



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

ANNUAL TOWN MEETING
APRIL 24, 25, 26, and 27, 2017

The Annual Town Meeting of 2017 was held in the Concord Carlisle High School gymnasium from April 24-27, 2017 pursuant to a Warrant signed by the Select Board on March 14, 2017 with the signed return of service on March 16, 2017 as inspected by the Town Moderator.

There were approximately 423 voters in attendance at the first session on Monday, April 24th; 921 at the second session on Tuesday, April 25th; 374 at the third session on Wednesday, April 26th; and 241 at the fourth session on Thursday, April 27th. The Town Meeting warrant was posted at the required locations at least seven days before the meeting and each session began not earlier than 7:00pm as required by Town bylaws.

Town Moderator Carmin Reiss called the meeting to order at 7:00 pm, having determined that a sufficient number of voters were present.

Ms. Reiss thanked Principal Mastrullo, school committees, faculty, staff and students of the CCHS for accommodating the meeting. She also thanked Town staff from the Public Works Department, the Police Department, Finance Department, Town Clerk's Office, and Town Manager's Office for their varied roles in the successful administration of Town Meeting. Ms. Laurel Landry in the Town Manager's Office was especially thanked for her role as Town Meeting Coordinator for more than 20 years. All sessions were held in the gymnasium.

Upon a motion made by Mr. Lawson and duly seconded, Ms. Briggs was elected as Deputy Moderator who will carry out the duties of the Moderator if she is unable to serve.

Ms. Glazer was thanked for being the Town Meeting procedure resource person, available to assist any voter with process questions for the meeting, including drafting and presenting motions and amendments.

Ms. Reiss appointed Mr. Fisher as Head Teller who indicated that the Tellers were prepared. Mr. Carr was appointed as Head Ballot Supervisor, and Mr. Horwitz was appointed as Assistant Ballot Supervisor. Tellers and Ballot Counters were sworn in by the Moderator.

The flags of the United States and the Commonwealth of Massachusetts were brought forward by members of the Girl Scouts and Boy Scouts and were placed on the stages. All present were invited to stand and observe a moment of silence in preparation of the meeting.

On a motion made by Mr. Lawson and duly seconded, it was voted to omit the reading of the Warrant and return of service.

On a motion made by Mr. Lawson and duly seconded, it was voted unanimously to take up no new business after 10:00pm and to reconvene at 7:00pm on April 25 in the same location.

The minutes below document the warrant language and the votes (in separate boxes) that were passed by Town Meeting.

APRIL 24, 2017

WARRANT ARTICLE 1. CHOOSE TOWN OFFICERS

To choose all necessary Town Officers and Committees.

Article 1 VOTE

Upon a MOTION made by Mr. Lawson and duly seconded, it was VOTED unanimously that Article 1 remain open for such action thereunder as may be necessary and that the meeting take up Article 2.

WARRANT ARTICLE 2. HEAR REPORTS & CONSENT CALENDAR

CONSENT CALENDAR

Article 2 VOTE

Upon a motion made by Mr. Lawson and duly seconded, it was voted unanimously that the 2017 Annual Town Meeting advance for consideration Articles 3, 4, 5, 6, 8, 9, 10, 11, 22, 27, 31, 32, 33, 35, 37, 38, 44, 45, 53, 54, 55, and 56 and take action on such articles without debate on any of such Articles, provided, that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

WARRANT ARTICLE 3. MEETING PROCEDURE

Article 3 VOTE

It was voted unanimously under the Consent Calendar that 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.

WARRANT ARTICLE 4. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

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.

Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 3, 2017 and April 24, 2017.

Article 4 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 4 as printed in the Warrant, including under clause 7, the change to the Classification and Compensation Plan voted by the Personnel Board and effective on February 22, 2017 to add the title "Facilities Maintainer" to Grade TCL-3.

