

**WARRANT FOR TOWN MEETING**  
**MONDAY, April 24, 2017**  
**CONCORD-CARLISLE REGIONAL HIGH SCHOOL**  
**500 WALDEN STREET**

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

**PRESORT STANDARD**  
**U.S. POSTAGE PAID**  
**PERMIT No. 51**

**RESIDENTIAL CUSTOMER**  
**LOCAL 01742**

**PUBLIC HEARINGS**

**All at 7:00 P.M.**

<b>FINANCE COMMITTEE</b> Town Budget & Articles including Capital	Town House Hearing Room	* Monday, February 27
<b>FINANCE COMMITTEE</b> School Budgets & Articles Community Preservation Committee Articles	Town House Hearing Room	* Tuesday, February 28
<b>SELECT BOARD</b>	Town House Hearing Room	** Monday, March 6
<b>PLANNING BOARD</b>	Town House Hearing Room	*** Tuesday, March 7
<b>FINANCE COMMITTEE</b> Enterprise Fund Budgets & Articles	Town House Hearing Room	**** Monday, March 20

**PUBLIC HEARING – SNOW DATES**

- \* Snow date for these dates will be Thursday, March 2, 2017
- \*\* Snow date for this day will be Wednesday, March 8, 2017
- \*\*\* Snow date for this day will be Thursday, March 9, 2017
- \*\*\*\* Snow date for this day will be Tuesday, March 21, 2017

**In case of snow call 978-318-3006 for cancellation information.**  
**Website notices available at [www.concordma.gov](http://www.concordma.gov)**

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OLD NORTH BRIDGE

**TOWN OF CONCORD**  
SELECT BOARD'S OFFICE  
22 MONUMENT SQUARE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

TELEPHONE (978) 318-3001  
FAX (978) 318-3002

February 2017

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 the Town Meeting.

**TOWN CAUCUS:** Nominations of candidates for election were made at the Town Caucus which was held on Monday, January 30, 2017. Names of Caucus nominees will be on the ballot for the Town Election which will be held on Tuesday, March 28, 2017. The deadline for unregistered residents to register to vote at the Town Election is Wednesday, March 8, 2017, 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. 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; and
- 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.

<b>SCHEDULE OF PUBLIC HEARINGS Held at the Town House in the Hearing Room</b>			
Committee	Articles	Time	Date
Finance Committee: FC Town Budget, related Articles and Town Capital Articles	3-12, 19, 21-23, 25-27, 41, 44-47, 49-52	7:00 PM	Monday, February 27
Finance Committee: FC/SC School Budgets & Articles Community Preservation Committee: FC/CPC	13-18  29, 30	7:00 PM	Tuesday, February 28
Select Board: SB	1, 2, 20, 28, 31-34, 48	7:00 PM	Monday, March 6
Planning Board: PB	35-40, 42, 43	7:00 PM	Tuesday, March 7
Finance Committee: FC/ENT Enterprise Funds Budgets & Articles	24, 53-58	7:00 PM	Monday, March 20

**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 24, 2017 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 residents who are not currently registered to vote, to register and participate at the Town Meeting is Wednesday, March 8, 2017. 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](http://www.concordma.gov), from the Town Clerk's office in the Town House, or in the lobby as you enter Town Meeting.

Article 3, "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 mid-April.

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 Administrative Assistant of the Select Board in the Town House. See page 44 to 46 of this Warrant for further information and a tear-out copy of the "Green Card."

Respectfully,

Michael E. Lawson, Chair

Jane Hotchkiss

Alice N. Kaufman

Thomas McKean

Carmin C. Reiss

Steven Ng

MODERATOR

SELECT BOARD

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR THE ANNUAL TOWN MEETING 2017**

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 twenty-eighth 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 28<sup>th</sup> 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
One for Board of Selectmen	for three years
One 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 twenty-fourth day of April 2017, 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.

*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.*

## **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. Add the title "Beede General Manager" to Grade MP-4 effective May 17, 2016.
2. Add the title "Assistant Highway & Grounds Superintendent" to Grade MP-4 effective August 30, 2016.
3. Delete the title "Budget & Purchasing Administrator" from Grade MP-4 and replace it by adding "Budget & Purchasing Director" to Grade MP-5 effective August 30, 2016.
4. Add the title "Assistant Assessor" to Grade MP-3 effective August 30, 2016.
5. Add the title "Energy Specialist" to Grade MP-2 effective August 30, 2016.
6. Add the title "Customer Services Representative" to Grade AC-3 effective August 30, 2016.
7. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 3, 2017 and April 24, 2017.

*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. 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.*

## **CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

**ARTICLE 5.** 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, 2017, or take any other action relative thereto:

### **CLASSIFICATION AND COMPENSATION PLAN**

Effective July 1, 2017

### **ADMINISTRATIVE-CLERICAL**

## **ELECTRICAL LABOR**

### **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.*

## SWIM & FITNESS

*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 FY18. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.*

## **PERSONNEL BYLAW AMENDMENT**

**ARTICLE 6.** To determine whether the Town will vote to amend Section 15 of the Personnel Bylaw as follows,

*Delete all text and replace with the following:*

“Each regular employee may be granted up to three (3) days of paid personal leave during each fiscal year; personal leave for regular part-time employees shall be pro-rated. Personal leave may be used by the employee for any personal reason; however, the scheduling of such leave must be approved by the appropriate department head. Any unused personal leave shall be forfeited upon separation of employment. Town Personnel Policies and Procedures may provide further definition of the accrual and use of personal leave.”

or take any other action relative thereto.

Section 15 currently reads as follows:

### Section 15. PERSONAL LEAVE

Each regular employee shall be granted three (3) days of paid personal leave during each fiscal year.

Personal leave may be used by the employee for any personal reason; however, the scheduling of such leave must be approved by the appropriate department head.

No personal leave may be taken until an employee has completed three (3) months of service, unless authorized in advance by the town manager. (rev. 5/01)

Regular part-time employees are entitled to personal leave pro-rated to their weekly schedules.

Personal leave must be used in the fiscal year earned. Any unused personal leave shall be forfeited at the end of each fiscal year and upon termination or retirement. In the event a terminating employee has used more personal time during the current fiscal year than earned, the excess used will be charged against accrued vacation or deducted from final pay as necessary. (rev. 5/93)

Town Personnel Policies and Procedures may provide further definition of the accrual and use of personal leave.

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***The proposed amendment will provide the Town Manager and Personnel Board with increased flexibility related to setting policies for the accrual and use of personal leave, while maintaining the limit of three days per fiscal year per employee. This change will provide for more efficient and effective administration of non-union personnel matters.***

**TOWN BUDGET**

**ARTICLE 7.** To determine whether the Town will vote to raise and appropriate the sum of \$40,943,520, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2018:

<b>General Fund Operating Budget</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2016 Expenses</b>	<b>Fiscal 2017 Appropriation</b>	<b>Fiscal 2018 Proposal</b>
<b>General Government</b> <b>\$2,885,019 is 7.0% of Total</b>				
1	Town Manager's Office			
	A. Town Manager	\$ 376,107	\$ 385,112	\$ 384,873
	B. Human Resources	226,464	236,342	250,054
	C. Facilities Management	224,962	238,348	290,000
	D. Resource Sustainability Fund	75,000	118,433	126,000
	E. Visitor's Center and Restroom	26,974	32,635	44,028
	F. 37 Knox Trail	-	8,334	17,762
	<b>Subtotal</b>	<b>929,507</b>	<b>1,019,204</b>	<b>1,112,717</b>
2	Legal Services	178,151	225,000	225,000
3	Elections and Registrars			
	A. Elections	52,164	34,815	13,627
	B. Registrars	8,103	7,967	8,476
	<b>Subtotal</b>	<b>60,267</b>	<b>42,782</b>	<b>22,103</b>
4	Town Meeting and Reports	64,266	44,900	44,900
5	Planning			
	A. Planning Administration	444,821	478,856	386,153
	B. Natural Resources	209,978	235,177	221,810
	C. Inspections	465,384	472,221	486,187
	D. Health	293,820	306,900	315,122
	<b>Subtotal</b>	<b>1,414,003</b>	<b>1,493,154</b>	<b>1,409,272</b>
6	141 Keyes Road	70,470	70,654	71,027
	<b>Total General Government</b>	<b>\$ 2,716,664</b>	<b>\$ 2,895,694</b>	<b>\$ 2,885,019</b>
<b>Finance and Administration</b> <b>\$2,453,175 is 6.0% of Total</b>				
7	Finance Committee	2,151	3,410	3,410
8	Finance			
	A. Finance Administration	296,630	304,171	291,073
	B. Treasurer-Collector	279,429	291,656	294,275
	C. Town Accountant	154,562	164,927	163,319
	D. Assessors	408,237	423,561	422,176
	E. Town Clerk	238,590	246,744	247,958
	<b>Subtotal</b>	<b>1,377,449</b>	<b>1,431,059</b>	<b>1,418,801</b>
9	Information Systems	681,610	790,818	921,919
10	Town House	104,232	108,512	109,045
	<b>Total Finance and Administration</b>	<b>\$ 2,165,441</b>	<b>\$ 2,333,799</b>	<b>\$ 2,453,175</b>

