

**WARRANT FOR TOWN MEETING
MONDAY, APRIL 22, 2013
7:00 PM
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET**

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

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

**RESIDENTIAL CUSTOMER
LOCAL 01742**

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

PLEASE NOTE START TIME OF THE HEARINGS

FINANCE COMMITTEE Town Budget & Articles including Capital	Town House Hearing Room	* Monday, February 25
FINANCE COMMITTEE School Budgets & Articles Community Preservation Committee Articles	Town House Hearing Room	** Wednesday, February 27
BOARD OF SELECTMEN	Town House Hearing Room	*** Monday, March 4
PLANNING BOARD	Town House Hearing Room	**** Wednesday, March 6
FINANCE COMMITTEE Enterprise Fund Budgets & Articles	Town House Hearing Room	***** Monday, March 18

PUBLIC HEARING – SNOW DATES

* Snow date for this day will be Tuesday, February 26, 2013
** Snow date for this day will be Thursday, February 28, 2013
*** Snow date for this day will be Tuesday, March 5, 2013
**** Snow date for this day will be Thursday, March 7, 2013
***** Snow date for this day will be Tuesday, March 19, 2013

In case of snow call 978-318-3006 for cancellation information & website notices available at www.concordma.gov

TABLE OF CONTENTS

Article #	Article Name	Sponsor	Public* Hearing	Page #
1	Choose Town Officers	Board of Selectmen	BOS	4
2	Hear Reports	Board of Selectmen	BOS	4
3	Meeting Procedure	Finance Committee	FC	4
4	Ratify Personnel Board Classification Actions	Personnel Board	FC	4
5	Classification & Compensation Plan for Regular-Status Positions	Personnel Board	FC	5
6	Town Budget	Town Manager	FC	11
7	Public School Budget	School Committee	FC/SC	14
8	Concord Public Schools Renovations	School Committee	FC/SC	15
9	Concord Public Schools - Supplemental Appropriation for Current Year	School Committee	FC/SC	15
10	Concord-Carlisle Regional High School Budget	School Committee	FC/SC	15
11	CCRSB Supplemental Assessment for Current Year	School Committee	FC/SC	16
12	Sale of Conservation Restriction – Former Landfill Site	Board of Selectmen	FC & BOS	16
13	Concord Public Schools – Use of Capital Needs Stabilization Fund for Transportation Infrastructure	School Committee	FC/SC	16
14	By Petition – To keep the Concord School Bus Transportation Department on the Regional High School Property	Petitioner – Phebe Ham	FC/SC	16
15	By Petition - Educational & Fiscal Concerns in the Concord Public Schools	Petitioner – Valerie Tratnyek	FC/SC	17
16	Minuteman Career and Technical High School Budget	Minuteman School Rep.	FC/SC	17
17	Free Cash Use	Finance Committee	FC	18
18	Elementary School Debt Stabilization Fund Use	Town Manager	FC	18
19	High School Debt Stabilization Fund – Addition and Use	Town Manager	FC	18
20	Unpaid Bills	Town Manager	FC	18
21	Property Tax Exemptions	Board of Assessors	FC	19
22	Light Plant Payment in Lieu of Taxes	Town Manager	FC/ENT	19
23	Light Plant Expenditures	Town Manager	FC/ENT	19
24	Road Repair Revolving Fund Expenditures	Town Manager	FC	19
25	Solid Waste Disposal Fund Expenditures	Town Manager	FC/ENT	20
26	Sewer System Expenditures	Town Manager	FC/ENT	20
27	Sewer Improvement Fund Expenditures	Town Manager	FC/ENT	20
28	Water System Expenditures	Town Manager	FC/ENT	21
29	Beede Swim & Fitness Center Enterprise Fund; FY 2014 Budget	Town Manager	FC/ENT	21
30	By Petition – Repeal of Drinking Water in Single-Serve PET Bottles Bylaw	Petitioner – Robin Garrison	BOS	21
31	Zoning Bylaw Amendment – Frontage Definition	Planning Board	PB	21
32	Zoning Bylaw Amendment – Table III – Dimensional	Planning Board	PB	22

	Regulations			
33	Zoning Bylaw Amendment – Limited Industrial Park #2	Planning Board	PB	24
34	Zoning Bylaw Amendment – Accessory Use Table	Planning Board	PB	25
35	Zoning Bylaw Amendment – Special Home Occupation	Planning Board	PB	26
36	Zoning Bylaw Amendment – Side Yards in Residence B Zoning District	Planning Board	PB	27

***See page 2 for public hearing dates and times.**

Article #	Article Name	Sponsor	Public* Hearing	Page #
37	Zoning Bylaw Amendment – Definition of Height in Residence B	Planning Board	PB	27
38	Zoning Bylaw Amendment – Government, Utility and other Public Service Corporation Uses	Planning Board	PB	28
39	Zoning Bylaw Amendment – Medical Marijuana Treatment Center	Planning Board	PB	29
40	Zoning Bylaw Amendment – Public Service Corporation Overlay District	Planning Board	PB	30
41	By Petition – Zoning Bylaw Amendment – Parking and Loading Facilities	Petitioner – Elizabeth Akehrst-Moore	PB	32
42	By Petition – Zoning Bylaw Amendment – Combined Business/Residential	Petitioner – Elizabeth Akehrst-Moore	PB	33
43	By Petition – Zoning Bylaw Amendment – Lot	Petitioner – Elizabeth Akehrst-Moore	PB	33
44	By Petition – Authorize the Selectmen to sell convey rights in land on Keyes Road and to accept cash or land rights as compensation therefor	Petitioner – Elizabeth Akehrst-Moore	BOS	34
45	2014 Road Program	Public Works Commission	FC	34
46	Street Acceptance – Finigan Way	Public Works Commission	BOS	34
47	Authorization of 10 Year Term for Actuarial Services Contract	Finance Director	BOS	35
48	Funding for Telecommunications Operation	Town Manager	FC	35
49	Police/Fire Radio System	Town Manager	FC	35
50	51 Laws Brook Road and Rideout Field Site Improvements	Town Manager	FC	36
51	Community Preservation Committee Appropriation Recommendations	Community Preservation Committee	FC/CPC	36
52	Land Acquisition – 449 Barrett's Mill Road – McGrath's Farm	Board of Selectmen	FC /CPC	37
53	Conservation Land Exchange for 449 Barrett's Mill Road – McGrath's Farm	Board of Selectmen	FC/CPC	38
54	Land Acquisition – Stetson/Spinelli, Easements at 121 and 131 Harrington Avenue	Board of Selectmen	FC/CPC	38
55	Town House Exterior Renovations	Town Manager	FC/CPC	39
56	By Petition – Concord Town Charter	Petitioner – James Catterton	BOS	39
57	PILOT Agreement – Solar Project at Landfill Site	Town Manager	FC	39
58	Wetlands Bylaw Amendment	Natural Resources Commission	BOS	40
59	By Petition – Town of Concord Massachusetts Cat Registration Bylaw	Petitioner – Lydia Lodynsky	BOS	48

60	By Petition – Town of Concord Massachusetts Cat Bylaw	Petitioner – Lydia Lodynsky	BOS	49
61	Local Option Local Income Tax – Further Action	Local Option Local Income Tax Committee	BOS	50
62	Home Rule Legislation – For One Additional License for the Retail Sale of All Alcoholic Beverages (Section 15 Off-Premise)	Board of Selectmen	BOS	50
63	Debt Rescission	Town Manager	FC	50
	Attention Citizens & Committee Listing			52
	Green Card			53

***See page 2 for public hearing dates and times.**

February 2013

Dear Concord voter:

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

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

TOWN CAUCUS: Nominations of candidates for election are made at the Town Caucus (which was held on Monday, January 28, 2013, at 7:30 PM at the Town House in the Hearing Room). The Caucus is a non-partisan meeting which is open to all registered voters. It may nominate two candidates for each elective office. Caucus nominees will be on the ballot for the Town Election which will be held on Tuesday, March 19, 2013. The deadline for unregistered residents to register to vote at the Town Election is February 27, 2013.

WARRANT: The publication of the Warrant is the first event leading up to Town Meeting. The Warrant serves as the agenda for the Meeting; it is a combination of proposals by the Town's committees and professional staff, and those brought by petitions signed by at least 10 registered voters. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action. Any motion made under an Article at Town Meeting must fit within the scope of that Article as presented in the Warrant. The motion will often be more specific, however. For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined to make the intended action more workable as a result of discussion during the hearing process.

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

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

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

- to provide information on Warrant Articles sufficient to allow boards and committees charged with making recommendations to Town Meeting to do so;
- to provide information to voters to help enable them to decide how to vote on Warrant Articles;
- to identify any needs for further information on Warrant Articles;
- to provide Warrant Article presenters with constructive feedback to help them improve presentations, respond to likely questions and objections, clarify ambiguities, remedy potential technical problems, and avoid unintended consequences.

After the hearings, the Finance Committee, which consists of fifteen (15) citizens appointed by the Moderator, will prepare its report to the Town. This report summarizes the Town's financial position, reports on various issues, and makes recommendations to Town Meeting on each Article with financial impact. The recommendations of the Selectmen on all Articles are also included in the report.

SCHEDULE OF PUBLIC HEARINGS Held at the Town House in the Hearing Room			
Committee	Articles	Time	Date
Finance Committee: FC Town Budget, related Articles and Town Capital Articles	3-6, 12, 17-21, 24, 45, 48-50, 57, 63	7:00 PM	Monday, February 25
Finance Committee: FC/SC School Budgets & Articles	7-11, 13-16	7:00 PM	Wednesday, February 27
Community Preservation Committee: FC/SC	51-55		
Board of Selectmen: BOS	1, 2, 12, 30, 44, 46, 47, 56, 58-62	7:00 PM	Monday, March 4
Planning Board: PB	31-43	7:00 PM	Wednesday, March 6
Finance Committee: FC/ENT Enterprise Funds Budgets & Articles	22, 23, 25-29	7:00 PM	Monday, March 18

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

TOWN MEETING: Begins on Monday, April 22, 2013 at 7:00 PM. Town Meeting will convene at the Concord-Carlisle Regional High School. All registered voters are eligible to attend and vote.

The deadline for unregistered residents to register to vote at the Town Meeting is Wednesday, February 27, 2013. Attendees must check in with the Town Clerk's staff in the lobby. Check-in is done alphabetically by last name.