WARRANT ARTICLE 5. CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-1	Hourly	16.55	19.90	23.25
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	18.48	22.22	25.96
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	20.96	25.20	29.44
Customer Services Representative Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	22.64	27.22	31.80
Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	24.20	29.09	33.98
Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant				

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-6	Hourly	25.03	30.10	35.17
Finance Assistant				
AC-7	Hourly	27.66	33.26	38.86
Executive Assistant to the Town Manager				

TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TCL-1	Hourly	16.33	19.74	23.15
Building Custodian				
TCL-2	Hourly	18.45	22.30	26.15
Building Maintenance Custodian				
TCL-3	Hourly	20.30	24.54	28.78
Facilities Maintainer Water/Sewer System Maintainer				
TCL-4	Hourly	22.71	27.48	32.24
Equipment/Line Operator				
TCL-5	Hourly	25.15	30.41	35.67
Assistant Public Works Supervisor Crew Leader Senior Master Mechanic Treatment Systems Operator				
TCL-6	Hourly	28.25	34.17	40.08
Senior Treatment Systems Operator				
TCL-7	Hourly	31.34	37.91	44.47
Public Works Supervisor				

MANAGERIAL-PROFESSIONAL

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-1	Annual	44,962	56,393	67,823

Associate Engineer
 Engineering Technician
 Public Information Officer
 Recreation Supervisor

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-2	Annual	50,740	63,638	76,536
Administrative & Special Projects Coordinator Assistant Local Inspector Assistant Natural Resources Director Budget Analyst Energy Specialist Environmental Health Inspector Environmental & Regulatory Coordinator Field Lister GIS Technician/Analyst Information Systems Technician Office Accountant Public Health Inspector Senior Engineering Technician Senior Services Programs Supervisor Telecommunications Network Technician Utility Software Coordinator Water Conservation Coordinator				

MP-3	Annual	59,870	75,092	90,313
Assistant Assessor Assistant Human Resources Director Assistant Public Health Director Assistant Public Works Engineer Assistant to the Water/Sewer Superintendent Assistant Town Accountant Assistant Treasurer Childcare Services Manager Civil Engineer Customer Service Administrator Energy Conservation Coordinator Facilities Maintenance Supervisor Local Inspector Management Analyst Recreation Programs & Events Manager Retirement System Administrator				

Senior Budget & Operations Analyst
 Senior Environmental & Regulatory
 Coordinator
 Senior Information Systems Technician
 Senior Planner

MP-4	Annual I	64,007	80,280	96,552
Assistant Highway & Ground Superintendent				
Assistant Recreation Director				
Environmental Services Program Administrator				
Financial Administrator				
GIS & Application Integration Program Manager				
Operations Engineer				
Public Works Engineer				
Senior Services Director				
Telecommunications Coordinator				

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-5	Annual I	68,849	86,351	103,853
Assistant Library Director				
Assistant Town Engineer				
Budget & Purchasing Director				
Deputy Treasurer/Collector				
Facilities Manager				
Highway & Grounds Superintendent				
Natural Resources Director				
Police Lieutenant				
Public Health Director				
Town Clerk				
Town Planner				

MP-6	Annual I	75,873	95,161	114,448
Assistant Fire Chief				
Building Commissioner				
Police Captain				
Recreation Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				

MP-7	Annual I	86,879	108,965	131,051
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Assistant Town Manager
 Director of Planning & Land Management
 Human Resources Director
 Library Director

MP-8	Annual	96,792	121,399	146,005
Chief Information Officer Fire Chief Police Chief Public Works Director				

MP-9	Annual	106,079	133,049	160,018
Finance Director				

ELECTRICAL LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EL-1	Hourly	18.00	21.77	25.54
EL-2	Hourly	22.85	27.63	32.41
Lineworker, Grade 3 Meter Technician				
EL-3	Hourly	28.99	32.77	36.55
Lineworker, Grade 2 Utility Electrician				
EL-4	Hourly	35.99	40.70	45.40
Lineworker, Grade 1				
EL-5	Hourly	37.69	42.61	47.53
Lead Lineworker				
EL-6	Hourly	40.59	45.89	51.19
Line Supervisor				