Item No.	Department	Fiscal 2016 Expenses	Fiscal 2017 Appropriation	Fiscal 2018 Proposal
<b>Public Safety</b> <b>\$9,307,692 is 22.7% of Total</b>				
11	Police Department	4,356,428	4,453,109	4,468,879
12	Fire Department	4,237,885	4,443,659	4,471,397
13	West Concord Fire Station	57,630	40,289	39,664
14	Police-Fire Station	234,792	275,011	284,816
15	Emergency Management	22,647	15,077	16,937
16	Animal Control Officer	23,464	26,000	26,000
	<b>Total Public Safety</b>	<b>\$ 8,932,846</b>	<b>\$ 9,253,145</b>	<b>\$ 9,307,692</b>
<b>Public Works and Facilities</b> <b>\$4,265,349 is 10.4% of Total</b>				
17	Public Works			
	A. CPW Administration	179,683	195,289	195,728
	B. Engineering	384,645	395,323	393,000
	C. Highway Maintenance	1,284,438	1,406,326	1,404,032
	D. Parks and Trees	639,130	668,270	698,573
	E. Cemetery	57,269	69,916	66,679
	<b>Subtotal</b>	<b>2,545,165</b>	<b>2,735,125</b>	<b>2,758,011</b>
18	Snow and Ice Removal	473,604	597,500	610,000
19	Street Lighting	65,249	73,463	73,463
20	CPW Equipment	250,000	300,000	325,000
21	Drainage Program	205,000	205,000	205,000
22	Sidewalk Management	100,000	100,000	110,000
23	Road Improvements	90,000	90,000	100,000
24	133/135 Keyes Road	101,134	102,263	83,875
	<b>Total Public Works and Facilities</b>	<b>\$ 3,830,152</b>	<b>\$ 4,203,351</b>	<b>\$ 4,265,349</b>
<b>Human Services</b> <b>\$3,018,855 is 7.4% of Total</b>				
25	Library	1,953,234	2,136,945	2,142,218
26	A. Human Services	6,845	27,394	38,353
	B. Senior Services	334,848	351,197	383,149
	C. Recreation Services	49,391	74,032	75,245
27	Harvey Wheeler Community Ctr.	115,300	120,452	125,521
28	Hunt Recreation Ctr.	96,644	105,574	109,831
29	Veterans	86,763	69,990	125,310
30	Ceremonies and Celebrations	20,391	24,376	19,228
	<b>Total Human Services</b>	<b>\$ 2,663,415</b>	<b>\$ 2,909,960</b>	<b>\$ 3,018,855</b>

Item No.	Department	Fiscal 2016 Expenses	Fiscal 2017 Appropriation	Fiscal 2018 Proposal
<b>Unclassified</b> <b>\$1,133,923 is 2.8% of Total</b>				
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
	<b>Subtotal</b>	<b>97,334</b>	<b>100,000</b>	<b>100,000</b>
32	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$36,500 were made to other accounts in Fiscal Year 2016.				
33	Salary Reserve**		28,065	793,923
**Transfers totaling \$553,957 in Fiscal Year 2016 and \$536,594 (to date) in Fiscal Year 2017 were made to other accounts.				
34	Land Fund	10,000	15,000	15,000
	<b>Total Unclassified</b>	<b>\$ 107,334</b>	<b>\$ 368,065</b>	<b>\$ 1,133,923</b>
<b>TOWN GOVERNMENT SUBTOTAL (1 – 34)</b>		<b>\$ 20,415,852</b>	<b>\$ 21,964,013</b>	<b>\$ 23,064,013</b>
<b>Joint (Town - CPS)</b> <b>\$17,879,507 is 43.7% of Total</b>				
35	Insurance			
	A. Group Insurance	4,650,000	4,650,000	4,800,000
	B. OPEB	1,150,000	1,400,000	1,470,000
	C. Property/Liability	225,000	250,000	250,000
	<b>Subtotal</b>	<b>6,025,000</b>	<b>6,300,000</b>	<b>6,520,000</b>
36	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	131,536	100,000	100,000
	B. Workers' Comp.	53,495	100,000	100,000
	<b>Subtotal</b>	<b>185,031</b>	<b>200,000</b>	<b>200,000</b>
37	Retirement	3,220,000	3,317,000	3,667,000
38	Social Security and Medicare	708,552	765,000	810,000
39	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,551,988	2,751,725	3,015,800
	CPS Principal and Interest	940,113	883,375	700,350
	<b>Subtotal</b>	<b>3,492,100</b>	<b>3,635,100</b>	<b>3,716,150</b>
	Interest on Notes	-	54,900	135,000
	Other Debt Expense	2,917	40,000	8,850
	<b>Subtotal Within Levy Limit</b>	<b>3,495,017</b>	<b>3,730,000</b>	<b>3,860,000</b>
	B. Excluded Debt			
	Town Principal and Interest	203,488	101,089	99,794
	CPS Principal and Interest	2,501,376	3,906,739	3,507,713
	Less: Use of Stabilization Funds	(1,500,000)	(1,000,000)	(785,000)
	<b>Subtotal Excluded Debt</b>	<b>1,204,865</b>	<b>3,007,828</b>	<b>2,822,507</b>
	<b>Total Debt Service</b>	<b>4,699,882</b>	<b>6,737,828</b>	<b>6,682,507</b>
	<b>Total Joint (Town - CPS)</b>	<b>\$ 14,838,465</b>	<b>\$ 17,319,828</b>	<b>\$ 17,879,507</b>
<b>TOTAL APPROPRIATION (1 – 39)</b>		<b>\$ 35,254,317</b>	<b>\$ 39,283,841</b>	<b>\$ 40,943,520</b>

And further, that the Town Manager is authorized to turn in or sell at public auction any surplus equipment, with the amount allowed or received therefore to be applied against the purchase of new equipment; and

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; and

That the Town appropriate and transfer the sum of \$750 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's rabies clinic; and

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, 2017 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfer shall be reported periodically by the Town Manager to the Select Board and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year; and

That the Town authorize the following sums to be expended from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY2018:

<b>Amount</b>	<b>Loan Number</b>	<b>Original Loan</b>	<b>Date of Issue</b>	<b>Final Maturity</b>	<b>Town Authorization</b>
\$ 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)
\$ 29,660.00	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)

And, that the Town appropriate the sum of \$785,000 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 2018, and that said appropriation shall be in addition to the sum contained in Line Item 39 herein, or take any other action relative thereto.

***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 2016.***

***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.***

### **MUNICIPAL BUILDING RENOVATIONS**

**ARTICLE 8.** To determine whether the Town will vote to raise and appropriate, 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 \$350,000, or any other sum, for remodeling, reconstructing or making extraordinary repairs to municipal buildings, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs

approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***This article authorizes the Treasurer to borrow \$350,000 to be used to repair various town buildings. Included in this appropriation are funds necessary to re-wire the 141 Keyes Road property for improved telecommunications. 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.***

### **PUBLIC SAFETY COMMUNICATIONS EQUIPMENT**

**ARTICLE 9.** To determine whether the Town will vote to raise and appropriate, 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 \$225,000, or any other sum, for the purchase of public safety communications equipment, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***This article authorizes the Treasurer to borrow \$225,000 to replace portable and mobile radios and related equipment to be used by the Police Department. 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.***

### **FIRE ENGINE #8 REPLACEMENT**

**ARTICLE 10.** To determine whether the Town will vote to raise and appropriate, 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 \$575,000, or any other sum, for the purchase of a new Fire Pumper Truck and any necessary related equipment, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***This article authorizes the Treasurer to borrow \$575,000 to replace Engine 8, a 1998 pumper. It is the practice of the Fire Department to purchase high quality, durable, good value apparatus without expensive customizable upgrades. 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.***

### **AMBULANCE #1 REPLACEMENT**

**ARTICLE 11.** To determine whether the Town will vote to raise and appropriate, 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 \$260,000, or any other sum, for the purchase of a new ambulance for the Fire Department, and any necessary related equipment, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$260,000 to replace Ambulance 1, a 2008 ambulance. 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.*

**BYLAW REGARDING LEASING OF TOWN LAND BY SELECT BOARD AND TOWN MANAGER**

**ARTICLE 12.** To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw authorizing the Town Manager, subject to the approval of the Select Board, to enter into lease or license agreements for the use of Town-owned land for a term of up to ten years, as follows, or take any other action relative thereto.