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

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

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

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

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

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

If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term assignment, bring yourself to the attention of the appointing authorities by filling out a "Green Card" and submitting it to the Secretary of the Board of Selectmen in the Town House. See page 52 and 53 of this Warrant for further information and a tear-out copy of the "Green Card."

Respectfully,

Carmin Reiss

Stanly E. Black

Steven Ng

Eric E. Van Loon

Jeffrey S. Wieand

Elise F. Woodward

MODERATOR

BOARD OF SELECTMEN

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2013**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the twenty-second day of April 2013, at 7:00 pm in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord, and by mailing a copy thereof to every household seven days, at least, before said twenty-second day of April 2013, then and there to act upon the following Articles:

CHOOSE TOWN OFFICERS

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

HEAR REPORTS

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

MEETING PROCEDURE

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

The motion to be made by the Finance Committee will specify that every motion to appropriate funds will be required to identify the source of funding. This meeting procedure has been adopted by Town Meeting for a number of years.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 4. To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Add the title "Receptionist/Clerk" to Grade AC-1, effective June 4, 2012.
2. Add to the Plan a Classification Group titled "Human Services" consisting of a Grade HS-1 with a salary range of \$15.00 to \$30.00 per hour and a Grade HS-2 with a salary range of \$15.00 to \$40.00 per hour, effective January 1, 2013.
3. Add the title "Human Services Specialist" to Grade HS-1, effective January 1, 2013.
4. Add the title "Child Care/Education Specialist" to Grade HS-2, effective January 1, 2013.
5. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 2, 2013, and April 22, 2013.

Or take any other action relative thereto.

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

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 5. To determine whether the Town will vote to amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2013, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2013**

ADMINISTRATIVE-CLERICAL

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
AC-1	Hourly	15.37	18.48	21.59
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	17.16	20.63	24.10
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	19.46	23.40	27.33
Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	21.02	25.27	29.52
Administrative Assistant Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	22.47	27.01	31.55
Assistant Town Clerk Human Resources Assistant Senior Administrative Assistant				
AC-6	Hourly	23.24	27.95	32.65
Finance Assistant				
AC-7	Hourly	25.68	30.88	36.08
Executive Assistant to the Town Manager				

TRADES-CRAFTS-LABOR

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
TCL-1 Building Custodian	Hourly	15.16	18.33	21.50
TCL-2 Building Maintenance Custodian Laborer/Truck Driver	Hourly	17.13	20.71	24.28
TCL-3 Building Systems Custodian Cemetery Specialist Equipment Operator Park & Tree Specialist Water/Sewer System Maintainer	Hourly	18.84	22.78	26.72
TCL-4 Equipment/Line Operator Master Mechanic Park & Tree Specialist (Aerial) Senior Park & Tree Specialist	Hourly	21.09	25.51	29.92
TCL-5 Cemetery Supervisor Crew Leader Senior Master Mechanic Treatment Systems Operator	Hourly	23.35	28.24	33.12
TCL-6 Fleet Supervisor Senior Treatment Systems Operator	Hourly	26.23	31.72	37.20
TCL-7 Public Works Supervisor	Hourly	29.10	35.20	41.29

MANAGERIAL-PROFESSIONAL

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

Grade Number & Class Title	Minimum	Mid-Point	Maximum	
MP-1	Annual	41,743	52,356	62,968
Aquatics Supervisor				
Associate Engineer				
Engineering Technician				
Recreation Supervisor				
MP-2	Annual	47,107	59,082	71,057
Administrative & Special Projects Coordinator				
Assistant Aquatics Coordinator				
Assistant Local Inspector				
Assistant Natural Resources Director				
Budget Analyst				
COA Program Supervisor				
Environmental Health Inspector				
Environmental & Regulatory Coordinator				
Field Lister				
Information Systems Assistant				
Office Accountant				
Public Health Inspector				
Senior Engineering Technician				
Telecommunications Network Technician				
Utility Software Coordinator				
Water Conservation Coordinator				
MP-3	Annual	55,585	69,716	83,847
Aquatics Coordinator				
Assistant Human Resources Director				
Assistant Public Health Director				
Assistant Public Works Engineer				
Assistant to the Water/Sewer Superintendent				
Assistant Town Accountant				
Assistant Treasurer				
Civil Engineer				
Customer Service Administrator				
Energy Conservation Coordinator				
Facilities Maintenance Supervisor				
Fitness Coordinator				
GIS Program Coordinator				
Local Inspector				
Management Analyst				
Recreation Coordinator				
Retirement System Administrator				
Senior Budget & Operations Analyst				
Senior Environmental & Regulatory Coordinator				
Senior Planner				

MANAGERIAL-PROFESSIONAL, continued

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

MP-4	Annual	59,426	74,533	89,640
Assistant Recreation Director				
Budget & Purchasing Administrator				
Financial Administrator				
Council on Aging Director				
Environmental Services Program Administrator				
Natural Resources Director				
Operations Engineer				
Public Works Engineer				
Telecommunications Coordinator				
MP-5	Annual	63,921	80,170	96,419
Assistant Library Director				
Deputy Fire Chief				
Deputy Treasurer/Collector				
Highway & Grounds Superintendent				
Police Lieutenant				
Public Health Director				
Town Clerk				
MP-6	Annual	70,442	88,349	106,256
Building Commissioner				
Deputy Police Chief				
Human Resources Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				
MP-7	Annual	80,660	101,166	121,671
Chief Information Officer				
Director of Planning & Land Management				
Library Director				
Recreation Director				
MP-8	Annual	89,863	112,709	135,554
Deputy Town Manager				
Fire Chief				
Police Chief				
Public Works Director				
MP-9	Annual	98,487	123,526	148,564
Finance Director				

ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1 Meter Reader	Hourly	16.97	20.52	24.07
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	20.70	25.04	29.37
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	26.27	29.70	33.12
EL-4 Lineworker, Grade 1	Hourly	32.61	36.87	41.13
EL-5 Lead Lineworker	Hourly	34.15	38.61	43.06
EL-6 Line Supervisor	Hourly	36.78	41.58	46.38

ELECTRICAL MANAGEMENT

Annual rates are based on 40 hour base week and will be prorated for part-time schedules.

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EM-1 Meter Supervisor	Annual	56,900	68,406	79,912
EM-2 Electrical Engineer	Annual	65,307	78,512	91,716
EM-3 Assistant CMLP Director Engineering & Operations Manager	Annual	77,684	93,392	109,099
EM-4 CMLP Director	Annual	105,006	126,238	147,469

SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
SF-1	Hourly	8.00	34.00	60.00
Swim/Fitness Specialist				

HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-1	Hourly	15.00	22.50	30.00
Human Services Specialist				
HS-2	Hourly	15.00	27.50	40.00
Child Care/Education Specialist				

With annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps our salaries competitive in the employment market, maintains internal equity of salary ranges, maintains comparability with salaries of unionized employees, and keeps pace with changes in the cost of living. This Article does not control the amount of the actual salary increases to be received by employees in FY14. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting, based upon the approved budget.

TOWN BUDGET

ARTICLE 6. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2014, or take any other action relative thereto:

General Fund Operating Budget

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
General Government				
\$2,268,863 is 6.3% of Total				
1	Town Manager's Office			
	A. Town Manager	\$ 303,709	\$ 317,368	\$ 319,753
	B. Human Resources	174,362	192,531	192,535
	C. Town-Wide Building Fund	160,302	170,000	180,000
	D. Resource Sustainability Fund	-	25,000	40,000
	Subtotal	638,373	704,899	732,288
2	Legal Services	215,806	225,000	225,000
3	Elections and Registrars			
	A. Elections	24,348	37,168	17,129
	B. Registrars	7,612	8,078	8,216
	Subtotal	31,960	45,246	25,345
4	Town Meeting and Reports	82,916	77,800	81,550
5	Planning			
	A. Planning Administration	293,202	305,300	305,863
	B. Natural Resources	194,540	211,032	190,317
	C. Inspections	361,584	370,445	375,271
	D. Health	242,197	252,562	260,433
	Subtotal	1,091,523	1,139,339	1,131,884
6	141 Keyes Road	66,325	71,539	72,796
	Total General Government	\$ 2,126,903	\$ 2,263,823	\$ 2,268,863
Finance and Administration				
\$2,055,805 is 5.7% of Total				
7	Finance Committee	3,100	3,100	3,410
8	Finance			
	A. Finance Administration	244,078	256,998	259,456
	B. Treasurer-Collector	249,367	257,613	259,976
	C. Town Accountant	120,827	136,384	141,822
	D. Assessors	345,263	382,273	379,998
	E. Town Clerk	207,161	217,318	220,106
	Subtotal	1,166,696	1,250,586	1,261,358
9	Information Systems	408,648	517,901	693,770
10	Town House	104,433	101,868	97,267
	Total Finance and Administration	\$ 1,682,877	\$ 1,873,455	\$ 2,055,805

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
Public Safety				
\$7,937,713 is 22.1% of Total				
11	Police Department	3,867,289	3,953,098	3,956,940
12	Fire Department	3,585,716	3,650,262	3,681,641
13	West Concord Fire Station	36,036	35,515	35,814
14	Police-Fire Station	201,262	218,139	225,408
15	Emergency Management	12,337	12,810	12,810
16	Animal Control Officer	18,686	19,065	25,100
	Total Public Safety	\$ 7,721,326	\$ 7,888,889	\$ 7,937,713
Public Works and Facilities				
\$3,824,559 is 10.7% of Total				
17	Public Works			
	A. CPW Administration	163,079	173,382	172,595
	B. Engineering	376,819	350,283	334,149
	C. Highway Maintenance	1,182,410	1,193,768	1,226,813
	D. Parks and Trees	613,385	600,543	641,721
	E. Cemetery	69,035	60,765	60,070
	Subtotal	2,404,728	2,378,741	2,435,348
18	Snow and Ice Removal	291,685	525,000	540,000
19	Street Lighting	64,321	64,624	68,463
20	CPW Equipment	210,000	296,500	277,000
21	Drainage Program	215,000	205,000	205,000
22	Sidewalk Management	100,000	100,000	100,000
23	Road Improvements	90,000	90,000	90,000
24	133/135 Keyes Road	88,677	94,982	108,748
	Total Public Works and Facilities	\$ 3,464,411	\$ 3,754,847	\$ 3,824,559
Human Services				
\$2,571,499 is 7.2% of Total				
25	Library	1,826,877	1,859,577	1,872,206
26	Recreation Administration	92,554	96,742	96,742
27	Hunt Recreation Center	84,351	83,538	86,922
28	Harvey Wheeler Community Ctr.	135,284	137,934	144,945
29	Council on Aging	230,528	264,591	276,466
30	Veterans Services and Benefits	28,031	30,468	45,971
31	Ceremonies and Celebrations	23,540	23,800	23,800
32	Visitors' Center and Restroom	22,668	23,206	24,447
	Total Human Services	\$ 2,443,833	\$ 2,519,856	\$ 2,571,499