ELECTRICAL MANAGEMENT

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

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
EM-1 Meter Supervisor	Annual	61,287	73,681	86,074
EM-2 Electrical Engineer	Annual	77,728	93,444	109,160
EM-3 Assistant CMLP Director Power Supply & Rates Administrator	Annual	92,458	111,153	129,847
EM-4 CMLP Director	Annual	113,103	135,971	158,839

SWIM & FITNESS

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
SF-1 Swim/Fitness Specialist	Hourly	11.00	35.50	60.00

HUMAN SERVICES

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
HS-A Human Services Assistant	Hourly	11.00	18.00	25.00
HS-1 Human Services Specialist	Hourly	15.25	25.13	35.00

HS-2	Hourly	15.25	28.63	42.00
Child Care/Education Specialist				

Article 5 VOTE

It was voted unanimously under the consent calendar that the Town take affirmative action on Article 5 as printed in the Warrant.

WARRANT ARTICLE 6. PERSONNEL BYLAW AMENDMENT

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.

Article 6 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 6 as printed in the Warrant.

WARRANT ARTICLE 8. MUNICIPAL BUILDING RENOVATIONS

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.

Article 8 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 8 as printed in the Warrant, in the amount of \$350,000 from borrowing under the provisions of Chapter 44, §7(1) of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 9. PUBLIC SAFETY COMMUNICATIONS EQUIPMENT

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.

Article 9 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 9 as printed in the Warrant, in the amount of \$225,000 from borrowing under the provisions of Chapter 44, §7(1) of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 10. FIRE ENGINE #8 REPLACEMENT

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.

Article 10 VOTE

It was voted unanimously under the consent calendar that the Town take affirmative action on Article 10 as printed in the Warrant in the sum of \$575,000 from borrowing, under the provisions of Chapter 44 §7(1) of the Massachusetts General Laws.

WARRANT ARTICLE 11. AMBULANCE #1 REPLACEMENT

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.

Article 11 VOTE

It was voted unanimously that the Town take affirmative action on Article 11 as printed in the Warrant in the sum of \$260,000 from borrowing, under the provisions of Chapter 44 §7(1) of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 22 . PEG ACCESS AND CABLE-RELATED FUND

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.

Article 22 VOTE

It was voted unanimously under the consent calendar that That the Town take affirmative action on Article 22 as printed in the Warrant, in the amount of \$560,000.

WARRANT ARTICLE 27 . COMPREHENSIVE MUNICIPAL FACILITY NEEDS STUDY

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.

Article 27 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 27 as printed in the Warrant, in the amount of \$250,000, from borrowing under the provisions of Chapter 44, §7(7) of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 31 . BRUCE FREEMAN RAIL TRAIL - GRANT OF EASEMENT TO MBTA (cc)

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.

Article 31 VOTE

It was voted unanimously under the consent calendar that the Town take affirmative action on Article 31 as printed in the Warrant.

WARRANT ARTICLE 32 . ACCEPT EASEMENTS - BROOKSIDE SQUARE DEVELOPMENT

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.

Article 32 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 32 as printed in the Warrant.

WARRANT ARTICLE 33 . GRANT OF EASEMENT TO W.R. GRACE

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.

Article 33 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 33 as printed in the Warrant.

WARRANT ARTICLE 35 . ZONING BYLAW AMENDMENT - SITE PLAN REVIEW FOR RELIGIOUS US ES, EDUCATIONAL US ES AND CHILD CARE FACILITIES

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.

Article 35 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 35 as printed in the Warrant.

WARRANT ARTICLE 37 . ZONING BYLAW AMENDMENT NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES

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.

Article 37 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 37 as printed in the Warrant.

WARRANT ARTICLE 38 . ZONING BYLAW AMENDMENT - RESIDENTIAL USES

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.

Article 38 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 38 as printed in the Warrant.