**General Bylaw: Leasing of Land by Select Board and Town Manager**

- A. The Town Manager is authorized to solicit, award and enter into lease or license agreements for the use of land owned by the Town for a period of up to ten (10) years, inclusive of any renewal, extension or option provision, subject to approval by the Select Board, but without the necessity for further authorization by Town Meeting.
- B. Nothing herein shall be construed to limit the Town's, the Town Manager's, or the Select Board's authority to solicit, award and enter into such a lease or license agreement for a longer term pursuant to any applicable law, including, without limitation: (1) G.L. c. 40, § 3, authorizing the Select Board authority to enter into leases for the use of municipal buildings for a period of up to thirty (30) years; (2) Chapter 331 of the Acts of 1981 permitting Town Meeting to authorize leases of public buildings and lands for a period of up to forty (40) years; and (3) any action by Town Meeting authorizing the Town Manager or the Select Board to enter into a specific lease or license, or category of leases or licenses.

*This article would authorize the Town Manager, subject to the Select Board's approval, to enter into leases of up to ten years for municipal land. Currently, the Select Board may enter into leases for municipal buildings for a period of up to thirty years, but neither the Town Manager nor the Select Board can enter into long-term leases of any kind for municipal land without prior Town Meeting approval.*

**CONCORD PUBLIC SCHOOLS BUDGET**

**ARTICLE 13.** To determine whether the Town will vote to raise and appropriate the sum of \$37,046,694, or any other sum, for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2018, or take any other action relative thereto:

<b>SCHEDULE A - PUBLIC SCHOOL BUDGET</b>				
	<b>Department</b>	<b>Fiscal 2016 Adopted</b>	<b>Fiscal 2017 Adopted</b>	<b>Fiscal 2018 School Committee Vote of Dec. 20, 2016</b>
1	Concord Public Schools Budget/Appropriation	\$34,542,735	\$35,660,111	\$37,046,694

*This article provides the annual operating budget for the Concord Public Schools with additional funding above the Finance Committee Guideline in the amount of \$236,584; the additional funding provides foreign language instruction at the K-5 level and a Latin elective at Concord Middle School. The appropriation to be presented for Town Meeting approval of \$37,046,694 is at the Concord School Committee Adopted Budget level voted on December 20, 2016.*

**FY2017 CONCORD PUBLIC SCHOOLS SUPPLEMENTAL APPROPRIATION**

**ARTICLE 14.** To determine whether the Town will vote to transfer from available funds in the treasury, or transfer from the current year appropriations, the sum of \$400,000, or any other sum, to be added to the appropriation voted under Item No. 32 Reserve Fund of Article 7 of the Warrant of the 2016 Annual Town Meeting, for the purposes of meeting extraordinary and unforeseen expenditures in the Concord Public Schools Budget, or take any other action relative thereto.

*This funding is being requested by the School Committee due to higher than anticipated special education costs for the Concord Integrated Pre-school Program. These expenses were identified after development of the current year budget for the fiscal year ending June 30, 2017. The appropriation is proposed to be made to the Reserve Fund appropriation account. Allocation from this account is subject to a vote of approval of the Concord Finance Committee upon a specific request of the School administration. All or part of this sum could be transferred to the current year school budget based upon actual need determined by the Finance Committee on or before closing of budget transactions for the fiscal year ending June 30, 2017.*

**CONCORD PUBLIC SCHOOLS RENOVATIONS**

**ARTICLE 15.** To determine whether the Town will vote to raise and appropriate, 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 \$850,000, 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 further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$850,000 for construction, renovations, repairs, and related work at various Concord Public School facilities. 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 16.** To determine whether the Town will vote to raise and appropriate the sum of \$21,856,357, or any other sum, for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2018, or take any other action relative thereto

<b>CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET</b>				
	<b>Department/Description</b>	<b>Fiscal 2016 Adopted</b>	<b>Fiscal 2017 Adopted</b>	<b>Fiscal 2018 School Committee Vote of Dec. 21, 2016</b>
1	Concord-Carlisle Regional High School			
	Total Budget	\$30,643,037	\$31,741,774	\$33,301,609
	Concord assessment	\$20,070,650	\$20,783,976	\$21,856,357*
*(includes \$18,192,290 assessment for operating budget and \$3,664,067 assessment for debt)				

*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 is above the spending guideline set by the Concord Finance Committee in November 2016. The additional assessed share, \$257,285, supports the expansion of transportation services required to accommodate a later high school start time.*

**CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT – LANDFILL FLEXIBLE CAP REMEDIATION**

**ARTICLE 17.** To determine whether the Town will vote to approve \$1,200,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for landfill remediation at 500 Walden Street; provided, however, that this approval shall be contingent upon passage of a Proposition 2½ 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 with upgraded flexible cap fill materials that better allow future improvements to the remediated area. The costs to be assessed annually over a period of years consistent with the term of bonds to be issued by the district with debt service expected to commence in Fiscal Year 2019.*

**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

**ARTICLE 18.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, the sum of \$599,313, or any other sum, for the following necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2018, or take any other action relative thereto.

<b>MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET</b>				
	<b>Department/Description</b>	<b>Fiscal 2016 Adopted</b>	<b>Fiscal 2017 Adopted</b>	<b>Superintendent's Proposed Budget &amp; Fiscal 2018 Assessment</b>
1	Minuteman Regional High School Budget Assessment	\$19,831,003 \$407,040	\$19,728,097 \$423,444	\$19,449,466 \$599,313 (est. @ 1/17/2017)

*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. Enrollment at 10/1/15 was 15 high school students plus 2 post-grad students. Enrollment at 10/1/16 was 21 high school students plus 2 post-grad students. Each of the member town assessments is calculated by a formula established pursuant to the regional agreement.*

**FREE CASH USE**

**ARTICLE 19.** To determine whether the Town will vote to transfer from Free Cash, the sum of \$1,000,000, or any other sum, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2018, 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 FY2018 budget. The proposed amount is consistent with the Finance Committee's FY2018 Guideline Budget Plan.*

**BY PETITION RESOLUTION - REDUCING THE INFLUENCE OF MONEY IN POLITICS**

**ARTICLE 20.** To determine whether the Town will vote to adopt the following resolution

WHEREAS, the current and increasing role of money in politics threatens the democratic ideals upon which our republic was founded: and

WHEREAS, the Town of Concord holds an important position in the historical development of this republic;  
and

WHEREAS, it is incumbent upon the heirs of this history to speak out when the republic is threatened by the accelerated advance of oligarchy – in place of government of the people, by the people and for the people;

NOW THEREFORE, BE IT RESOLVED, it is the position of the Town of Concord, Massachusetts, that, in order to ensure that elected officials represent us all, tough, new, anti-corruption laws must be passed by Congress and the Massachusetts General Court, such as: legislation prohibiting politicians from taking campaign money from industries they regulate; regulating SuperPACs and other groups; increasing transparency of campaign funding; preventing elected representatives and some senior staff from negotiating jobs while in office and barring them from all lobbying activity for five years after they leave office; empowering all voters through a publicly funded election system; and strengthening enforcement by government agencies and ethics committees of the rules against politicians and special interests that break campaign finance laws.

BE IT FURTHER RESOLVED that the legal voters of the Town of Concord implore our elected representatives in Boston, State Senator Michael Barrett and Rep. Cory Atkins; and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Niki Tsongas (or their successors) to lead this effort to enact these initiatives in Massachusetts and in Congress.

or take any other action relative thereto.

***Petitioner's Explanation: This Article asks whether Town Meeting will adopt a resolution calling upon the Congress of the United States and the Massachusetts General Court to pass tough, new anti-corruption laws such as legislation: prohibiting politicians from taking money from industries they regulate, regulating SuperPACs, increasing transparency of campaign funding, preventing elected representatives and some senior staff from negotiating jobs while in office and barring them from all lobbying activity for 5 years after they leave office, establishing a publicly funded election system, strengthening enforcement by agencies and ethics committees of campaign finance laws.***

#### **ESTABLISH REVOLVING FUND – RENTAL INCOME FROM MARSHALL & BARRETT'S MILL FARMS**

**ARTICLE 21.** To determine whether the Town will vote to accept M.G.L. Chapter 40, Section 3 Second Paragraph, as inserted by Chapter 218 of the Acts of 2016, which would allow the Treasurer to set aside any monies received from the rental or lease of the Barrett Farm at 449 Barrett's Mill Road and the Marshall Farm at 169 Harrington Avenue, in a separate account in the Town Treasury to be expended by the Town Manager without further appropriation for upkeep and maintenance of the properties, and further, that any unexpended balance remaining at the end of the fiscal year be retained in said account for future upkeep and maintenance of these same facilities so rented or leased, or take any other action relative thereto.