Item No.	Department	Fiscal 2012 Expenses	Fiscal 2013 Appropriation	Fiscal 2014 Proposal
Unclassified \$815,573 is 2.3% of Total				
33	Town Employee Benefits			
	A. Unused Sick Leave	90,000	90,000	90,000
	B. Public Safety Disability	310	2,500	2,500
	C. Employee Assistance Program	6,778	7,500	7,500
	Subtotal	97,088	100,000	100,000
34	Reserve Fund*	-	225,000	225,000
*Transfers totaling \$60,250 were made to other accounts in Fiscal Year 2012				
35	Salary Reserve**	-	88,142	480,574
**Transfers totaling \$412,217 in Fiscal Year 2012 and \$371,858 in Fiscal Year 2013 (to date) were made to other accounts.				
36	Land Fund	15,000	10,000	10,000
	Total Unclassified	\$ 112,088	\$ 423,142	\$ 815,573
SUBTOTAL FOR REFERENCE ONLY Account 1-36		\$ 17,551,436	\$ 18,724,013	\$ 19,474,013
Joint (Town - CPS) \$16,434,457 is 45.7% of Total				
37	Insurance			
	A. Group Insurance	4,300,000	4,650,000	4,650,000
	B. OPEB	500,000	400,000	650,000
	C. Property/Liability	175,000	175,000	200,000
	Total	4,975,000	5,225,000	5,500,000
38	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	89,176	100,000	100,000
	B. Workers' Comp.	58,768	100,000	100,000
	Total	147,944	200,000	200,000
39	Retirement	2,855,977	2,945,000	3,035,000
40	Social Security and Medicare	555,459	625,000	640,000
41	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	2,556,270	2,467,673	2,491,041
	School Principal and Interest	541,716	697,221	815,516
	Subtotal	3,097,986	3,164,894	3,306,557
	Interest on Notes	5,315	100,106	58,443
	Other Debt Expense	11,426	35,000	35,000
	Subtotal Within Levy Limit	3,114,727	3,300,000	3,400,000
	B. Excluded Debt	4,159,144	4,244,471	3,659,457
	Total Debt Service	7,273,871	7,544,471	7,059,457
	Total Joint (Town - CPS)	\$ 15,808,251	\$ 16,539,471	\$ 16,434,457
	Total Appropriation	\$ 33,359,687	\$ 35,263,484	\$ 35,908,470

That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

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

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

That the appropriation for salary reserve under line item 35 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2013 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town authorize the sum of \$10,828.73 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2014, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999 and having a final payment due February 1, 2021.

That the Town authorize the sum of \$70,317 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment of the Massachusetts Pollution Abatement Trust #T5-05-1234 due and payable during FY 2014, pursuant to Article 50 of 2004 and the loan totaling \$703,170 executed on March 18, 2009 and having a final payment date of July 15, 2018.

That the Town authorize the sum of \$29,727.51 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment of the Massachusetts Pollution Abatement Trust #T5-05-1234A due and payable during FY 2014, pursuant to Article 50 of 2004 and the loan totaling \$296,830 executed on June 13, 2012 and having a final payment date of July 15, 2022.

The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The total appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

PUBLIC SCHOOL BUDGET

ARTICLE 7. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2014, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Fiscal 2014 School Committee Vote of Dec. 12, 2012
1	Concord Public Schools Budget/Appropriation	\$28,474,200	\$29,755,538	\$31,140,538

This article provides the annual operating budget for the Concord Public Schools. The appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 8. To determine whether the Town will vote to raise and appropriate, or transfer available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$795,000, 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, or take any other action relative thereto.

This article authorizes the Treasurer to borrow \$795,000 for renovations, repairs, and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's five-year Capital Plan, with the debt service cost to be funded within the Levy Limit.

CONCORD PUBLIC SCHOOLS – SUPPLEMENTAL APPROPRIATION FOR CURRENT YEAR

ARTICLE 9. 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 \$210,000 or any other sum, to be added to the appropriation voted under Item No. 34 Reserve Fund of Article 6 of the Warrant of the 2012 Annual Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures of the Concord Public Schools Budget on account of increased pupil transportation expenses, identified after preparation of the FY13 budget for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article would amend the current year budget for the purpose of paying unanticipated costs of pupil transportation services. The Article proposes a supplemental appropriation to the Reserve Fund account which is subject to the control of the Finance Committee. The School Committee would make a request to the Finance Committee, by June 30, 2013, for a transfer from the Reserve Fund appropriation to the extent necessary but not exceeding the amount voted.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

ARTICLE 10. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2014, or take any other action relative thereto.

SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Fiscal 2014 School Committee Vote of Dec. 12, 2012
1	Concord-Carlisle Regional High School			
	Budget	\$23,981,012	\$24,290,423	\$26,353,647
	Assessment	\$15,089,162	\$15,320,349	16,943,064 *
*(includes \$15,391,221 assessment for operating budget and \$1,551,843 assessment for debt exclusion)				

This article provides Concord's share of the annual operating budget for the Concord-Carlisle Regional High School. The appropriation to be presented for Town Meeting approval is at the spending guideline set by the Finance Committee in November 2012.

CCRSO SUPPLEMENTAL ASSESSMENT FOR CURRENT YEAR

ARTICLE 11. To determine whether the Town will vote to transfer from available funds in the treasury, or from current year appropriations, the sum of \$100,478, or any other sum, as a supplemental assessment for FY2013, for the purpose of meeting extraordinary or unforeseen expenditures of the Concord-Carlisle Regional School District budget on account of increased pupil transportation expenses, identified after preparation of the FY13 budget for the fiscal year ending June 30, 2013, or take any other action relative thereto.

This article would appropriate \$100,478 as the Town's assessed share, 71.77%, of a \$140,000 amendment to the current year CCRSD budget for the purpose of paying unanticipated costs of pupil transportation services.

SALE OF CONSERVATION RESTRICTION – FORMER LANDFILL SITE

ARTICLE 12. To determine whether the Town will vote to authorize the Board of Selectmen to convey to Walden Woods Project, a not-for-profit organization, or to a similar conservation organization, a conservation restriction pursuant to Chapter 184, §§ 31-33 of the Massachusetts General Laws, on terms and conditions agreeable to the Selectmen, on all or a portion of the parcel of land at 759 Walden Street identified on the Assessor's maps as parcel #4039, comprised of approximately 35.4 acres, said conservation restriction to permit the Town to carry out solar energy generation and public works activities at the site, and further to authorize the Selectmen to accept the sum of \$2.8 million or any other sum as compensation for the conservation restriction, or take any other action relative thereto.

This article would authorize the Selectmen to sell a land-use restriction to the Walden Woods Project and make a commitment to limit future activities on the former landfill site which is located close to Walden Pond.

CONCORD PUBLIC SCHOOLS – USE OF THE CPS CAPITAL NEEDS STABILIZATION FUND FOR TRANSPORTATION INFRASTRUCTURE

ARTICLE 13. To determine whether the Town will vote to appropriate the sum of \$950,000, or any other sum, from the CPS Capital Needs Stabilization Fund established by vote under Article 32 of the 2006 Annual Town Meeting, to be expended under the direction of the Concord School Committee for the development of transportation infrastructure at 759 Walden Street (the former Town landfill site), assessors' parcel #4309, or at any other available site controlled by and deemed appropriate by the Concord School Committee, or take any other action relative thereto.

This article authorizes use of monies in the Concord Public Schools Capital Stabilization Fund.

BY PETITION TO KEEP THE CONCORD SCHOOL BUS TRANSPORTATION DEPARTMENT ON THE REGIONAL HIGH SCHOOL PROPERTY

ARTICLE 14. To determine whether the Town will vote to request the Concord Public School Committee and the Concord-Carlisle Regional High School Committee to retain the existing Concord School Bus Transportation Department on the Concord-Carlisle High School Grounds, together with the fleet of buses, which are owned by the Concord Public Schools and the Concord-Carlisle Regional High School District.

In addition it is requested that the \$350,000 three-bay maintenance garage and the modular administration building be kept intact for the use of the Concord School Bus Transportation Department or take any action relative thereto.

PETITIONER'S EXPLANATION:

For 35 years, Concord's well-managed Bus Transportation Department has been at the High School. The Citizen's Transportation Committee, established by Town Meeting vote last April, has studied the matter extensively and has recommended it remain there.

BY PETITION EDUCATIONAL & FISCAL CONCERNS IN THE CONCORD PUBLIC SCHOOLS

ARTICLE 15. To determine whether the Town will vote to urge the Concord Public School Committee and the Concord Carlisle Regional School Committee to make positive new changes in the central administration of the School Department to ensure a good faith effort towards greater transparency and fiscal responsibility.

Concord is in need of a healthier educational climate in order to best serve its children and citizenry. Especially of concern is the 2012 TELL (Teaching, Empowering, Leading, and Learning) state-wide survey data which shows teachers in Concord lack confidence in the administration, and feel devalued and disrespected. The School Committees are directed to carefully examine the "top down" style of leadership in the administration which disallows open dialogue among staff, teachers, and parents.

Concord taxpayers request that the School Committees address problems which are the result of poor planning, fiscal mismanagement, and failure to communicate. Issues recently raised regarding the costs of moving the bus yard and the elimination of features in the new high school due to poor oversight of the project, are just two examples of the School Finance Department's failures. A change of leadership is needed to avoid future loss of valued faculty and an increase in tax overrides.

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

For over a year now citizens have spoken out on decisions and actions taken by the school administration which have concerned them. These issues have not been satisfactorily addressed or resolved.

MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET

ARTICLE 16. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2014, or take any other action relative thereto.

SCHEDULE A – MINUTEMAN CAREER AND TECHNICAL HIGH SCHOOL BUDGET				
Item No.	Department	Fiscal 2012 Adopted	Fiscal 2013 Adopted	Superintendent's Proposed Budget & Fiscal 2014 Assessment
1	Minuteman Regional High School Budget Assessment	\$16,435,673 530,994	\$17,251,713 437,910	\$18,547,098 230,588 (est. @ 1/08/2013)

This article provides Concord's share of the annual operating budget for the Minuteman Vocational Technical Regional School District. The estimated assessment is \$230,588.

FREE CASH USE

ARTICLE 17. To determine whether the Town will vote to authorize and direct the Assessors to take \$850,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2014, or take any other action relative thereto.

This article seeks Town Meeting approval to allocate a portion of the available General Fund balance to support the 2014 budget.

ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

ARTICLE 18. To determine whether the Town will vote to appropriate the sum of \$735,000, or any other sum, from the Elementary School Debt Stabilization Fund established by vote under Article 10 of the 2008 Annual Town Meeting, to be expended under the direction of the Town Manager for a portion of the debt service due during fiscal year 2014 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings, or take any other action relative thereto.

The 2008 Annual Town Meeting established this Stabilization Fund and transferred \$2.5 million from Free Cash effective July 1, 2008. Interest earned is added to the Fund. Approximately \$415,000 will have been earned and allocated from the Fund in addition to the initial appropriation. This is the fourth year of the planned allocation period to reduce the tax impact of the related debt service cost. The intent of this Article is to apply the remaining balance of the Fund.

HIGH SCHOOL DEBT STABILIZATION FUND – ADDITION AND USE

ARTICLE 19. To determine whether the Town will vote to appropriate and transfer from Free Cash the sum of \$750,000 to be added to the Stabilization Fund established by vote under Article 2 of the November 7, 2011 Special Town Meeting for the purpose of reserving funds to be used to lower the tax levy impact of the Town’s assessed share of principal and interest payment on bonds to be issued by the Concord-Carlisle Regional School District for the new District High School construction project; and further, to appropriate the sum of \$230,000, or any other sum, from said Fund, to be expended under the direction of the Town Manager for a portion of the Town’s assessed share of the debt service due and payable during fiscal year 2014; or take any other action relative thereto.

This article is recommending that \$750,000 of the Uncommitted Fund Balance (“Free Cash”) be added to the existing \$2,000,000 High School Debt Stabilization Fund; and further that the first of a planned multi-year allocation be made beginning in FY2014 to mitigate the property tax increase that will otherwise occur due to payment of the Town’s apportioned share of debt service on the Concord-Carlisle Regional School District bonds to be issued in connection with the construction of the new high school building.

UNPAID BILLS

ARTICLE 20. 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 years, or take any other action relative thereto.

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

PROPERTY TAX EXEMPTIONS

ARTICLE 21. To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws, or take any other action relative thereto.

State law establishes property tax exemptions for disabled veterans, blind persons, and elderly citizens who meet certain income and asset limitation requirements. A portion of the foregone taxes resulting from these exemptions is reimbursed by the state. Another provision of state law allows municipalities the option of increasing the state-set exemption amounts by up to 100%, without further state sharing of the cost. This option must be voted annually; the Concord Town Meeting has done so since 2001. For example, the senior exemption is set by the state at \$500 and has been increased in Concord to \$1,000 by annual votes since 2005.

LIGHT PLANT PAYMENT IN LIEU OF TAXES

ARTICLE 22. To determine whether the Town will vote to authorize a transfer of \$447,800, 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, 2014, or take any other action relative thereto.

This article authorizes the transfer of 447,800 from the Operating Fund of the Light Plant to the General Fund as a Payment In Lieu of Taxes (or PILOT) for fiscal year 2014. The amount is determined as the product of the net plant investment of the Light Plant on the previous June 30 and the property tax rate of the current fiscal year. This makes the PILOT equivalent to the amount an investor-owned utility with the same physical plant would pay in property taxes, thus avoiding any indirect subsidy from property taxpayers to the Municipal Light Plant.

LIGHT PLANT EXPENDITURES

ARTICLE 23. 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, or take any other action relative thereto.

This article authorizes the Town Manager, as Manager of the Light Plant, to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the Fiscal Year. This is a routine annual action.

ROAD REPAIR REVOLVING FUND EXPENDITURES

ARTICLE 24. 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.

Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes up to \$120,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in fiscal year 2014 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 25. 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.

Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2014 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components: curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's composting site including the former landfill. This is a routine annual action.

SEWER SYSTEM EXPENDITURES

ARTICLE 26. 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.

Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2014 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Light Plant Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses and institutions are connected to the Town's municipal sewer system. This is a routine annual action.

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 27. 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.

Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Enterprise) and fiscal year 2014 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.

WATER SYSTEM EXPENDITURES

ARTICLE 28. 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.

Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2014 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Light Plant Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2014 BUDGET

ARTICLE 29. 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, 2013 (FY2014) for the operation of the Community Pool, in accordance with Chapter 44, section 53F½ of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

This Article enacts the operating budget for the Community Swim and Fitness Center. The facility is self-supporting from its own revenues. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted by Town Meeting. No tax funds are involved. In 2012, Town Meeting appropriated an operating budget of \$2,479,524 (\$2,338,763 from estimated revenues, \$140,761 from the undesignated fund balance) and a capital budget of \$151,000 (funded from the undesignated fund balance). The FY14 budget will be submitted by the Town Manager and reviewed at a Public Hearing on March 18, 2013.

BY PETITION REPEAL OF DRINKING WATER IN SINGLE-SERVE PET BOTTLES BYLAW

ARTICLE 30. To determine whether the Town of Concord will vote to repeal in its entirety the bylaw known as "Drinking Water in Single-Serve PET Bottles Bylaw" that was adopted under Article 32 of the 2012 Annual Town Meeting, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

In April 2012, Article 32: Drinking Water in Single-Serving PET Bottles Bylaw was passed by a very small margin. This year's article seeks to repeal this Bylaw. The intent of this article is to restore consumer choice to Concord, recognizing that residents, guests, and the many tourists to town should have the option to choose water, a healthy, safe drink.

ZONING BYLAW AMENDMENT – FRONTAGE DEFINITION

ARTICLE 31. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete Subsection 6.2.3 *Frontage* and replace with the following new subsection 6.2.3 *Frontage*, to incorporate the definition for frontage found in Subsection 1.3.11:

6.2.3 Frontage: Frontage, as defined in subsection 1.3.11, shall be measured in a continuous line along the sideline of the street between the points of intersection of the side lot lines with said sideline of the street.

Or take any other action relative thereto.

This is a “housekeeping” amendment to relate the measurement of frontage in section 6.2.3 to the definition of frontage in section 1.3.11.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 32. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise Table III Dimensional Regulations in Section 6 to incorporate the new Zoning Districts that have been created and added to the Principal Use Table in the past four years, which include the Concord Center Business (CCB), Thoreau Depot Business (TDB), Nine Acre Corner Business (NACB), West Concord Industrial (WCI), Industrial Park A (IPA) and Industrial Park B (IPB), and Limited Industrial Park #1 (LIP#1) and Limited Industrial Park #2 (LIP#2) with the respective dimensional requirements of each as shown in underlined text in the portions of Table III, as revised below;

And, for the Business District, West Concord Business (WCB) and West Concord Village (WCV) Districts, delete the word “Where” at the beginning of each paragraph under the columns labeled Minimum Side Yard in Feet and Minimum Rear Yard in Feet and replace with the words “none, except where”, as shown in underlined text in the portions of Table III, as revised as below:

TABLE III – DIMENSIONAL REGULATIONS

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet¹</i>	<i>Min. Side Yard In Feet</i>	<i>Minimum Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>	<i>Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Business	_____	_____	_____	_____	10	<u>none, except where</u>	a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10	35	_____	_____
<u>Concord Center, Thoreau Depot and Nine Acre Corner Business</u>	-----	-----	-----	-----	<u>10</u>	<u>none, except where</u>	<u>a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.</u>	<u>10</u>	<u>35</u>	-----	-----
West Concord Business	_____	_____	_____	_____	0	<u>none, except where</u>	a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10	Maximum height 35 minimum height side and rear 15; minimum height front façade 18	_____	_____
West Concord Village	_____	_____	_____	_____	0	<u>none, except where</u>	a business or industrial use abuts a residential dist.:	10	Maximum height 35; minimum height side	_____	_____

						10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		and rear 15; minimum height front façade 18		
<u>West Concord Industrial</u>	<u>20,000</u>	<u>100</u>	-----	-----	<u>10</u>	<u>10' in all cases, of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.</u>	<u>10</u>	<u>35</u>	<u>75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever measure of lot coverage is greater.</u>	-----
<u>Industrial Park A and Industrial Park B</u>	<u>4 acres</u>	<u>50' on a private interior street constructed as part of the development of a site or 200' on an existing public way.</u>	-----	-----	<u>20' from the side lines of private streets constructed as part of a development of a site and 100' from existing public ways. No parking areas may be placed closer than 30' from the side lines of any public way or 20' from the side lines of private streets within the boundaries of the Industrial Park development.</u>	<u>20' except 100' from property lines of parcels zoned residential and in residential use. 50' of which must be a landscaped buffer. No parking areas may be placed within the minimum side or rear yard except where joint parking areas are permitted by the Planning Board through site plan approval.</u>	<u>10</u>	<u>40, but not more than 3 stories, excluding basements</u>	<u>50%, the same to include all paved areas and 20% maximum lot coverage by all structures.</u>	-----
<u>Limited Industrial Park #1 and Limited Industrial Park #2</u>	<u>5 acres</u>	<u>50' on a private interior street within the LIP development or 200' on a public way.</u>	-----	-----	<u>100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within</u>	<u>20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto. 50' for all other buildings and for any additions thereto, and 200' from property lines</u>	<u>10</u>	<u>40, but not more than 3 stories, excluding basements</u>	<u>35%, the same to include the gross ground floor area of all buildings and all paved areas.</u>	<u>6,000 sq.ft. gross floor area per acre for R&D and light manufacturing uses, or 3,000 sq.ft. gross floor area per acre for other uses.</u>

					<u>the minimum front yard.</u>	<u>of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking area may be placed within 20' of the side and rear lot lines except where joint parking areas are permitted by the Planning Board through site plan approval.</u>				
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³ In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

Or take any other action relative thereto.