WARRANT ARTICLE 44 . REGIONAL HOUSING SERVICES REVOLVING FUND EXPENDITURES

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.

Article 44 VOTE

It was voted unanimously under the Consent Calendar that fees paid by member towns into the Regional Housing Services Revolving Fund in an amount not to exceed \$235,000 be expended without further appropriation for the fiscal year ending June 30, 2018 under the direction of the Town Manager, for the purpose of continuing the operation of a multi-town consortium **managing affordable housing resources, in accordance with Chapter 44, Section 53E ½ of the Massachusetts General Laws.**

WARRANT ARTICLE 45 . ROAD REPAIR REVOLVING FUND EXPENDITURES

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.**

Article 45 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 45 as printed in the Warrant, in an amount not to exceed \$120,000.

WARRANT ARTICLE 53 . LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES (cc)

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.

Article 53 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 53 as printed in the Warrant, with authorization of a transfer in the sum of \$474,000 to reduce the tax levy.

WARRANT ARTICLE 54 . SOLID WASTE DISPOSAL FUND EXPENDITURES

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.

Article 54 VOTE

It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 54 as printed in the warrant.

WARRANT ARTICLE 55 . SEWER SYSTEM EXPENDITURES

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.

Article 55 VOTE

It was voted unanimously under the Consent Calendar that the Town Take Affirmative Action on Article 55 as printed in the Warrant.

WARRANT ARTICLE 56 . SEWER IMPROVEMENT FUND EXPENDITURES

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.

Article 56 VOTE
 It was voted unanimously under the Consent Calendar that the Town take affirmative action on Article 56 as printed in the Warrant.

WARRANT ARTICLE 7. TOWN BUDGET

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:

General Fund Operating Budget				
Item No.	Department	Fiscal 2016 Expenses	Fiscal 2017 Appropriation	Fiscal 2018 Proposal
General Government: \$2,885,019 is 7.0% of Total				
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
	Subtotal	929,507	1,019,204	1,112,717
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
	Subtotal	60,267	42,782	22,103
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
	Subtotal	1,414,003	1,493,154	1,409,272
6	141 Keyes Road	70,470	70,654	71,027
	Total General Government	\$ 2,716,664	\$ 2,895,694	\$ 2,885,019

Finance and Administration				
\$2,453,175 is 6.0% of Total				
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
	Subtotal	1,377,449	1,431,059	1,418,801
9	Information Systems	681,610	790,818	921,919
10	Town House	104,232	108,512	109,045
	Total Finance and Administration	\$ 2,165,441	\$ 2,333,799	\$ 2,453,175

Item No.	Department	Fiscal 2016 Expenses	Fiscal 2017 Appropriation	Fiscal 2018 Proposal
Public Safety				
\$9,307,692 is 22.7% of Total				
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
	Total Public Safety	\$ 8,932,846	\$ 9,253,145	\$ 9,307,692
Public Works and Facilities				
\$4,265,349 is 10.4% of Total				
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
	Subtotal	2,545,165	2,735,125	2,758,011
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
	Total Public Works and Facilities	\$ 3,830,152	\$ 4,203,351	\$ 4,265,349

Human Services \$3,018,855 is 7.4% of Total				
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
Item No.	Department	Fiscal 2016 Expenses	Fiscal 2017 Appropriation	Fiscal 2018 Proposal
	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
	Total Human Services	\$ 2,663,415	\$ 2,909,960	\$ 3,018,855

Unclassified \$1,133,923 is 2.8% of Total				
31	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	157	2,500	2,500
	C. Employee Assistance Program	7,177	7,500	7,500
	Subtotal	97,334	100,000	100,000
32	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$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
	Total Unclassified	\$ 107,334	\$ 368,065	\$ 1,133,923
TOWN GOVERNMENT SUBTOTAL (1 – 34)		\$ 20,415,852	\$ 21,964,013	\$ 23,064,013