***The Town owns the properties 169 Harrington Avenue and 449 Barrett's Mill Road and leases those properties at below-market rates to tenants who have committed to actively farming the land. Currently, the monthly rental income from these tenants is deposited into the Town's General Fund. Under the lease agreements, the tenants must provide routine upkeep and maintenance of the properties; and the Town, as landlord, has committed to undertaking major repairs such as replacing heating systems, roofing and wiring. Any such major capital improvements require an appropriation. The article would establish a revolving fund so that the rental income from the properties would be immediately available for use by the town to make needed repairs. The revolving fund model has been used with success with the Harrington House at 249 Harrington Avenue with the rental income covering the cost of property maintenance since the property was acquired in 1975.***

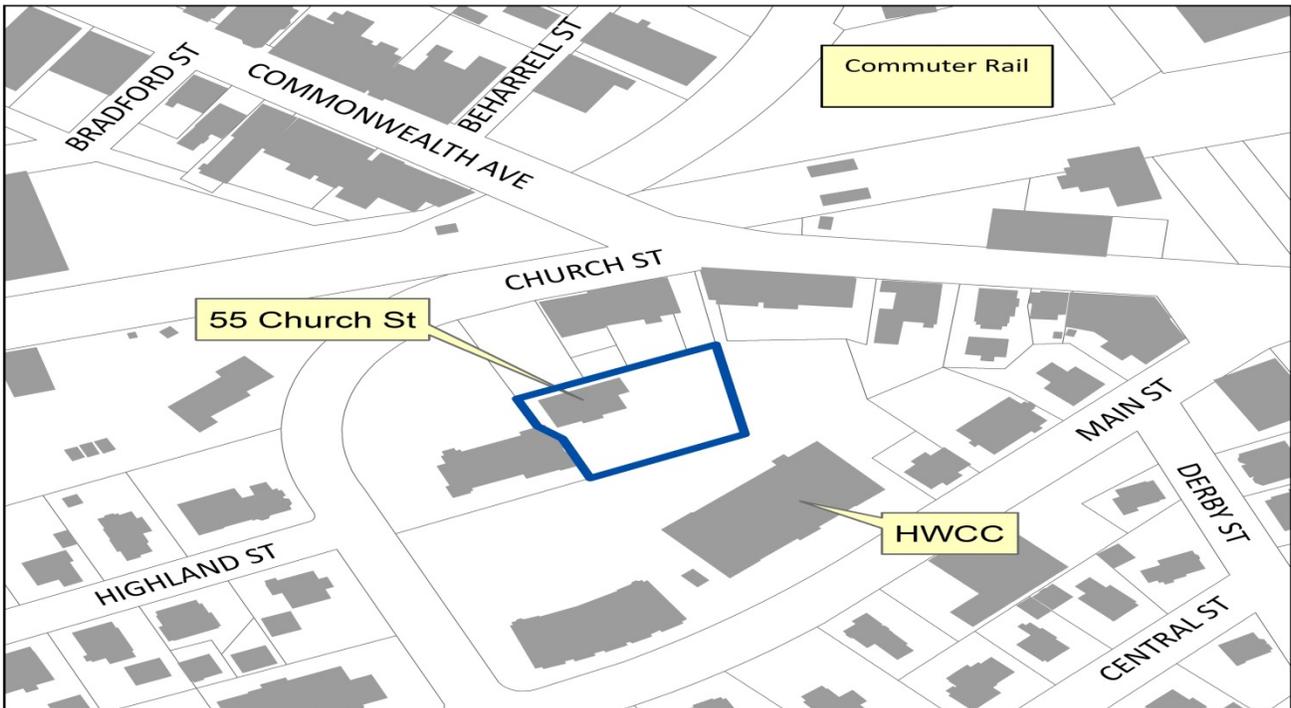
**PEG ACCESS AND CABLE-RELATED FUND**

**ARTICLE 22.** To determine whether the Town will vote to appropriate from the PEG Access and Cable-Related Fund the sum of \$560,000, or any other sum, said funds to be expended during the fiscal year commencing July 1, 2017 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the license agreement, of which the sum of \$360,000 is the estimated license revenue to be received during FY2018 in accordance with the license agreement and the sum of \$200,000 shall be allocated from the available fund balance, or take any other action relative thereto.

*The Town currently receives 4.8% of all revenue generated by Comcast from the company's Concord customers. This amounts to about \$90,000 per quarter or \$360,000 per year. This article proposes that the revenue from Comcast during calendar 2016 be appropriated, to be used only for cable-related purposes in accordance with the ten-year license agreement, and that an additional \$200,000 available in the PEG Access and Cable-Related Fund be appropriated for capital improvements needed to enhance PEG access services. PEG Access services are Public, Educational and Governmental local cable television channels.*

**AUTHORIZE ACQUISITION OF 55 CHURCH STREET PROPERTY**

**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 and/or other property interests in, on, over, across, under and along all or any portion of the property at 55 Church Street, including the buildings and appurtenances thereon, shown on the assessors maps as parcel #2411-1, containing 0.41 acres more or less, for municipal purposes, under such terms and conditions as the Select Board may determine, and further, that to meet such appropriation the Town will vote to raise and appropriate, 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 \$1,200,000, or any other sum, for the purpose of acquiring said property, including any necessary improvements to the property and incidental related expenses, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.



***This article would authorize the purchase of a property owned by the Holy Family Parish which consists of a 17,849 square foot site with a three-story office building containing 5,070 square feet of finished office space and an unfinished third floor. The building was constructed in 2003, includes an elevator and is compliant with the Americans with Disabilities Act. The building would be used to house the town's human services staff who currently work at 105 Everett Street. The proximity of the site to the Harvey Wheeler Community Center and the Council on Aging creates synergies with groups using the Harvey Wheeler site. The lower floor has a finished kitchen and meeting room that will provide needed space for community meetings.***

### **FUNDING FOR TELECOMMUNICATIONS SERVICES**

**ARTICLE 24.** To determine whether the Town will vote to raise and appropriate, 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 \$1,000,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of providing telecommunication services to Concord residents and businesses, including broadband internet services and telephone, said funds to be used for equipment, contract services and other functions necessary to offer telecommunications services for a fee, the cost of such services to be paid for by the users of such services, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, provided further that while any bonds or notes issued pursuant to this vote will be general obligations of the Town, and it is the Town's intent that debt service is to be paid from revenues of the Telecommunications Fund established by vote under Article 48 of the 2013 Annual Town Meeting, or take any other action relative thereto.

***Town Meeting voted in 2003 and 2004 to authorize CMLP to enter into the telecommunications services business. Since then, CMLP has constructed a fiber-optic network throughout most of Concord to manage the Town's electric grid and other public infrastructure that can also provide telecommunications. The 2013 Annual Town Meeting voted under Article 48 to authorize an initial borrowing of \$1 million to start the Town's broadband services program. As of January 2017, the service has more than 750 residential and business customers, and interest is growing. This borrowing authorization will enable CMLP to perform significant equipment upgrades and additional fiber-optic network construction required to meet this higher customer demand. Debt service costs and any related operating costs will be fully supported from user charges, with no property tax or General Fund support.***

### **FUNDING FOR TECHNOLOGY IMPROVEMENTS**

**ARTICLE 25.** To determine whether the Town will vote to transfer from free cash transfer the sum of \$1,500,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of modernizing the town's computer services including software, hardware, training and related services for program enhancements in financial services, billing, general ledger, license and permit tracking, email, document management and other computerized municipal services, or take any other action relative thereto.

***This article will provide funding for the Town to undertake several major technology improvement projects which will be implemented over several years. These projects require significant investment in software and implementation that exceed the resources available within the operating budget's Technology Fund. The first project will enable electronic permits, licensing and automation related to applications and renewal processing. Projects selected for this program support multiple departments and focus on integration and improving services.***

## **SMART-GRID IMPROVEMENTS**

**ARTICLE 26.** To determine whether the Town will vote to raise and appropriate, 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 \$3,000,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of purchasing and deploying smart-meters and smart-grid technology, including advanced communications networks, information and data management systems, distribution automation (DA) technologies, advanced metering infrastructure (AMI), system analytic capability, and distributed generation (DG) acquisition, said expenses to be paid by the ratepayers of the Concord Municipal Light Plant, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***This article authorizes the treasurer to borrow \$3,000,000. The Concord Municipal Light Plant has deployed a fiber-optic network and a limited number of smart meters for more than five years. The proposed borrowing would speed the process of deploying smart meters throughout the town in order to better manage the electrical distribution system and to assist residents and business customers to manage electricity usage and to allow CMLP to adapt to rapidly changing electricity markets including the increasing amount of distributed power generation from individual producers such as customers with rooftop solar arrays. Debt service, under this article will be paid from the light fund.***

## **COMPREHENSIVE MUNICIPAL FACILITY NEEDS STUDY**

**ARTICLE 27.** To determine whether the Town will vote to raise and appropriate, 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 \$250,000, or any other sum, to be expended under the direction of the Town Manager for the purposes of financing the cost of a comprehensive analysis of municipal facility and space needs, including public safety, public works, planning, human services and general government space needs, and including related consulting services such as engineering, surveying, geotechnical, and architectural services, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***The Town's administrative office facilities in the Town House and 141 Keyes Road have reached maximum occupancy for staff. The buildings have inadequate space for staff and committee meetings and are not well-suited for large public meetings. The West Concord Fire Station is undersized for housing and standard fire apparatus and has insufficient living space for the staff who operate the ambulance serving West Concord. The Police/Fire Station on Walden Street is also at maximum capacity and has insufficient parking and is not laid-out well for efficient operations. The funds requested by this article would enable the Town to hire a professional consultant to assist in evaluating the Town's existing facilities and to help plan to meet the community's future public service needs.***

**BY PETITION GUIDELINE FOR PRESERVATION OF PUBLIC ACCESS TO OPEN SPACE**

**ARTICLE 28.** To determine whether the Town will vote to adopt the following resolution:

WHEREAS the Town desires, consistent with the preservation and protection of natural resources and the environment and the legitimate interests of private property owners and the Town, that reasonable public access to Concord’s trails, forests, fields, rivers, and other open spaces should be preserved and, where possible, expanded or created;

THEREFORE the Town urges the Select Board and Town Manager to adopt policies to require Town Officials, Committees, and Departments to use this principle as guidance and consider it a priority in their actions and deliberations, including any policies, decisions, negotiations, recommendations, and regulations that would or could affect public access to Concord’s open spaces, or take any other action relative thereto.

