the submitted Tree Protection and Mitigation Plan. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured.

5.3 *Unauthorized Removals:* The removal of any Protected Tree without a Protected Tree Impact and Removal Permit not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 5.2. In addition, any person removing any Protected Tree (a) without a Protected Tree Impact and Removal Permit or (b) not identified on the Tree Protection & Mitigation Plan, 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 Massachusetts General Laws c. 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.

5.4 *Plan Review and Permit Issuance:*

- (a) *Tree Protection & Mitigation Plan Submittal:* Prior to the issuance of a Protected Tree Impact and Removal Permit in connection with one or more of the circumstances set forth in Section 4.1 on property on which a Protected Tree is located or was located within twelve (12) months prior to application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Reviewing Agent along with the applicable application and fee.
- (b) *Tree Protection & Mitigation Plan Requirements:* The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan that indicates the applicable Tree Yard, existing improvements, proposed construction, Protected Trees, Tree Save Area and preservation and maintenance procedures in accordance with the Rules and Regulations in effect at the time. It must also specify any tree removals and proposed mitigation measures per Section 5.2.
- (c) *Re-Submittal:* If demolition or construction has not commenced within twelve (12) months of the date that a Tree Protection & Mitigation Plan was submitted for a property, or if removal of a previously unidentified Protected Tree is necessary during the course of construction, an amended Tree Protection & Mitigation Plan shall be submitted identifying any changes from the previous plan and associated mitigation measures.

- (d) **Reviewing Agent Action:** If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Fund contributions have been submitted, the Reviewing Agent shall issue a Protected Tree Impact and Removal Permit and notify the appropriate Town Department(s) of such issuance. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and withhold the Protected Tree Impact and Removal Permit until the requirements are met. If the Reviewing Agent fails to act on an application within thirty (30) days after the application has been made, it shall be deemed to be approved.

*5.5 Maintenance of Protected and Replanted Trees:*

- (a) **Protected Trees:** Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die or significantly decline in the opinion of the Reviewing Agent within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from said determination.
- (b) **Replanted Trees:** All new trees planted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree.

**6. ADMINISTRATION**

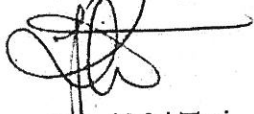
6.1 *Enforcement:* The Building Commissioner is hereby authorized to enforce all of the provisions of the Tree Bylaw.

6.2 *Appeals:* Any person who has been aggrieved by refusal, order, or decision of the Reviewing Agent or Building Commissioner, may appeal to the Zoning Board of Appeals within 20 days from the date of such refusal, order, or decision.

**7. RULES AND REGULATIONS**

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Bylaw, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, and the procedure for determining final compliance with these regulations. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

A True Copy Attest:

  
Kwari Mai Tari  
Town Clerk



# Town of Concord

Office of the Town Clerk

22 Monument Square

P.O. Box 535

Concord, Massachusetts 01742-0535

## ANNUAL TOWN MEETING

APRIL 9, 10, 11, and 12, 2018

### ZONING BYLAW AMENDMENT - MARIJUANA ESTABLISHMENT TEMPORARY MORATORIUM EXTENSION

#### ARTICLE 32.

#### FINAL VERSION OF BYLAW AS AMENDED

#### 4.8 Marijuana Establishment Temporary Moratorium

##### 4.8.1 Definition

"Marijuana establishment" shall have the meaning in General Law 94G, Section 1.

##### 4.8.2 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

##### 4.8.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana Establishments". The moratorium shall be in effect

through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana Establishments" and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.