This proposed change to the Zoning Bylaw Table III Dimensional Regulations adds the new districts adopted by Town Meeting since 2007 (Concord Center Business District, Thoreau Depot Business District, Nine Acre Corner Business District, West Concord Industrial District, Industrial Park A and Industrial Park B Districts and Limited Industrial Park 1 and Limited Industrial Park 2 Districts) and codifies the Building Commissioner’s interpretation of building side yard setbacks in the Business Districts the West Concord Village District and the Limited Industrial Park #1 and #2 Districts. Changes to the table are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – LIMITED INDUSTRIAL PARK #2

ARTICLE 33. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise Table III Dimensional Regulations in Section 6 by adding the words “Educational in LIP#2” in the Maximum Floor Area Ratio column so that the Maximum Floor Area Ratio for Educational Uses in the Limited Industrial Park District #2 would increase from 3,000 square feet gross floor area per acre to 6,000 square feet gross floor area per acre as shown in the underlined text in the portion of Table III below:

TABLE III – DIMENSIONAL REGULATIONS

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet¹</i>	<i>Min. Side Yard In Feet</i>	<i>Minimum Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>	<i>Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Limited Industrial Park #1 and Limited Industrial Park #2	5 acres	50' on a private interior street within the LIP development or 200' on a public way.	_____	_____	100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within the minimum front yard.	20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto, 50' for all other buildings and for any additions thereto, and 200' from property lines of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking area may be placed within 20' of the side and rear lot lines except where joint parking areas are		10	40, but not more than 3 stories, excluding basements	35%, the same to include the gross ground floor area of all buildings and all paved areas.	6,000 sq.ft. gross floor area per acre for <u>Educational in LIP #2, R&D</u> and light manufacturing uses, or 3,000 sq.ft. gross floor area per acre for other uses.

						permitted by the Planning Board through site plan approval.				
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Or take any other action relative thereto.

This amendment to the Zoning Bylaw will allow educational uses, which are allowed by right in all zoning districts, the greater floor area ratio as defined for R&D and light manufacturing uses in the Limited Industrial Park District #2, a district located along Route 62 at the Acton-Concord town line. Proposed changes in the table are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – ACCESSORY USE TABLE

ARTICLE 34. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Revise the Table II - Accessory Use Regulations in Section 5 to incorporate the new Zoning Districts that have been created and added to the Principal Use Table in the past two years, which include the Concord Center Business (CCB), Thoreau Depot Business (TDB), Nine Acre Corner Business (NACB), West Concord Business (WCB), West Concord Village (WCV), West Concord Industrial (WCI), Industrial Park A (IPA) and Industrial Park B (IPB), and Limited Industrial Park 1 (LIP#1) and Limited Industrial Park #2 (LIP#2) as shown in the shaded and underlined text in Table II below:

And, in the second and third paragraphs of subsection 5.2, Provisions Applicable to Table II, delete the letter “Y” and replace with the word “yes”; and in the second paragraph of subsection 5.2, delete the letter “N” and replace with the word “no”;

And, in the Accessory Use Table II, delete the letter “Y” in every place where it occurs and replace with the word “yes”, and delete the letter “N” in every place where it occurs and replace with the word “no”, as shown in the revised Table II below:

Accessory Uses	Residential Districts				Commercial Districts					MP	Industrial Districts					
	AA	A	B	C	B	<u>CCB</u> <u>TDB</u> <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB		<u>WCI</u>	I	<u>IP A</u>	<u>IP B</u>	<u>LIP #1</u>	<u>LIP #2</u>
5.3.1 Home recreational facilities	yes	yes	yes	yes	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	no	yes	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.2 noncommercial radio and TV towers and structures	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.3 Kennels	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes ¹	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.4 Stables	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes ¹	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.5 Parking or garaging of more than one commercial vehicle	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.6 Home occupation																
5.3.6.1 Customary home occupation	yes	yes	yes	yes	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.6.2 Special home occupation	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.7 Farm product sales	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.8 Lodging for farm employees	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>

5.3.9 Aviation facilities for take-off and landing	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.10 Watchman's apt.	no	no	no	no	no	<u>no</u>	<u>no</u>	<u>no</u>	no	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.11 Workshops and classes	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.12 Lunchrooms and cafeterias	no	no	no	no	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.13 Gift shops, candy counters	SP	SP	SP	SP	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	yes	yes	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.14 Scientific research and development	no	no	no	no	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	SP	SP	<u>SP</u>	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
5.3.15 Tourist home or bed and breakfast	SP	SP	SP	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	no	SP	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.16 Personal service shop	no	no	no	no	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	no	no	<u>yes</u>	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
5.3.17 Seasonal catering	no	no	no	no	no	<u>no</u>	<u>no</u>	<u>no</u>	SP ⁵	no	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
5.3.18 Common driveway	SP	SP	SP	SP	no	<u>no</u>	<u>no</u>	<u>no</u>	no	no	<u>no</u>	no	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>

Or take any other action relative thereto.

This proposed change to the Zoning Bylaw Table II Accessory Use Regulations simply adds the new districts adopted by Town Meeting since 2007 (Concord Center Business District, Thoreau Depot Business District, Nine Acre Corner Business District, West Concord Business District, West Concord Village District, West Concord Industrial District, Industrial Park A and Industrial Park B Districts and Limited Industrial Park #1 and Limited Industrial Park #2 Districts) and conforms the “yes” and “no” designations in the table to the convention used in Table I – Principal Use Regulations. Items in the table above are shown as shaded and underlined for the warrant only.

ZONING BYLAW AMENDMENT – SPECIAL HOME OCCUPATION

ARTICLE 35. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete the phrase “including the sale of antiques” from subsection 5.3.6.2 *Special Home Occupation*, so that the Section reads:

5.3.6.2 *Special Home Occupation:* In all dwellings, the Board may by special permit authorize a Special Home Occupation ~~including the sale of antiques~~ in a dwelling or in an accessory building provided that:

- (a) Not more than one full-time employee, exclusive of residents of the dwelling, is employed on the premises;
- (b) Except for signs, commercial motor vehicles (Section 5.3.5), and related equipment as may be approved by the Board, there is no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes;
- (c) Off-street parking for the dwelling and home occupation is provided and the Board finds the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the residents’ vehicles and trips per day, are consistent with the residential character of the property; and,
- (d) The home occupation is clearly secondary and incidental to the principal use of the premises.
- (e) As determined by the Board, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.

Or take any other action relative thereto.

This Zoning Bylaw amendment will delete the sole example provided to define Special Home Occupation, which is “the sale of antiques”.

ZONING BYLAW AMENDMENT – SIDE YARDS IN RESIDENCE B ZONING DISTRICT

ARTICLE 36. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

In subsection 6.2.7, amend the paragraph at the end of the subsection by deleting the word “District” and replacing it with the words “and Residence B Districts” as follows:

“In the Residence C and Residence B Districts, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”

And, in Section 6, Table III – Dimensional Regulations for the Residence B Zoning District insert a superscript “1” after the number 15 in the column labeled “Min. Side Yard in Feet” and, amend footnote 1 by deleting the word “District” and replacing it with the words “and Residence B Districts” as follows:

<i>Zoning Districts</i>	<i>Min. Lot Area in Sq. Ft.</i>	<i>Min. Lot Frontage In Feet</i>	<i>Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet</i>	<i>Min. Side Yard In Feet</i>	<i>Min. Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>	<i>Max. Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Residence B	20,000	125	100	100	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

Or take any other action relative thereto.

This amendment to the Zoning Bylaw uses the same language adopted for the Residence C District in 2011 so that in the Residence B District the height of structures will now be limited to no greater than fifteen feet within 12-15 feet of a side yard. There is, however, a provision that allows a homeowner to seek a waiver of this limitation if there are no reasonable alternatives. Proposed changes are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT IN RESIDENCE B

ARTICLE 37. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

In subsection 6.2.11, amend the following paragraphs at the end of the subsection by deleting the word “District” in three places and replacing it with the words “and Residence B Districts” as follows:

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

The Board may grant relief from the above definition for the height of a building in the Residence C and Residence B Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

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

And, in Section 6, Table III – Dimensional Regulations for the Residence B Zoning District, insert a superscript “2” after the number 35 in the column labeled “Max. Height in Feet” and, amend footnote 2 immediately following footnote 1 by deleting the word “District” and replacing it with the words “and Residence B Districts”, as shown in the portion of Table III below as follows:

Zoning Districts	Min. Lot Area in Sq. Ft.	Min. Lot Frontage In Feet	Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet	Min. Side Yard In Feet	Min. Rear Yard in Feet	Corner Clearance In Feet	Max. Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
Residence B	20,000	125	100	100	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35 ²	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

²Refer to Zoning Bylaw Subsection 6.2.11 for Residence C and Residence B Districts.

Or take any other action relative thereto.

This amendment to the Zoning Bylaw uses the same language adopted for the Residence C District in 2011 and will change the method for measuring the height of a structure in the Residence B District. Proposed changes are shown underlined for the warrant only. Please note that there is a provision for the Board of Appeals to grant relief from this definition for height if there are no reasonable alternatives and there is no substantial detriment to the neighborhood. Proposed changes are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – GOVERNMENT, UTILITY AND OTHER PUBLIC SERVICE CORPORATION USES

ARTICLE 38. To determine whether the Town will vote to amend the **Zoning Bylaw** as follows:

Delete Section 4.4 Governmental and Utility Uses in its entirety and insert in its place a new Section 4.4 Governmental, Utility and Public Service Corporation Uses as follows:

4.4 Governmental, Utility and Public Service Corporation Uses

4.4.1 Town of Concord Municipal Use: use of any building, facility and/or area owned or leased by the Town of Concord for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

4.4.2 Underground utility: underground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility, except for large-scale, ground-mounted solar photovoltaic installations.

4.4.3 Aboveground utility: aboveground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility.

4.4.4 Public Service Corporation use: use of facilities, equipment, and/or structures necessary for providing an essential commodity or service to the public by a public, private or quasi-private corporation.

4.4.5 *Municipal Use that is not by the Town of Concord:* use of any building, facility and/or area for a public purpose by any other town that is not the Town of Concord.