***Petitioner’s Explanation: This Article asks Town Meeting to affirm as a guiding principle that public access to open space is a priority. Town officials, committees and departments should consider this in their actions and deliberations, along with protecting the natural environment, private property rights, and the other interests of the Town. The Town’s current implicit philosophy preserves the unique character of Concord and offers opportunities for its citizenry to enjoy its special natural places. An affirmative vote for this explicit guidance would be the public voice of support to ensure continuation and enhancement of this implicit philosophy.***

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

**ARTICLE 29.** To determine whether the Town will vote to appropriate the sum of \$1,326,340, or any other sum, from the Concord Community Preservation Fund, of which \$143,071 shall be appropriated from the undesignated fund balance as of June 30, 2016 and \$1,183,269 shall be appropriated from projected Fiscal Year 2018 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
			Prior Year Fund Balance	FY18 CPA Fund Revenues	
A	Town of Concord – Regional Housing Services Program	Community Housing		18,000	18,000
B	Emerson Umbrella – Window Restoration Phase II	Historic Preservation		101,000	101,000
C	Concord Public Works - Sleepy Hollow Cemetery Roadway and Stone Wall Improvements	Historic Preservation	143,071	156,929	300,000
D	Concord Museum – Systems Replacement Project	Historic Preservation		170,000	170,000
E	Louisa May Alcott’s Orchard House – Climate Control Project	Historic Preservation		100,000	100,000
F	Concord Home for the Aged - Timothy Wheeler House Historic Structure Report	Historic Preservation		15,000	15,000

G	Concord Children's Center – Replacing Trees in the Natural Playscape at Ripley	Open Space		6,000	6,000
H	Open Space Reserve Fund	Open Space		120,000	120,000
I	Town of Concord Natural Resources Division – Chamberlin Park Bridge Replacement	Open Space		9,670	19,340
		Recreation		9,670	
J	Concord Integrated Pre School Steering Committee – CIPS Playground Initiative	Recreation		105,000	105,000
K	Town of Concord Recreation Department – Rideout Improvement Project	Recreation		46,000	46,000
L	Land Acquisition Reserve Fund	TBD		180,000	180,000
M	Town of Concord – Staff and Technical Support	Administrative		30,000	30,000
N	Community Housing Reserve Fund	Community Housing		116,000	116,000
				<b>143,071</b>	<b>1,183,269</b>
					<b>\$1,326,340</b>

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 \$134,000 for Community Housing, \$686,000 for Historic Preservation, \$135,670 for Open Space, \$160,670 for Recreation, \$30,000 for Administration, and will set \$180,000 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. State law 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.*

**APPROPRIATION RECOMMENDATION FOR JUNCTION VILLAGE AFFORDABLE ASSISTED LIVING DEVELOPMENT**

**ARTICLE 30.** To determine whether the Town will vote to appropriate the sum of \$350,000, or any other sum, from the Concord Community Preservation Fund and to appropriate the sum of \$1,000,000 from Free Cash, the combined total appropriation of \$1,350,000 to be expended under the direction of the Town Manager for the purpose of constructing affordable housing units in the Junction Village Affordable Assisted Living Development; provided further than the sum appropriated from the Community Preservation Fund shall be designated as follows: \$271,757 from the Community Housing Reserve Fund and \$78,243 from projected Fiscal Year 2018 Fund Revenues of the Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws; and provided further to authorize the Town to acquire/grant an affordable housing restriction in accordance with Chapter 184, of the Massachusetts General Laws; or take any other action relative thereto.

*This article authorizes the appropriation of funds from the Community Preservation Fund for the construction of Community Housing units at the Junction Village Affordable Assisted Living Development as allowed under the Community Preservation Act. This project will expend a total of \$350,000 for Community Housing using a combination of existing Community Housing Reserve Funds and new CPA fund revenues. Town Meeting may reduce or reject but may not increase this appropriation from the Community Preservation Fund for any item proposed by the Committee. This article also appropriates \$1,000,000 of Free Cash to support this project, for a total appropriation of \$1,350,000.*

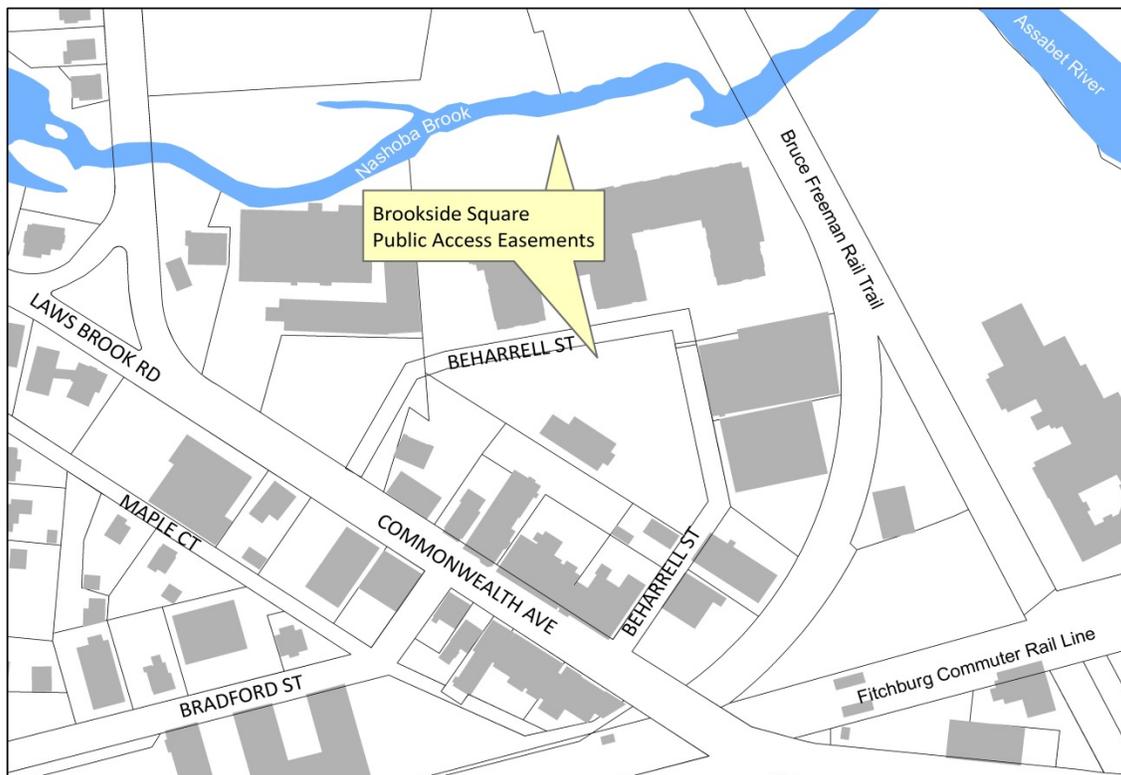
## **BRUCE FREEMAN RAIL TRAIL – GRANT OF EASEMENT TO MBTA**

**ARTICLE 31.** To determine whether the Town will vote to authorize the Select Board to grant or deed easements over a parcel of land owned by the Town as follows: Parcel 2196-2, 6B Commonwealth Ave. (Deed Book 11800, Page 501), as shown on GIS maps dated January 3, 2017 and on file with the Town Clerk, for the purpose of exclusive use of six parking spaces by the MBTA in exchange for an easement granted by the MBTA to the Town to allow the 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.