Joint (Town - CPS) \$17,879,507 is 43.7% of Total				
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
	Subtotal	6,025,000	6,300,000	6,520,000
36	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	131,536	100,000	100,000
	B. Workers' Comp.	53,495	100,000	100,000
	Subtotal	185,031	200,000	200,000
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

	Subtotal	3,492,100	3,635,100	3,716,150
	Interest on Notes	-	54,900	135,000
	Other Debt Expense	2,917	40,000	8,850
	Subtotal Within Levy Limit	3,495,017	3,730,000	3,860,000
	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)
	Subtotal Excluded Debt	1,204,865	3,007,828	2,822,507
	Total Debt Service	4,699,882	6,737,828	6,682,507
	Total Joint (Town - CPS)	\$ 14,838,465	\$ 17,319,828	\$ 17,879,507
TOTAL APPROPRIATION (1 – 39)		\$ 35,254,317	\$ 39,283,841	\$ 40,943,520

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:

Amount	Loan Number	Original Loan	Date of Issue	Final Maturity	Town Authorization
\$ 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.

Article 7 VOTE

Upon a motion made by Mr. Whelan and seconded, it was voted that the Town raise and appropriate amounts of money for each item number as shown in the column headed “Fiscal 2018 Proposal”, totaling \$40,943,520, and authorize the actions in the text following Item No. 39, as shown in Article 7 as printed in the Warrant, for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2018, and that the same be expended only for such purposes under the direction of the Town Manager.

WARRANT ARTICLE 12. BYLAW REGARDING LEASING OF TOWN LAND BY SELECT BOARD AND TOWN MANAGER

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.

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.

Article 12 VOTE

Upon a motion made by Mr. Lawson and duly seconded, it was voted by a declared overwhelming majority that the Town take affirmative action on Article 12 as printed in the Warrant, except to strike the word “authority” from Subsection (B)(1).

WARRANT ARTICLE 13. CONCORD PUBLIC SCHOOLS BUDGET

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:

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

Article 13 VOTE

Upon a motion made by Ms. Bout and duly seconded, it was voted by a declared near unanimous vote that the Town raise and appropriate \$36,810,111 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2018, and that the same be expended only for such purposes and under the direction of the Concord School Committee.

WARRANT ARTICLE 14. FY2017 CONCORD PUBLIC SCHOOLS SUPPLEMENTAL APPROPRIATION

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.

There was no Motion for this Article 14.

WARRANT ARTICLE 15. CONCORD PUBLIC SCHOOLS RENOVATIONS

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.

Article 15 VOTE

Upon a motion made by Mr. Grom and duly seconded, the following was voted by a declared two-thirds majority that the Town appropriate the sum of \$850,000 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 to meet this appropriation the Town Treasurer with the approval of the Select Board be authorized to borrow \$850,000 under the provisions of Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority; 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

WARRANT ARTICLE 16. CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

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.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET				
	Department/Description	Fiscal 2016 Adopted	Fiscal 2017 Adopted	Fiscal 2018 School Committee Vote of Dec. 21, 2016
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)				

Article 16 VOTE

Upon a motion made by Mr. Conti and duly seconded, it was voted by a declared near unanimous vote that the Town raise and appropriate the sum of \$21,599,072 as the Town’s apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2018, and that the same be expended only for such purposes and under the direction of the Concord- Carlisle Regional School Committee.

WARRANT ARTICLE 17. CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT - LANDFILL FLEXIBLE CAP REMEDIATION

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

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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.

Article 17 VOTE

Upon a motion made by Ms. Boynton and duly seconded, it was voted by a declared majority that the Town approve \$1,200,000 of debt authorized by the Concord-Carlisle Regional School Committee for landfill remediation; provided, however, that this approval shall be contingent upon passage of a **Proposition 2 ½, debt exclusion referendum under General Laws Chapter 59, §21 (C) k** to exempt the Town’s allocable share of the amounts required for the payment of interest and principal on said borrowing.

The following motion was made and seconded but failed for lack of majority:

Mr. Rarich moved to amend the motion under Article 17 to add the words “to provide parking of the buses and cars.” following “landfill remediation”. The motion failed for lack of majority.