And amend Table I Principal Use Regulations to delete Section 4.4 Government and Utility Uses entirely and add the following Section 4.4 Government, Utility and Public Service Corporation Uses:

Principal Uses	Residential Districts				Commercial Districts					Industrial Districts						Site Plan Approval	
	AA	A	B	C	B	<u>CCB</u> , <u>TDB</u> , <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB	MP	WCI	I	IP A	IP B	LIP#1		LIP#2
4.4																	
<u>4.4.1 Town of Concord Municipal Use</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
<u>4.4.2 Underground Utility</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
<u>4.4.3 Aboveground Utility</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
<u>4.4.4 Public Service Corporation Use:</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>NR</u>
<u>4.4.5 Municipal Use not by the Town of Concord</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>R</u>

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to add Public Service Corporations to the definition of uses and to provide a higher level of review for projects proposed by municipalities that are not the Town of Concord. Proposed changes in the table are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – MEDICAL MARIJUANA TREATMENT CENTER

ARTICLE 39. To determine whether the Town will vote to amend the **Zoning Bylaw** to: Add a new use of Medical Marijuana Treatment Center to Section 4.3 Institutional Uses as follows:

4.3.9 Medical Marijuana Treatment Center: A non-profit facility or location that has been registered by the Department of Public Health where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver, provided that:

4.3.9.1 A medical marijuana treatment center shall not be located within three thousand feet (3,000') of an elementary school, middle school, high school, or public library in existence at the time of enactment of the zoning bylaw amendment establishing this use.

And, amend Table I – Principal Use Regulations in Section 4 to add the use “4.3.9 Medical Marijuana Treatment Center” as an allowed use in only the Medical-Professional District (designated by the word “yes” in Table I under the MP district) with Site Plan Approval required (designated with a capital R in the last column of Table I) and not allowed in any other District (designated by the word “no” in Table I under all other districts) as shown in the portion of Table I below as follows.

Principal Uses	Residential Districts				Commercial Districts					Industrial Districts						Site Plan	
	AA	A	B	C	B	<u>CCB</u> , <u>TDB</u> , <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB	MP	WCI	I	IPA	IPB	LIP1	LIP2	Approval
4.3																	
<u>4.3.9</u> <u>Medical Marijuana Treatment Center</u>	<u>no</u>	<u>n</u> <u>o</u>	<u>n</u> <u>o</u>	<u>n</u> <u>o</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>R</u>

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to define and allow the use of Medical Marijuana Treatment Center in the Medical Professional District, which includes: Emerson Hospital and New England Deaconess south of Route 2 and 747 Main Street, 785 Main Street and 801 Main Street north of Route 2, and to provide minimum distance requirements from schools and libraries. Proposed changes are shown underlined for the warrant only.

ZONING BYLAW AMENDMENT – PUBLIC SERVICE CORPORATION OVERLAY DISTRICT

ARTICLE 40. To determine whether the Town will vote to amend the **Zoning Bylaw** by adding a new Section 7.10 Public Service Corporation Overlay District as follows:

7.10 PUBLIC SERVICE CORPORATION OVERLAY DISTRICT (PSCOD)

7.10.1 Purpose. The purpose of the Public Service Corporation Overlay District (PSCOD) is to provide a mechanism for the approval of uses by public service corporations including but not limited to wastewater treatment, municipal public works operations, large-scale ground mounted solar photovoltaic installations, and peaking power plants.

7.10.2 Definitions. Within this Section, the following terms shall have the following meanings:

- (a) *Public Service Corporation (PSC):* a company that provides or performs an essential public service for public convenience and necessity and subject to government regulation.
- (b) *Public Service Corporation (PSC):* Facility sites, equipment, and structures necessary for constructing a public service facility or conducting a public, private or quasi-private utility service. Such facilities shall include but are not limited to public or private wastewater treatment facilities, municipal public works operations, large-scale ground mounted solar photovoltaic installations, and peaking power plants.
- (c) *Public Service Project (PSP):* A project sponsored by a PSC, including facilities, equipment, and structures necessary for conducting a service by a public, private or quasi-private utility facility.
- (d) *Peaking Power Plant:* A power plant that generally runs only when there is a high demand for energy.

7.10.3 Applicability. The PSCOD shall be construed as an overlay district. Within the PSCOD, the requirements of the underlying zoning district(s) shall remain in full force and effect until site plan approval pursuant to Section 11.8 has been granted by the Planning Board, and the decision is filed with the Town Clerk, and the appeal period set forth herein has expired, except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulations.

7.10.4 Use Regulations. A PSP may be constructed, subject to the requirements set forth herein, upon the issuance of site plan approval pursuant to Section 11.8 by the Planning Board. In the case of a large-scale ground mounted solar photovoltaic installation, the provisions of Section 7.10 of this By-Law shall apply unless superseded by Section 7.10.8 herein. No other use or structures shall be permitted, except as specifically provided herein.

7.10.5 Administration. The Planning Board shall serve as the site plan approval authority pursuant to this Section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the Applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this Section. An application for site plan approval shall be governed by the requirements set forth in Sections 7.10.6 through 7.10.9.

7.10.6 Application. An application for site plan approval shall be submitted to the Planning Board on forms furnished by the Planning Board. Each such application shall be accompanied by a filing fee as set forth in the Planning Board's Rules and Regulations and a technical review fee pursuant to G.L. c. 44, s. 53G and applicable regulations of the Zoning Board of Appeals. The application shall be accompanied by all of the applicable information required for the Board's considerations of site plan review, as set forth in subsection 11.8.5 of the Zoning By-Law.

7.10.7 Dimensional and Design Requirements. A proposed PSP shall meet all of the following requirements:

1. *Parcel Size and Frontage.* Minimum parcel size for a PSP shall be one acre of upland, excluding any resource area protected by G.L. c. 131, s. 40. There shall be no minimum frontage requirement for a PSP and access shall not be required to the PSP via the frontage, if any, serving the parcel.
2. *More than One Principal Use or Building.* More than one principal use or building may be located on the same parcel or lot. In such cases, the Planning Board shall ensure that adequate access exists to all such principal uses for fire, police and emergency vehicles, and for expected vehicular and pedestrian traffic. Ownership and maintenance responsibilities shall be clearly outlined for each facility and its associated infrastructure, including but not limited to utilities, stormwater management, and access drives.
3. *Buffer.* A buffer area of 50 feet shall be provided at the perimeter of the PSCOD where it abuts residentially occupied properties existing at the time this overlay district was adopted, except for driveways necessary for access and egress to and from the site, or for storm water retention facilities. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance or for required stormwater management systems. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or (ii) where the land abutting the site is held for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to buffer adjacent residentially occupied properties.
4. *Site Access Drives.* The principal driveway(s) serving the PSP shall be adequate for the intended use and vehicular traffic and shall be maintained by the operator of the PSP.
5. *Parking.* Parking shall be adequate to serve all anticipated uses on the property, with information provided detailing the method used to calculate the number of parking spaces.
6. *Loading.* Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.
7. *Stormwater Management.* The stormwater management system shall be designed in accordance with Massachusetts Department of Environmental Protection Stormwater Management Regulations and the Concord Public Works Storm Water Regulations and Design and Construction Standards and Details.
8. *Utilities.* Reasonable efforts shall be made to place all electric, gas, telephone, and cable lines underground.

9. *Emergency Systems.* The PSP shall have an integrated emergency call, telephone and other communications system to provide monitoring by operators. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for emergency conditions.

10. *Lighting.* All exterior lighting shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

7.10.8 *Large-scale Ground Mounted Solar Photovoltaic Installations.* A large-scale ground mounted solar photovoltaic installation shall be permitted as a PSP, subject to the provisions of Section 7.10 of this By-Law, with the following exceptions.

1. There shall be no minimum lot or parcel area requirement.
2. A large-scale ground mounted solar photovoltaic installation may be located on the same lot or parcel as another PSP.
3. The setback requirements of Section 7.9.4.2 shall not apply.

7.10.9 *Action by the Planning Board.* The Planning Board may grant site plan approval for a PSP where it makes the findings required by Section 11.8 of this Bylaw. The proposed PSP shall comply with the requirements of this Section; provided, however, the Planning Board may waive a substantive requirement when the Board determines that the waiver will not result in substantial detriment to the District or the Town.

And, amend subsection 2.1 Classification of Districts by adding "Public Service Corporation Overlay District" to the end of the subsection;

And, amend subsection 2.2 Zoning Map by adding in between the paragraphs beginning "Groundwater Conservancy District" and "Wetlands Conservancy District" the following:

Public Service Corporation Overlay District, the Town of Concord, January 2, 2013 (no scale), consisting of a single sheet.

Or take any other action relative thereto.

This Zoning Bylaw amendment is proposed to create a new overlay district that will add to the allowed uses on land now or formerly owned by the W.R. Grace Company located in the western portion of the Town at the Acton-Concord town line and along the Assabet River.

BY PETITION ZONING BYLAW AMENDMENT – PARKING AND LOADING FACILITIES

ARTICLE 41. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

By deleting section 7.7.3.4 and replacing it with the following: "7.7.3.4 *Layout.* Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. Parking or loading spaces shall be not be located so as to require the backing or maneuvering of a vehicle onto the sidewalk or onto a public way in order to enter or leave the space.",

and by

inserting in Section 7.7.3.12, after "subsection 7.7.3.1", the following: "and subsection 7.7.3.4"

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail's End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project's proponent, who will have to go through the regular town permitting process.

BY PETITION ZONING BYLAW AMENDMENT – COMBINED BUSINESS/RESIDENTIAL

ARTICLE 42. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

Amend Subsection 4.2.3.2, by deleting the word “twenty” and replacing it with the word “five” and by inserting after the parenthetical “(and no less than one unit)”, the words “on the lot.”

Amend Subsection 4.2.3.4, by deleting the word “ten” and replacing it with the word “five”, by inserting after the word “units”, the words “on the lot”, by deleting the word and number “forty (40)” and replacing it with the word and number “fifty (50)”, and by adding after the word “spaces”, the words “and/or a decrease in the front yard requirement.”

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail's End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project's proponent, who will have to go through the regular town permitting process.