A True Copy Attest:



Kaari Mai Tari  
Town Clerk



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**ANNUAL TOWN MEETING**  
**APRIL 9, 10,**  
**11, and 12, 2018**

**ZONING BYLAW AMENDMENT – DEFINITION OF A DWELLING UNIT**

**ARTICLE 33.**

**FINAL VERSION OF BYLAW SECTION AS AMENDED**

(showing only the section in 1.3 that is changed)

**1.3 Definitions**

*1.3.8 Dwelling unit:* A structure or portion thereof providing complete, independent, and private living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

A True Copy Attest:

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Town Clerk





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## ANNUAL TOWN MEETING

APRIL 9, 10, 11, and 12, 2018

### ZONING BYLAW AMENDMENT – HEIGHT OF ACCESSORY BUILDINGS

#### ARTICLE 34.

#### FINAL VERSION OF BYLAW SECTION AS AMENDED

(showing only the section in 6.2 that is changed: 6.2.11)

#### SECTION 6. DIMENSIONAL REGULATIONS

##### 6.2 Interpretation

6.2.11 *Height:* The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of one (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence AA, Residence A, Residence C and Residence B Districts, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

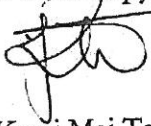
In the Residence AA, Residence A, Residence C and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, Residence C and Residence B 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.

In the Residence C and Residence B Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet.

A True Copy Attest:



Kaari Mai Tari  
Town Clerk



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## ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

### ZONING BYLAW AMENDMENT - COMBINED BUSINESS/RESIDENCE

#### ARTICLE 35.

(showing only the section in 4.2 that is changed: 4.2.3)

#### FINAL VERSION OF BYLAW

#### SECTION 4. CLASSIFICATION OF PRINCIPAL USES

##### 4.2 Residential Uses

4.2.3 *Combined business/residence*: A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:


4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

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;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet. The Board may grant a special permit to allow less than the required amount of open space if the Board finds 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;

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 less than the required 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 finds 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.

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Kaari Mai Tari  
Town Clerk





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## ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

### ARTICLE 36. ZONING BYLAW AMENDMENT - RECONSTRUCTION OF NONCONFORMING STRUCTURES

#### FINAL VERSION OF BYLAW SECTION AS AMENDED

(showing only the section in 7.1 that is changed)

#### SECTION 7. SPECIAL PROVISIONS

##### 7.1 Nonconforming Uses

*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, reconstruction, alteration or structural change 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) extension, reconstruction, alteration or structural change to a structure located on a lot with insufficient area which extension, reconstruction, alteration or structural change complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (b) extension, reconstruction, alteration or structural change to a structure located on a lot with insufficient frontage which extension, reconstruction, alteration or structural change complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (c) extension, reconstruction, alteration or structural change to a structure which encroaches upon one or more required yard or setback areas, where the extension, reconstruction, alteration or structural change will comply with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.
- (d) extension of a structure by more than fifty percent (50%) is based on the aggregate of all expansions undertaken within a consecutive five (5) year period.

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

A True Copy Attest:

Kaari Mai Tari  
Town Clerk





# Town of Concord

Office of the Town Clerk  
22 Monument Square  
P.O. Box 535  
Concord, Massachusetts 01742-0535

## ANNUAL TOWN MEETING APRIL 9, 10, 11, and 12, 2018

### ARTICLE 37. ZONING BYLAW AMENDMENT – OFF-STREET PARKING, LOADING, AND DESIGN STANDARDS; TABLE IV MINIMUM PARKING

#### FINAL VERSION OF BYLAW SECTION AS AMENDED

(showing only the section in 7.7.2.1 that is changed)

#### 7.7 Off-street Parking, Loading, and Design Standards

##### 7.7.2 *Parking and Loading Regulations*

7.7.2.1 *Required spaces:* Table IV, Minimum Parking, indicates the minimum number of parking spaces required for each principal use.

#### TABLE IV MINIMUM PARKING

#### SPECIAL PROVISIONS

<i>Principal Use</i>	<i>Required Spaces</i>
<b>Business Uses:</b>	
Financial and business office: bank, loan agency, travel or other consumer services offices	One (1) space per two hundred fifty square feet of gross floor area, plus two spaces per Automated Teller Machine (ATM).

A True Copy Attest:

Kaari Mai Tari  
Town Clerk