WARRANT ARTICLE 18. MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET

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.

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

Article 18 VOTE

Upon a motion made by Ms. Flood and duly seconded, it was voted by a declared near unanimous vote that the Town raise and appropriate Concord’s apportioned share of \$599,179 for the Minuteman Career and Technical School District assessment for the fiscal year ending June 30, 2018.

APRIL 25, 2017

Ms. Revely and Ms. Ackerman were thanked for their service on the Finance Committee and the energy, commitment and good sense they provided in understanding the financial issues facing the Town.

Tellers and Ballot Counters were sworn in.

Upon a motion made by Mr. Lawson and seconded it was voted that the meeting adjourn at 7:30 to take up Special Town Meeting and for the meeting to resume when Special Town Meeting is adjourned. And further to take up no new business after 10:00pm and to adjourn to 7:00pm on April 26th in the same location.

School Committee member Ms. Boynton read a long list of accomplishments as she thanked School Superintendent Diana Rigby for her nine years of dedicated service.

Town Manager Chris Whelan thanked Anita Tekle for her 28 years of exceptional service to the Town and 42 years of public service. Mr. Whelan’s tribute included her educational background and many accomplishments as Assistant Town Manager and Town Clerk.

Town Meeting then adjourned to take up the business of the Special Town Meeting.

Special Town Meeting was then adjourned and the Annual Town Meeting continued.

WARRANT ARTICLE 51. CONCORD’S ENERGY GOALS

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.

Article 51 VOTE

Upon a motion made by Mr. Lawson and duly seconded, the Town, informed by the Paris Climate Agreement of 2015 voted by a declared near unanimous vote:

- (a) To align the energy goals of the Town of Concord with 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, to urge CMLP to reduce 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, with the understanding that this may increase the cost of energy purchased by CMLP and may require increases in electric rates;

And further, 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 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 (or other title), 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.

WARRANT ARTICLE 19. FREE CASH USE

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.

Article 19 VOTE

Upon a **MOTION** made by Ms. Miller and duly seconded, it was voted by a declared near unanimous vote that the Town transfer from Free Cash, the sum of \$1,000,000, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2018.

WARRANT ARTICLE 20. RESOLUTION - REDUCING THE INFLUENCE OF MONEY IN POLITICS (by petition)

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.

Article 20 VOTE

Upon a motion made by Ray Andrews and duly seconded, it was voted unanimously that the Town take affirmative action on Article 20 as printed in the Warrant.

APRIL 26, 2017

WARRANT ARTICLE 21. ESTABLISH REVOLVING FUND - RENTAL INCOME FROM MARSHALL & BARRETT 'S MILL FARMS

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.

Article 21 VOTE

Upon a motion made by Mr. Whelan and duly seconded, it was voted unanimously that the Town take affirmative action on Article 21 as printed in the Warrant.

WARRANT ARTICLE 23. AUTHORIZE ACQUISITION OF 55 CHURCH STREET PROPERTY

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.

Article 23 VOTE

Upon a motion made by Mr. Whelan and duly seconded, it was voted by a declared two-thirds majority that the Town 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, shown on the assessors maps as parcel #2411-1, containing 0.41 acres more or less, including the buildings and appurtenances thereon, for municipal purposes, under such terms and conditions as the Select Board may determine, and further, that to meet such appropriation, the Town will transfer from Free Cash, the sum of \$1,200,000, for the purpose of acquiring said property, including any necessary improvements and incidental related expenses.

WARRANT ARTICLE 24. FUNDING FOR TELECOMMUNICATIONS SERVICE

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.

Article 24 VOTE

Upon a motion made by Mr. Whelan and duly seconded, it was voted unanimously that the Town take affirmative action on Article 24 as printed in the Warrant in the sum of \$1,000,000 **from borrowing under the provisions of Chapter 44, §8(8) and/or §8(8a) of the Massachusetts General Laws or any other enabling authority.**

WARRANT ARTICLE 25. FUNDING FOR TECHNOLOGY IMPROVEMENTS

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.