BY PETITION ZONING BYLAW AMENDMENT – LOT

ARTICLE 43. To determine whether the Town will vote to amend the Zoning Bylaw as follows:

By adding the following sentence to Section 1.3.17: “One ownership shall be deemed to exist where the same persons control a lot by a combination of fee ownership and exclusive, irrevocable, recorded easement rights allowing such persons to build, maintain, and replace structures and other improvements in the portion of the lot subject to the easement.”

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This article furthers the goals of the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, one of which is mixed-use development. These zoning changes make it possible to redevelop the underutilized Millbrook Tarry property on Lowell Road and Keyes Road into a vibrant, mixed-use village. To existing uses at Millbrook Tarry (Rite Aid, Citizens Bank, Trail's End Café, professional offices) will be added residences with underground parking, upscale grocery store, restaurant, and retail space serving local needs. Approval of this article grants no permits to the project's proponent, who will have to go through the regular town permitting process.

**BY PETITION AUTHORIZE THE SELECTMEN TO SELL CONVEY RIGHTS IN LAND ON
KEYES ROAD AND TO ACCEPT CASH OR LAND RIGHTS AS COMPENSATION THEREFOR**

ARTICLE 44. To determine whether the Town will vote to authorize the Board of Selectmen to convey to Millbrook Tarry Condominium Association, Inc., a Massachusetts corporation, on terms and conditions agreeable to the Selectmen, fee ownership of, or easements in or other rights to use, all or a portion of the parcel of land at 13B Keyes Road identified on the Assessor's maps as parcel #1682-1, containing approximately 19,455 square feet, and to authorize the Selectmen to accept as compensation and/or exchange therefor: a) the sum of \$50,000 or any other sum, and/or b) a conveyance by Millbrook Tarry Condominium Association, Inc., a Massachusetts corporation, of fee ownership of, or easements in or other rights to use, land bordering the Mill Brook owned by Millbrook Tarry Condominium Association, Inc., the area and configuration of such bordering land and the terms of the conveyance to be as determined by the Selectmen, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This article authorizes the Selectmen, should they consider it advisable, to sell or grant rights in an isolated parcel of town-owned land on Keyes Road to the owner of the Millbrook Tarry property, located on Lowell Road and Keyes Road. The town-owned land would be added to the Millbrook Tarry property and the combined areas would accommodate the creation of a vibrant, mixed-use commercial and residential village, as envisioned by both the 2005 Comprehensive Long Range Plan and the 2007 Village Center Study, prepared by the Department of Planning and Land Management and by the Concord Village Centers Committee in 2007.

2014 ROAD PROGRAM

ARTICLE 45. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$900,000, or any other sum, for the repair, reconstruction, renovation or design of roads and streets within the town including drainage and sidewalk improvements; and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$900,000, or any other sum, under the provisions of Chapter 44 of the Massachusetts General Laws; 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 Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44 of the Massachusetts General Laws, in anticipation of reimbursement of this amount, or take any other action relative thereto.

This Article authorizes the Treasurer to borrow \$900,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$90,000 requested under Article 6, item 23, funds will be used to protect and replace Concord's 103 miles of public roads including drainage and sidewalk construction and renovation. This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

STREET ACCEPTANCE – FINIGAN WAY

ARTICLE 46. To determine whether the Town will vote to (a) accept as a Town way the laying out by the Commissioners of Public Works of a street located on the westerly side of Strawberry Hill Road approximately 850' feet north westerly from Barrett's Mill Road extending in a westerly direction approximately 1,277 feet and terminating in a cul-de-sac turnaround over land of N/F Bentley Building Corp., as shown on a plan filed with the Town Clerk and recorded at the Middlesex South District Registry of Deeds on March 26, 2008 as Plan No. 214 of 2008, entitled "Definitive Subdivision Plan, Finigan Way, A Planned Residential Development, Concord Massachusetts", dated June 26, 2007, revised March 7, 2008, prepared by Stamski and McNary, Inc., containing three (3) sheets; (b) name said street Finigan Way; (c) authorize the

Commissioners to acquire on behalf of the Town, by purchase, eminent domain or otherwise, such interests in land as may be necessary and related thereto, including utility and other easements, on such terms and conditions as the Commissioners may determine; and (d) raise and appropriate, transfer from available funds or accept a grant of a sum of money therefor; or take any other action relative thereto.

The Public Works Commission will vote its intent to lay out Finigan Way in early 2013, prior to Town Meeting. This Article asks Town Meeting to accept the laying out of Finigan Way as a public way.

AUTHORIZATION OF 10-YEAR TERM FOR ACTUARIAL SERVICES CONTRACT

ARTICLE 47. To determine whether the Town will vote, pursuant to the provisions of MGL Chapter 30B, section 12(b), to authorize the procurement of professional actuarial services for the purpose of valuation of post-retirement health insurance liabilities for a contractual term of up to ten years, or take any other action relative thereto.

State procurement law sets a maximum contract term of three years for most services, unless Town Meeting by majority vote authorizes a longer contractual term. Accounting standards require that the Town value its Other Post-Employment Benefit ("OPEB") liabilities on a biennial schedule, for the purpose of reporting these liabilities on the Town's annual financial reports. As a practical matter, this means that each valuation necessitates a new procurement process. It would be prudent and more efficient to have a longer-term relationship with a professional actuary to conduct this repetitive study and to carry out the time-consuming process of provider selection only at longer time intervals. Any long-term contractual relationship of this nature would be exercised at the sole option of the Town and be based on the availability of appropriation and satisfaction with the professional services rendered.

FUNDING FOR TELECOMMUNICATIONS OPERATION

ARTICLE 48. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$1,000,000.00, or any other sum, to be expended under the direction of the Town Manager for the purpose of beginning to provide telecommunication services to Concord residents and businesses, including broadband internet services and telephony, said funds to be used for, equipment, contract services and other functions necessary to begin offering telecommunications services for a fee, the cost of such services to be paid for by the users of such services, or take any other action relative thereto.

This article provides funds to enable the Concord Municipal Light Plant start offering telecommunication services (e.g. Internet) to Concord's residents and businesses. Town Meeting voted in 2003 and 2004 to authorize CMLP to enter into the telecommunications services business. Since then, CMLP has constructed a fiber-optic network throughout Concord to manage the Town's electric grid and other public infrastructure that can also provide telecommunications. This funding would finance the startup expenses and initial capital cost of connecting customers to the CMLP's fiber-optic network. Debt service costs and any related operating costs are to be fully supported from user charges, with no property tax or General Fund support.

POLICE/FIRE RADIO SYSTEM

ARTICLE 49. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$450,000, or any other sum, for the purposes of purchasing and installing a new public safety radio system for the Police and Fire Departments, including computer-aided dispatch consoles, mobile and portable radios together with all related antennas, repeaters, wiring and equipment necessary to operate

a fully functioning public safety radio network, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

Since 2010, the Town has experienced significant failures in the operation of its public safety radio system. The communication center is 11 years old and is used 24/7 for emergency communications. In order to enhance Police and Fire safety and to improve overall radio communications between Town resources and other Public Safety entities, while meeting all FCC radio requirements, it is necessary to convert to a radio system that is mutually compatible to both analog and digital systems.

This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

51 LAWS BROOK ROAD AND RIDEOUT FIELD SITE IMPROVEMENTS

ARTICLE 50. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$100,000, or any other sum, for the purposes of preparing the property at 51 Laws Brook Road to be incorporated into the Rideout Field property, including any necessary engineering, survey, planning and design services and the cost for building demolition, site work, landscaping, park improvements and related costs, said funds to be expended under the direction of the Town Manager, or take any other action relative thereto.

Town Meeting voted at the 2012 Annual Town Meeting to authorize the acquisition of the property at 51 Laws Brook Road, consisting of one acre of land, said property to be merged into the existing Rideout Playground. The land and buildings were acquired in August of 2012. It is expected that the existing dwelling will be removed using available funds. The funding requested under this article would allow the Town to remove any foundation holes, fences and other structures and to make site improvements necessary to incorporate this property into the larger Rideout Field facility.

This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 51. To determine whether the Town will vote to appropriate the sum of \$397,700, or any other sum, from the Concord Community Preservation Fund, of which \$21,216 shall be appropriated from the undesignated fund balance as of June 30, 2012, \$94,284 shall be appropriated from unappropriated Fiscal Year 2013 Fund Revenues, \$20,000 shall be appropriated from funds previously allocated to the Housing Reserve Fund; and \$262,200 shall be appropriated from projected Fiscal Year 2014 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	Total Amount Recommended	Category	Source of Funds			
				Community Housing Reserve Fund	FY13 CPA Fund Revenue	Prior Year Fund Balance	FY14 CPA Fund Revenue
A	Town of Concord – Regional Housing Services Program	25,000	Community Housing		10,000		15,000
B	Town of Concord – Heywood Meadow Stone Wall Engineering and Design	15,000	Historic Preservation				15,000

C	Town of Concord – Wheeler-Harrington House Studies	33,000	Historic Preservation				24,000
			Open Space		9,000		0
D	Town of Concord – Old Calf Pasture Habitat Restoration	25,000	Open Space				25,000
E	Concord Housing Dev. Corp. – Maintaining Concord’s Affordable Housing	50,000	Community Housing				50,000
F	Concord Housing Authority – Everett Garden Expansion Roof Replacement	100,000	Community Housing	20,000			80,000
G	Wright Tavern Roof Replacement and Historic Structure Report	50,000	Historic Preservation		15,284	11,516	23,200
H	Emerson Umbrella – Cupola Restoration Project	60,000	Historic Preservation		60,000		0
I	Concord Children’s Center – Phase II of the Natural Playscape at Ripley	9,700	Recreation			9,700	0
J	Town of Concord – Staff and Technical Support	30,000	Administrative				30,000
		\$397,700		\$20,000	\$94,284	\$21,216	\$262,200

or take any other action relative thereto.