*In 2016 the MBTA granted an easement to the Town of Concord that allows the Bruce Freeman Rail Trail to be constructed between the existing West Concord Depot/Club Car Café and 24 Commonwealth Ave./Woods Hill Table, which resulted in the loss of six parking spaces. This article will allow the Select Board to provide a reciprocal easement to the MBTA that allows its tenant (Club Car Café) exclusive use of six parking spaces on town-owned land in the West Concord commuter parking lot.*

## **ACCEPT EASEMENTS – BROOKSIDE SQUARE DEVELOPMENT**

**ARTICLE 32.** To determine whether the Town will vote to authorize the Select Board to accept easements associated with the Brookside Square development on Beharrell Street in West Concord as shown on the following easement plans prepared by Control Point Associates, Inc.: 1) Beharrell Street Extension Right of Way Easement dated through June 8, 2016 for the perpetual public access over the Beharrell Street Extension Right of Way Easement by foot, bicycle or motorized vehicle, including the ongoing maintenance and repair of the paved roadway and pedestrian routes; 2) Public Access and Recreation Easement dated through May 11, 2016 for the purpose of providing a recreational walking path constructed to connect to the Bruce Freeman Rail Trail and other public paths as they now exist or may exist in the future, for the benefit of the public; and, 3) Post Office Easement dated March 30, 2016 for perpetual public access by foot, bicycle or motorized vehicle over land associated with the West Concord Post Office, all as on file with the Town Clerk, or take any other action relative thereto.



*The Brookside Square development at 50, 70 and 80 Beharrell Street and 13B Commonwealth Avenue was approved, in part, because of the extension of Beharrell Street back to Commonwealth Avenue creating a looped through-street. This article authorizes the Select Board to accept three easements: 1) the Beharrell Street Extension Right-of-way Easement; 2) the Public Access and Recreation Easement and 3) the Roadway and Sidewalk Easement for the Post Office parcel that benefits the public, including the ongoing maintenance and repair of the roadway and pedestrian routes within the right-of-way.*

### **GRANT OF EASEMENT TO W.R. GRACE**

**ARTICLE 33.** To determine whether the Town will vote to authorize the Select Board to grant or deed easements, on terms and conditions acceptable to the Select Board, over a parcel of land owned by the Town at 37 Knox Trail, Acton, MA and 214Y Main Street, Concord, MA, for the purpose of providing access to W.R. Grace & Co—Conn. and its subsidiaries, affiliates, consultants, contractors, or agents (collectively “Grace”) to said parcel for Grace to access, construct, maintain, repair, inspect, and sample groundwater monitoring and extraction wells and associated lines, piping, connections, equipment, and appurtenances on said parcels to the extent and in the manner required by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, or take any other action relative thereto.

*The Town took the property in Concord with an address of 214Y Main Street, Concord, MA by eminent domain in August 2015, and purchased the property in Acton, MA with an address of 37 Knox Trail. It recently completed the installation of a solar energy facility and is currently constructing a bus depot on the property. Prior to that, the property was owned by W.R. Grace and W.R. Grace has continuing obligations under orders from the U.S. EPA and the MassDEP to continue groundwater monitoring activities at the site. The Town therefore seeks to provide access to the site for as long as EPA and DEP require W.R. Grace to continue to monitor the site, on such terms and conditions as the Select Board might agree in order to protect the Town.*

### **GRANT OF EASEMENT OVER 26A BALLS HILL ROAD**

**ARTICLE 34.** To determine whether the Town will authorize the grant by the Select Board to the Concord Land Conservation Trust (“CLCT”), on such terms and conditions as the Select Board may determine, an easement for passive recreation over existing trails and cart paths on and across the land identified on Town of Concord’s Assessor’s Map 4J as Block 1374, commonly known as 26A Balls Hill Road, to adjacent conservation land owned by CLCT or to take any other action relative thereto.

*The Town of Concord has owned the 26A Balls Hill Road since its acquisition in 2000 for water supply purposes. In December 2016 the Town and CLCT acquired adjacent land commonly known as 221 and 265 Balls Hill Road. CLCT’s portion of 265 Balls Hill Road is landlocked so CLCT has requested that the Town grant an easement over 26A Balls Hill Road to permit CLCT and the public access to the CLCT portion of 265 Balls Hill Road.*

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

**ARTICLE 35.** 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 delete the words “,sound and sight buffers, and preservation of light and air” from subsection (e) 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.

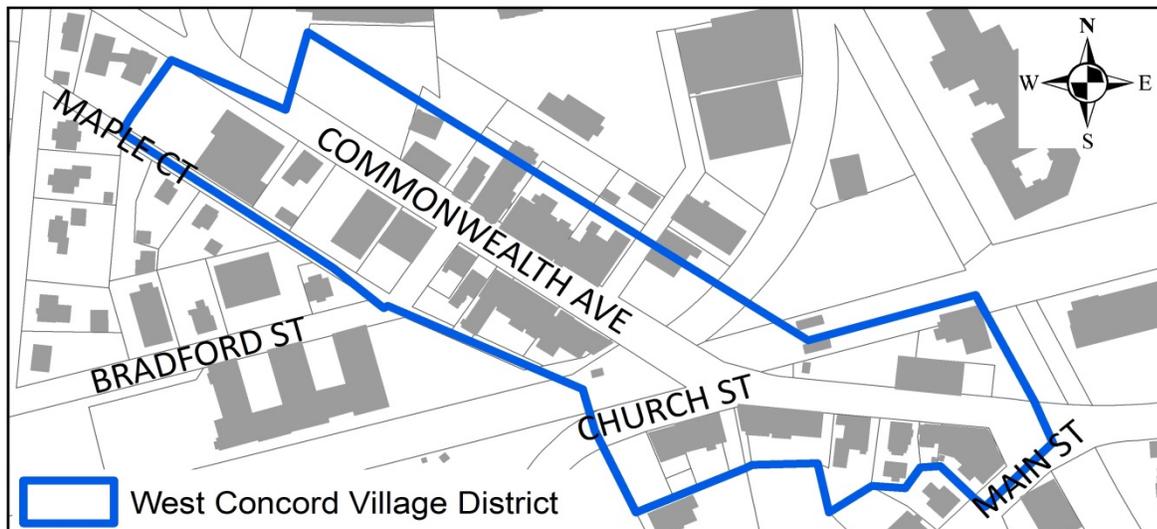
*This amendment was approved at the 2016 Annual Town Meeting. However, there was a discrepancy between the opening paragraph and the actual wording of the Bylaw under subsection (e) so a corrected amendment is being resubmitted. Under the State's Zoning Act, educational uses, religious uses or child care facilities are exempt from evaluation criteria such as sound and sight buffers and the preservation of light and air.*

### **ZONING BYLAW AMENDMENT – PROFESSIONAL OFFICE**

**ARTICLE 36.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.5.11 Professional office** to add the words “real estate broker” following the word “engineer” so that the Section reads as follows:

4.5.11 *Professional office:* Office of a doctor, lawyer, accountant, architect, engineer, real estate broker, or similar professionals.

or take any other action relative thereto.



*The West Concord Village (WCV) District Zoning regulations were implemented to promote uses that encourage pedestrians, which add to the vitality and vibrancy of the Village. Currently in the WCV District, financial and business offices are allowed by right and professional offices are allowed, but not on the first floor. Because the Zoning Bylaw does not define a real estate broker, the Building Commissioner has classified real estate office as a business office. This Bylaw amendment will add real estate broker to the definition of people who have a professional office, thereby prohibiting a real estate office from locating on the first floor of buildings in the West Concord Village District. Existing real estate offices in the WCV District will then become 'pre-existing non-conforming uses'. The WCV District is the only district where this prohibition would apply. Professional offices would continue to be allowed on the first floor of buildings in all other business and commercial districts in Town.*

*A map showing the extent of the West Concord Village Zoning District appears above.*

## **ZONING BYLAW AMENDMENT** **NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES**

**ARTICLE 37.** To determine whether the Town will vote to amend **Zoning Bylaw Section 7.1.5 Nonconforming Single and Two Family Residential Structures** to insert in the second sentence after the words gross floor area the phrase “excluding basements, open or screened porches, and decks,” and to insert a new subsection “(d) extension of a structure by more than fifty percent (50%) is based on the aggregate of all expansions undertaken within a consecutive five year (5) period.” so that Section 7.1.5 reads as follows:

*Section 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, excluding basements, open or screened porches, and decks, 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.
- (d) extension of a structure by more than fifty percent (50%) is based on the aggregate of all expansions undertaken within a consecutive five year (5) period.

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 amendment is intended to make the method of measuring the gross floor area of a residence under Section 7.1.5 Nonconforming Single and Two Family Residential Structures consistent with Section 6.2.13 Maximum Floor Area Ratio. Having the measurement consistent leads to less confusion for property owners, architects and developers and simplifies the review process for Building Inspections Division staff. In addition, the new subsection (d) will address a current loophole that allows a property owner to receive a building permit to expand a nonconforming structure without a special permit if it is less than a 50% expansion in gross floor area, receive a Certificate of Occupancy and then apply for another building permit to expand the structure again if it is less than a 50% expansion in gross floor area. The Board selected a 5-year period because that is consistent with an existing section in the Zoning Bylaw dealing with an aggregate of all expansions for Site Plan Review.*

## **ZONING BYLAW AMENDMENT – RESIDENTIAL USES**

**ARTICLE 38.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.2.1: Two-family or additional dwelling unit** to:

delete the word “volume” in two locations and insert the phrase “gross floor area, excluding basements, open or screened porches, and decks,” and;

delete the word in the second sentence “structurally” and insert the words “integral to and” and insert the words “without use of a tunnel or pergola” 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 gross floor area, excluding basements, open or screened porches, and decks, of any additions shall not exceed in all one-fifth of the gross floor area, excluding basements, open or screened porches, and decks, 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.