There was no motion under Article 25.

WARRANT ARTICLE 26. SMART-GRID IMPROVEMENTS.

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.

Article 26 VOTE
Upon a motion made by Mr. Whelan and duly seconded, it was voted by a declared two-thirds majority that the Town take affirmative action on Article 26 as printed in the Warrant in the sum of \$3,000,000 from borrowing under the provisions of Chapter 44, Section 20 of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 28. GUIDELINE FOR PRESERVATION OF PUBLIC ACCESS TO OPEN SPACE (by petition)

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.

There was no Motion under Article 28.

WARRANT ARTICLE 29. COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

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
			143,071	1,183,269	\$1,326,340

or take any other action relative thereto.

Article 29 VOTE

Upon a motion made by Ms. Ortner and duly seconded, it was voted unanimously that the Town appropriate the sum of \$1,326,340 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 shown on pages 24 and 25 of the Warrant for Town Meeting.

WARRANT ARTICLE 30. APPROPRIATION RECOMMENDATION FOR JUNCTION VILLAGE AFFORDABLE ASSISTED LIVING DEVELOPMENT

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.

Article 30 VOTE

Upon a motion made by Mr. Lawson and duly seconded, it was voted by a counted majority (175 in favor / 127 opposed) that the Town appropriate the sum of \$350,000 from the Concord Community Preservation Fund and 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; providing that 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 an affordable housing restriction or restrictions in accordance with Chapter 184 of the Massachusetts General Laws.

APRIL 27, 2017

WARRANT ARTICLE 34. GRANT OF EASEMENT OVER 26A BALLS HILL ROAD

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.

There was no motion under Article 34.

WARRANT ARTICLE 36. ZONING BYLAW AMENDMENT - PROFESSIONAL OFFICE

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.

Article 36 VOTE

Upon a motion made by Mr. Kleiman and duly seconded, it was voted by a two-thirds declared majority that the Town take affirmative action on Article 36 as printed in the Warrant.

WARRANT ARTICLE 39. ZONING BYLAW AMENDMENT - MARIJUANA ESTABLISHMENT TEMPORARY MORATORIUM

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 July1, 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.

Article 39 VOTE

Upon a motion made by Mr. Easton and duly seconded, it was voted by a two-thirds declared majority that the Town take affirmative action on Article 39 as printed in the Warrant.

WARRANT ARTICLE 40. GENERAL BYLAW - TREE PRESERVATION BYLAW

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 st offense 2 nd offense 3 rd & each subsequent offense	\$100 \$200 \$300	Building Commissioner

or take any other action relative thereto.

Article 40 VOTE

Upon a motion made by Ms. Whiting-Cash and duly seconded, it was voted that the Town take affirmative action on Article #40 as printed in the Warrant, except to strike the phrase in Section 4.1(c) “as defined by the Town of Concord Zoning Bylaw Section 7.1.5” and insert the phrase “excluding basements, open or screened porches and decks.”

WARRANT ARTICLE 41. TREE PRESERVATION REVOLVING FUND

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.

Article 41 VOTE

Upon a motion made by Ms. Whiting-Cash and duly seconded, it was voted by a declared large majority that the Town take affirmative action on Article 41 as printed in the Warrant.

WARRANT ARTICLE 42. ALTERNATIVE PRD PRELIMINARY SITE DEVELOPMENT AND USE PROPOSAL FOR LOT 4A AND PARCEL A FOREST RIDGE ROAD (by petition)

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.

Article 42 VOTE

Upon a motion made by Mr. McBride and duly seconded, the following was voted by two-thirds declared majority: 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 and as amended as set forth in an amendment dated March 14, 2017 and entitled "Provision of Additional Common Open Space and Amendment of Related Provisions" which amendment was approved by the Planning Board on April 11, 2017 and subsequently filed with the Town Clerk and Planning Board on April 21, 2017.

WARRANT ARTICLE 43. RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 4A AND PARCEL A FOREST RIDGE ROAD (by petition)

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.

Article 43 VOTE

Upon a motion made by Mr. McBride and duly seconded, it was voted by a two-thirds declared majority that the Town authorize the Select Board to enter into an agreement to release Lot 4A Forest Ridge Road containing 5.79± acres as shown on a plan entitled "Plan of Land in Concord, Massachusetts, owned by: Todd A. Pulis, Trustee of Thoreau Realty Trust" dated March 8, 2017 to be recorded with the Middlesex South District 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 may be used for residential purposes as a primary use.

WARRANT ARTICLE 46. CEMETERY ROADS AND INFRASTRUCTURE IMPROVEMENTS

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.

Article 46 VOTE

Upon a motion made by Mr. Cooke and duly seconded, it was voted by a two-thirds declared majority that the Town appropriate the sum of \$150,000 for the repair, reconstruction, and 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, to meet this appropriation that the Town Treasurer be authorized, with the approval of the Select Board, to borrow the sum of \$150,000 by the **issuance of bonds or notes under the provisions of Chapter 44, § 7(1) of the Massachusetts General Laws** or any other enabling authority, 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 that the Select Board and Town Manager are authorized to take any actions necessary or convenient to carry out this vote.

WARRANT ARTICLE 47. 2017 ROADS AND PARKING LOTS PROGRAM

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.

Article 47 VOTE

Upon a motion made by Mr. Wallis and duly seconded, the following was voted unanimously that the Town take affirmative action on Article 47 as printed in the Warrant, in the amount of \$1,415,000 from borrowing under the provisions of Chapter 44, §7(1) of the Massachusetts General Laws or any other enabling authority.

WARRANT ARTICLE 48. SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION

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.

Article 48 VOTE

Upon a motion made by Mr. Beeuwkes and duly seconded, it was voted by a wide majority that the Town Meeting 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 printed in the warrant.

WARRANT ARTICLE 49. REQUEST FOR HOME RULE LEGISLATION ALLOWING CONCORD TO ADOPT FEES TO FINANCE AFFORDABLE HOUSING (by petition)

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.

Article 49 VOTE

Upon a motion duly made by Mr. Phillips, seconded, and amended, the following was voted:

That the Select Board shall appoint a committee to study the affordable housing goals of the Town and recommend appropriate measures to fund those goals. The committee shall, generally, be charged with the responsibility of studying and determining cost-effective means by which the Town may fund the continuing expansion of its inventory of affordable housing. The Select Board shall determine the number and qualifications of the study committee, its precise charge, and specify a date on which it shall render a report of its findings.

WARRANT ARTICLE 50. REQUEST TO FUND LIMITED TESTING OF HONEY BEE HIVES FOR NEONICOTINOID LEVELS (By Petition)

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.

There was no motion under Article 50

WARRANT ARTICLE 52. UNPAID BILLS

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.

There was no motion under Article 52.

WARRANT ARTICLE 57. WATER SYSTEM EXPENDITURES

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.

Article 57 VOTE

Upon a motion made by Ms. Kramer and duly seconded, it was voted unanimously that the Town take Affirmative Action on Article 57 as Printed in the Warrant.

WARRANT ARTICLE 58. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES

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.

Article 58 VOTE

Upon a motion made by Mr. Whelan and duly seconded, it was voted unanimously that the Town appropriate from the Community Pool Enterprise Revenues, the sum of \$2,392,542 and appropriate from the Undesignated Fund balance the sum of \$640,058, for a total appropriation of \$3,032,600, the amount required for the total operating and capital expenses of the Community Pool Enterprise Fund for the fiscal year ending June 30, 2018, in accordance with Chapter 44, section 53 F 1/2 of the Massachusetts General Laws, said fund to be expended under the direction of the Town Manager.

Having no further business to conduct the Annual Town Meeting of 2018 concluded at 11:04 pm.