*A portion of this amendment (the added sentence at the end of the paragraph) was originally approved at the 2016 Annual Town Meeting under Article 35. However, there was a discrepancy between the opening paragraph of the 2016 article and the actual wording of the sentence added at the end of the paragraph, so this corrected amendment is being submitted in 2017. Additionally, the Planning Board has coordinated with Town staff to make the method used to measure a dwelling unit consistent with that used in other sections of the Zoning Bylaw. Only Section 4.2.2.1 uses volume as a measurement, so this amendment will change the measurement from volume to gross floor area.*

## **ZONING BYLAW AMENDMENT – MARIJUANA ESTABLISHMENT TEMPORARY MORATORIUM**

Temporary Moratorium on Marijuana Establishments Which Are Not Included in the Definition of Medical Marijuana Treatment Centers

**ARTICLE 39.** To determine whether the Town will vote to amend the Zoning Bylaw by adding a new Section 4.8 Marijuana Establishment Temporary Moratorium, as follows:

### **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 July 1, 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.

or take any other action relative thereto.

*The Planning Board believes a moratorium on marijuana establishments is necessary as stated in Section 4.8.2 Purpose. The law is complex and requires further guidance from the State and study by the Town on the development of an appropriate and enforceable bylaw. A law on the regulation and taxation of marijuana in Massachusetts was approved by vote at the State election on November 8, 2016 with an effective date of December 15, 2016. The Act, as amended by the Legislature, states the Cannabis Control Commission shall begin accepting applications for marijuana establishments on April 1, 2018 with the first licenses to be issued by July 1, 2018.*

### GENERAL BYLAW - TREE PRESERVATION BYLAW

**ARTICLE 40.** To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for Tree Preservation, as follows:

#### **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 *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.
- 2.10 *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.
- 2.11 *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 § 53E½. 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, as defined by the Town of Concord Zoning Bylaw Section 7.1.5.
- 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 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 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 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 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.

5.4 *Plan Review and Permit Issuance:*

- (a) Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a 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 may issue any applicable permit or notify the appropriate Town Department. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and the appropriate Town Department that all applicable permits shall not be issued 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.

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

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Tree Preservation Bylaw	1 <sup>st</sup> offense 2 <sup>nd</sup> offense 3 <sup>rd</sup> & each subsequent offense	\$100 \$200 \$300	Building Commissioner

or take any other action relative thereto.

*In response to citizen concern over the loss of large trees and other significant tree cover on properties that are clear-cut prior to development, the Planning Board appointed a Tree Preservation Subcommittee to review the scope of the problem, gather public input and make recommendations on mitigation options. After reviewing current policies in Concord related to trees and comparing practices in Concord with various Massachusetts communities that have adopted Tree Preservation measures, the Subcommittee recommended that the Board submit a Tree Preservation Bylaw at the 2017 Town Meeting.*

*This bylaw requires residential property owners to protect trees within a defined setback area of a lot during significant demolition and/or construction activity. If trees are removed from the setback area, the bylaw requires property owners to either plant replacement trees or pay fees to a Town Tree Fund for planting elsewhere in town. This bylaw does not impact the removal of trees on a lot where no other construction is taking place.*

**TREE PRESERVATION REVOLVING FUND**

**ARTICLE 41.** To determine whether the Town will vote to establish under Massachusetts General Laws Chapter 44, Section 53E½, a Tree Preservation Revolving Fund, for the purposes of buying, planting and maintaining trees within residential neighborhoods in the Town, and that fees, charges and money received under the Tree Preservation Bylaw are to be deposited into this Revolving Fund and expended under the direction of the Town Manager without further appropriation; said revolving account expenditures shall not exceed \$100,000 for the year ending June 30, 2018, or take any other action relative thereto.

*The Planning Board has submitted a Tree Preservation Bylaw under Article 40. Section 5.2 of the Bylaw addresses when a property owner proposes to remove a Protected Tree(s) from a property and the requirement that a tree(s) be planted elsewhere on the property or funds be provided to a Tree Preservation Revolving Fund for the Town to use to buy, plant and maintain trees within residential neighborhoods elsewhere in the community.*

**BY PETITION ALTERNATIVE PRD PRELIMINARY SITE DEVELOPMENT AND USE PROPOSAL FOR LOT 4A AND PARCEL A FOREST RIDGE ROAD**

**ARTICLE 42.** To determine whether the Town will vote pursuant to Section 10.3.4 of the Zoning Bylaw to approve the Phase II Black Birch Alternative PRD Preliminary Site Development and use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016 revised December 20, 2016 as filed with the Town Clerk and Planning Board, or take any other action relative thereto.

*Petitioner's Description: Concord's Long-Range Plan and Housing Production Plan have set goals for the Town to facilitate development of housing options for residents looking to downsize. Town Meeting approval of the Phase II Black Birch Alternative Planned Residential Development Preliminary Site Development and Use Proposal will enhance these housing opportunities and is the same type of approval voted in 2001 under Article 41 for the residences at Riverbend and in 2015 under Article 19 for the residences in Phase I of Black Birch.*

**BY PETITION RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 4A AND PARCEL A FOREST RIDGE ROAD**

**ARTICLE 43.** To determine whether the Town will vote to authorize the Select Board to enter into an agreement to release Lot 4A Forest Ridge Road containing 5.79± acres and Parcel A Forest Ridge Road containing 3.32± acres, both as shown on a plan entitled "Plan of Land in Concord, Massachusetts, Owned by: Todd A. Pulis, Trustee of Thoreau Realty Trust" dated August 25, 2016 to be recorded with the Middlesex South Registry of Deeds, from a certain Easement and Restrictive Covenant Agreement dated September 19, 1990 and recorded with said Deeds in Book 20781, Page 75 and to agree that said Lot 4A and Parcel A may be used for residential purposes as a primary use, or take any other action relative thereto.

*Petitioner's Description: This article requests that the Town vote to authorize the Select Board to enter into an agreement to release Lot 4A and Parcel A from a 1990 covenant and agree that Lot 4A and Parcel A may be used for residential purposes as a primary use. Lot 4A and Parcel A are a portion of the property located at 275 Forest Ridge Road. The requested authorization is the same type of approval voted in 2001 under Article 42 for the residences at Riverbend and in 2015 under Article 20 for the residences in Phase 1 of Black Birch.*

**REGIONAL HOUSING SERVICES REVOLVING FUND EXPENDITURES**

**ARTICLE 44.** 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, 2018 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 has served as lead community since July 1, 2014.*

**ROAD REPAIR REVOLVING FUND EXPENDITURES**

**ARTICLE 45.** 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 \$120,000, 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 \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in fiscal year 2018 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.***

## **CEMETERY ROADS AND INFRASTRUCTURE IMPROVEMENTS**

**ARTICLE 46.** To determine whether the Town will vote to raise and appropriate, 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, or 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, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, 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. It is anticipated that this funding plan will address the majority of required roadway improvements within the Sleepy Hollow Cemetery; however, future Community Preservation Act and funding requests are anticipated to complete additional construction phases within Sleepy Hollow and other Town-owned cemeteries to address necessary repairs of walls and hardscape areas. The borrowing authorized is part of the Town Manager's five-year capital plan, with the debt service cost to be funded within the levy limit.***

## **2017 ROADS AND PARKING LOTS PROGRAM**

**ARTICLE 47.** To determine whether the Town will vote to raise and appropriate, 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 \$1,415,000, 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, and further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the Massachusetts General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

***This article authorizes the Treasurer to borrow \$1,415,000 for the repair, reconstruction or renovation of Concord's roads and public parking areas. Combined with expected state road aid and \$100,000 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.***

## **SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION**

**ARTICLE 48.** To determine whether the Town Meeting will vote to accept the Special Act passed by the Great and General Court entitled An Act Establishing a Senior Means-Tested Property Tax Exemption in the Town of Concord, Chapter 374 of the Acts of 2016, as shown below, or take any other action relative thereto:

### **Chapter 374 of the Acts of 2016**

#### **An Act Establishing a Senior Means-Tested Property Tax Exemption in the Town of Concord**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. With respect to each qualifying parcel of real property classified as Class 1, 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 state circuit breaker income tax credit; and (ii) the amount of the state circuit breaker credit the applicant was eligible to receive in the year before the application being filed. The percentage of total annual qualifying income may be raised by section 3. Property taxes shall not 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, a "parcel" shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit.

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

- (i) 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;
- (ii) the qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;
- (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) the applicant or not less than 1 of the joint applicants has been domiciled in the town of Concord for not less than 10 consecutive years before filing an application for the exemption;
- (v) the maximum assessed value of the domicile is not more than the town's median single-family residential assessed value of the prior fiscal year; and
- (vi) the board of assessors has approved the application for the exemption.

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 the total exemptions granted pursuant to 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's tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the select board within a range of 0.5 percent to 1.0 per cent of the residential property tax levy for the town. If 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. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to 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 first by vote of approval at an annual town meeting, to be followed 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 of the town to revoke those sections.

SECTION 7. An exemption shall not 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 2016 Town Meeting passed nearly unanimously a warrant article submitted by the Tax Fairness Committee which requested the State Legislature to pass a Special Act allowing Concord to adopt a senior means-tested property tax exemption which is based on a successful program in the Town of Sudbury. A bill with this purpose was passed by the Legislature on December 27, 2016 and was signed by the Governor on January 6, 2017. Warrant article # 48 asks the 2017 Town Meeting to accept this Act.*

*The Exemption would operate as follows. Income limits for the exemption are tied to the requirement of the State Income Tax Circuit Breaker – currently no more than \$56,000 for a single homeowner and \$70,000 for a married couple. The assessed value of the property must be lower than the median value of a Concord single family home. Applicants' property tax cannot be reduced by more 50%. The value of all such exemptions granted cannot exceed more than ½ of 1% of the Town's property tax levy. The exemption is funded by a shift in the residential tax rate and must be reviewed again in 3 years. If approved by this Town Meeting, it must then be approved by a majority of voters at a regular or special town election.*

## **BY PETITION REQUEST FOR HOME RULE LEGISLATION ALLOWING CONCORD TO ADOPT FEES TO FINANCE AFFORDABLE HOUSING**

**ARTICLE 49.** To determine whether the Town will vote to request the Select Board to ask our legislative representatives to file and seek passage of legislation authorizing the Town of Concord to adopt a fee structure substantially in the form shown below, for the purpose of financing a Town fund to support affordable housing.

1. Concord shall initiate a one-time fee to be assessed on certain new and newly expanded single-family houses.
2. The fee shall be assessed on new single-family houses built to exceed 3000 square feet in living area, at a rate of \$35 per square foot of the excess over 3000.
3. The fee shall be assessed on newly expanded single-family houses when the resulting house exceeds 3000 square feet in living area. If the house prior to expansion was below 3000 square feet, the fee will apply in the same manner as in item 2 above. If the house prior to expansion was over 3000 square feet, the fee will be \$35 per square foot applied to the living area after expansion minus the living area before expansion.
4. The living area of a house shall be measured in accordance with the method established by the Assessing Department of the Town of Concord.
5. The construction of single-family houses in Planned Residential Developments (PRDs) for which affordable housing is required will be exempt from this legislation.

6. The fee shall be paid by the owner of the property lot who initiates the plan for a new or expanded house on that lot at the time of issuance of the building permit.
7. The Town fund that results from the fees shall be held by the Town Treasurer in an account to be used at the direction of the Select Board for affordable housing purposes.

or take any other action relative thereto.

***Petitioner's Explanation: Concord needs more affordable housing. A family whose income is at the Boston-area median level can afford to buy a house costing no more than \$311,000, well below all market-priced houses in Concord. This article proposes a fee schedule based on new and newly expanded single-family houses in Concord. The revenues from these fees will enable three to four smaller and lower-priced houses per year to be preserved for affordable housing, as well as investments in other affordable housing developments. Implementation of this plan requires approval from the Massachusetts Legislature, and a subsequent Town Meeting article to approve a specific bylaw.***

**BY PETITION REQUEST TO FUND LIMITED TESTING OF HONEY BEE HIVES FOR NEONICOTINOID LEVELS**

**ARTICLE 50.** To determine whether the Town will vote to appropriate the sum of \$4,000, or any other sum, to be expended by the Select Board's Pollinator Health Advisory Committee under the direction of the Select Board to compare the level of neonicotinoids in ten or fewer honey bee colonies up to five of which have collapsed and five which have survived, or take any other action relative thereto.

***PETITIONER'S EXPLANATION: At last year's town meeting the Select Board committed to setting up a Pollinator Health Advisory Committee. The driving force behind the creation of this committee is the concern of beekeepers and environmentalists about a possible link between neonicotinoids and the loss of honey bee populations as well as the decline in other pollinators.***

***This year beekeepers in Concord and neighboring towns have seen strong hives dying in the fall whereas smaller hives are surviving. The problem is being blamed on Varroa mites, however, there is also a possible connection between the mites and pesticide levels. Testing for neonics is expensive. Testing requires a mass spectrometer and costs typically \$400 per test. The purpose of this funding is to enable the committee to conduct a limited number of these tests.***

***To qualify to participate in this study, beekeepers will report to the Pollinator Health Advisory Committee findings of their mite monitoring and results of their mite control actions for each of their colonies as they are accomplished during the summer of 2017. The tests will be made on selected failed hives next fall/winter/spring and healthy over-wintered hives in the spring of 2018. Test results will be published.***

**CONCORD'S ENERGY GOALS**

**ARTICLE 51.** To determine whether the Town, informed by the Paris Climate Agreement of 2015, will vote to align the energy goals of the Town of Concord with:

(a) the Massachusetts Global Warming Solutions Act of 2008 to achieve a minimum 25% town-wide reduction in Green House Gas (GHG) emissions by 2020 and an 80% reduction by 2050 from the baseline established in 2008; and

(b) by 2030, as an intermediate goal, direct CMLP to reduce the GHG emissions of its power supply portfolio and to offset any residual GHG emissions of its electricity supply through the purchase of RECs or other offsets;

and further,

to determine whether the Town will vote to raise and appropriate or transfer from funds available in the Treasury, the sum of \$100,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of engaging one or more consultants for the purpose of developing and making publicly available an operational plan to achieve said goals; and further, to see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury, the sum of \$100,000, or any other sum, to be expended under the direction of the Town Manager for the purpose of hiring a Director of Energy, on an on-going basis, to be accountable to the Town Manager for recommending policy and measuring progress toward meeting these goals and implementing the operational plan, as well as tracking and assessing new energy technologies and funding opportunities, or take any other action relative thereto.

***The Energy Future Task Force, charged by the Select Board in February 2016 to create a framework for an energy and sustainability plan for a low-carbon future in Concord, has recommended the following actions in this warrant article: to set a bold goal to reduce town-wide greenhouse gas (GHG) emissions to align with the Massachusetts 2008 Global Warming Solutions Act; to reduce GHG emissions of CMLP's electricity supply; to allocate funds to be expended under the direction of the Town Manager for the purpose of engaging a Director of Energy on an on-going basis to recommend policy and measure progress toward meeting these goals; and to allocate funds to be expended under the direction of the Town Manager for the purpose of engaging one or more consultants to advise the Town Manager and Director of Energy on the development of an implementation plan to achieve these goals.***

### **UNPAID BILLS**

**ARTICLE 52.** 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.***

### **LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES**

**ARTICLE 53.** 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 \$474,000, 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, 2018; 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 \$474,000 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 54.** 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 2018 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 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 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 2018 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 a routine annual action.***

### **SEWER IMPROVEMENT FUND EXPENDITURES**

**ARTICLE 56.** 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 2018 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 57.** 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 2018 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 58.** 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, 2017 (FY2018) 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.

***In April 2016, Town Meeting appropriated an FY17 operating budget of \$2,687,600 (\$2,392,542 from estimated revenues, \$295,058 from the undesignated Fund Balance) and a capital budget of \$345,000 (funded from the undesignated fund balance). The FY18 budget will be submitted by the Town Manager and reviewed at a public hearing on March 20, 2017.***

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 12<sup>th</sup> day of January in the year two thousand-seventeen.

\_\_\_\_\_  
Michael Lawson, Chair

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

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

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

\_\_\_\_\_  
Steven Ng

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



# **TOWN ELECTION**

## **Tuesday, March 28, 2017**

### **POLLS OPEN 7AM TO 8PM**

**The deadline for unregistered residents to register to vote at the Annual Town Election, and to register to vote and participate in the Annual Town Meeting is March 8, 2017.**

In addition to regular office hours (Mondays-Fridays, 8:30 am to 4:30 pm), the Town Clerk's Office will hold a special evening voter registration session on Wednesday, March 8<sup>th</sup> from 4:30 to 8:00 pm at the Town Clerk's Office, 22 Monument Square.

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

For online registration or to download a mail-in registration form, visit [www.RegisterToVoteMA.com](http://www.RegisterToVoteMA.com) or call the Town Clerk's office and ask that a form be mailed.

For in-person registration, visit the Town Clerk's office at the Town House  
22 Monument Square – 978-318-3080.

## **TOWN MEETING**

**BEGINS MONDAY, April 24, 2017**

**7:00 PM**

**Concord-Carlisle Regional High School**  
**500 Walden Street**

**Adjourned sessions start at 7:00 PM - if necessary**

Tuesday	April 25, 2017
Wednesday	April 26, 2017
Thursday	April 27, 2017