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$175,000 for Community Housing, \$149,000 for Historic Preservation, \$34,000 for Open Space, \$9,700 for Recreation and \$30,000 for Administration. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

LAND ACQUISITION– 449 BARRETT’S MILL ROAD – MCGRATH’S FARM

ARTICLE 52. To determine whether the Town will vote to authorize the Board of Selectmen to:

- (a) 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 located at 449 Barrett’s Mill Road, shown on the Assessors Maps as parcel #1986-8, consisting of approximately 1.9 acres, including the buildings located thereon (the “subject property”), for the purposes of preserving all or a portion thereof for agriculture and open space and/or reserving a portion thereof for subsequent sale, on such terms and conditions as the Board of Selectmen may determine,
- (b) authorize the conveyance of a conservation restriction to a non-profit organization pursuant to Chapter 184 on such portion intended to be preserved for agriculture and open space,
- (c) expend an additional sum under the direction of the Town Manager to remove some or all structures thereon and make other site improvements and restoration thereto;
- (d) sell or transfer all or a portion of the interests in the subject property acquired by the Town, including the sale of a use or other easement to help defray the cost of acquisition, and
- (e) authorize incidental expenses related to such acquisition and sale, including legal, permitting and environmental assessment costs;

and that to meet such expenditures, the Town will raise and appropriate, or transfer from available funds in the Treasury, or appropriate a sum not to exceed \$400,000 from the Concord Community Preservation Fund,

and/or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, a sum of \$925,000, or any other sum said borrowing to be reduced by the amount of any grants or gifts received or Community Preservation Fund appropriations for this acquisition after reimbursement of the General Fund for the cost of any short-term note interest and issuance expense incurred, for the purpose of acquiring the subject property and making said site improvements, including incidental related expenses, or take any other action relative thereto.

The Town has been acquiring the lands associated with the McGrath Farm on Barrett's Mill Road for many years and approximately 40 acres are now held in conservation. The United States Department of the Interior acquired the historic Barrett Farm House in August 2012 and plans to merge that property into Minuteman National Historical Park. This 1.9 acres, together with a 2 bedroom house, greenhouses and outbuildings are proposed for acquisition to complete the protection and preservation of these historic agricultural lands. This article would enable the Town to acquire the property and to work with financial partners, including the National Park Service, to permanently protect the farmland.

CONSERVATION LAND EXCHANGE FOR 449 BARRETT'S MILL ROAD – MCGRATH'S FARM

ARTICLE 53. To determine whether the Town will vote to authorize the Board of Selectmen to petition the Massachusetts Legislature for an act approving the sale of land currently held in conservation near the intersection of Barrett's Mill and Strawberry Hill Roads, shown on the Assessors Maps as [a portion of] parcel # 1950-2 and on a plan of land on file with the Town Clerk, including removal of said parcel from protection as natural and open space under Article 97 of the Amendments to the Massachusetts Constitution and exemption from disposition under the provisions of Chapter 30B of the Massachusetts General Laws, and if the Legislature so approves, authorize the transfer of said land from the Natural Resources Commission to the Selectmen to exchange for all or any portion of the property located at 449 Barrett's Mill Road, shown on the Assessors Maps as parcel #1986-8, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

This article would authorize the Town to convey one acre of Town conservation land, subject to the approval of the Legislature, as part of an exchange for any portion of the property at 449 Barrett's Mill Road that had been acquired by a third party. Under this article, the Selectmen would work with financial partners to acquire a parcel that completes the protection of 40+ acres on the south side of Barrett's Mill Road.

LAND ACQUISITION – STETSON/SPINELLI EASEMENTS AT 121 AND 131 HARRINGTON AVENUE

ARTICLE 54. To determine whether the Town will vote to appropriate the sum of \$38,800, or any other sum, from the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, to be expended under the direction of the Town Manager for the purpose of acquiring a portion of the parcels, or easements over the parcels, located at 121 and 131 Harrington Avenue (Parcels 2708 and 2709-1) as permanently protected Open Space to be used to establish a continuous public trail system and access along the Assabet River from Second Division Brook to Harrington Park, or take any other action relative thereto.

The Stetson and Spinelli properties are two long, narrow residential properties located between Town-owned land on Harrington Avenue, both having frontage on the Assabet River. To the west of these parcels is the former Rogers Farm land, 4.5 acres acquired by the Town for agriculture in 2011. To the east are the Marshall Farm and Harrington House properties, comprising an additional 22 acres of town land. This article would authorize the Selectmen to acquire an easement over these two properties that would create a connection between the Rogers land and the Marshall Farm/Harrington House lands. This would allow farm equipment access to all of the Town land in that area and would allow public access to municipal property having more than 2,600 feet of frontage along the Assabet River.

TOWN HOUSE EXTERIOR RENOVATIONS

ARTICLE 55. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the Treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws, the sum of \$950,000, or any other sum, and further to determine whether the Town will vote to appropriate the sum of \$800,000 or any other sum, from the Concord Community Preservation Fund, in accordance with Chapter 44B of the Massachusetts General Laws, said funds to be expended under the direction of the Town Manager for the purpose of undertaking masonry repairs and historic preservation and related work on the exterior of the Concord Town House located at 22 Monument Square, including any necessary design, planning and engineering services, required to effect the proper restoration of the exterior of the building, or take any other action relative thereto.

The Concord Town House was built in 1851 and is the seat of Concord's Town government. The original building has hard-fired red face brick with extensive use of Portland Connecticut Brownstone. The Town retained the services of McGinley Kalsow & Assoc, Architects and Preservation Planners to assess the condition of the exterior. Their report dated September 18, 2012 is posted on the Town's website. The report confirms that 100% of the brickwork needs to be repointed, as do the stairs and granite foundation. The brownstone elements of the building are generally in poor condition and much of it should be replaced. Due to the difficulty in locating replacement stone and the steadily increasing cost of restoration work, it is recommended that the repair work be undertaken as soon as possible.

This borrowing is part of the Town Manager's Five-Year Capital Plan, with the debt service cost to be funded within the levy limit.

BY PETITION CONCORD TOWN CHARTER

ARTICLE 56. To determine whether the Town will vote: To request the Moderator or Selectmen to create a Committee to study the organization of Concord town government and its component parts including Municipal functions, the Schools, Library and Municipal Light Plant. The Committee would meet regularly, report periodically to the Selectmen and School Committee, and present findings and recommendations to 2014 Town Meeting.

Concord Municipal government is organized under a Charter approved by the Legislature in 1952 and adopted in Concord in 1956. It has been amended six times, most recently in 2003. Under the Home Rule Amendment to the State Constitution adopted in 1966, towns have a great deal of latitude in determining the structure of town government. A review of Concord's Charter and various aspects of Town government not currently addressed by the Charter is overdue, or take any other action relative thereto.

PETITIONER'S EXPLANATION:

The 2005 Comprehensive Long Range Plan called for a review of the Town Charter on the 50th anniversary of its acceptance. Eight years later this is still a good idea. Creation of a review committee will provide a forum in which to examine what we have, what has worked, what could be improved, and what is not addressed in the current Charter.

Most Concord citizens have a limited understanding of the structure and function of Concord town government. Citizen participation rates are low. Town meeting attendance hovers below 10% of registered voters, about half of who attend just one evening session. Many critical votes are taken at town meeting by a few hundred of the Town's 12,580 registered voters. Turnout at the polls is around 20% for town elections contrasted with 85% for national contests. Local democracy matters, and Concord can do better than this.

PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE

ARTICLE 57. To determine whether the Town will vote to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager with the selected solar project developer for

proposed solar energy generating facilities to be located at the 759 Walden Street, the former Sanitary Landfill Site, or take any action relative thereto.

Town Meeting voted at the 2012 Annual Town Meeting to authorize the installation of a utility-scale solar photovoltaic electric generating system at the former Landfill site on Walden Street. As municipal property, the land is tax-exempt, but the electric generating equipment will be privately owned and will therefore be subject to local property taxes. Setting the value of electric generating equipment is not an exact science and the value of the equipment can vary depending on a number of factors that cannot be known in advance, such as the demand for energy, the regional economy and changes in regulations. MGL chapter 59, section 38 allows electrical generators to negotiate a payment in lieu of taxes "... which shall be the result of good faith negotiations and shall be the equivalent of full and fair cash valuation..." and the agreement must be ratified by the municipal legislative body. Such an agreement provides the opportunity to determine a predictable tax revenue stream for the Town and predictable tax payments for the generating company.

WETLANDS BYLAW AMENDMENT

ARTICLE 58. To determine whether the Town will vote to amend the Wetlands Bylaw by making the following revisions (proposed new text is italicized, bolded, and underlined, and proposed deleted text is italicized, bolded, and struck out for the warrant only).

1. Purpose

The purpose of this Bylaw is to protect the Town of Concord's wetlands, water resources, flood prone areas, and adjoining upland areas including three major rivers, the Assabet, Sudbury, and Concord and their tributaries by prior review and regulation of activities deemed by the Concord Natural Resources Commission (the Commission) likely to have a significant or cumulative effect on resource area values. These resource area values include, but are not limited to, the following:

- public or private water supply
- groundwater
- flood control
- erosion and sedimentation control
- storm damage prevention
- water quality
- prevention and control of pollution
- fisheries
- wildlife habitat
- rare species habitat including rare plant and animal species
- agriculture

deemed important to the community (collectively, the "wetland resource area values protected by this Bylaw").

This Bylaw is subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant Bylaws of the Town of Concord.

2. Jurisdiction

Except as permitted by the Commission or as provided in this Bylaw or its Regulations hereunder, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas:

- 2.1 any freshwater wetland, marsh, wet meadow, bog, swamp, flat, bank, or beach bordering on any reservoir, lake, pond, perennial or intermittent stream, river, brook, or creek; and adjoining lands out to a distance of 100 feet known as the Buffer Zone;
- 2.2 any land under the aforementioned waterways and waterbodies;
- 2.3 any Certified Vernal Pool and adjoining lands out to a distance of 100 feet known as the Vernal Pool Habitat;
- 2.4 any perennial stream, river, brook, or creek; the land thereunder; and adjoining lands out to a distance of 200 feet known as the Riverfront Area, and;
- 2.5 any Land Subject to Flooding

(collectively the "resource areas protected by this Bylaw").

Concord Wetlands Protection Map

The Natural Resources Commission may refer to, and amend from time to time, a "Concord Wetlands and Certified Vernal Pool Protection Map" which shall be designed to illustrate the wetland resource areas (including Certified Vernal Pools) that may be jurisdictional under this Bylaw. The map is to be used as a general guide only. Field observations and/or engineering calculations shall control in determining jurisdiction under this bylaw.

3. Exemptions

The following exemptions shall apply and no application or permit is required for:

- 3.1 The following activities in the 100-foot Buffer Zone (which includes the 25-foot No-Disturb Zone) or the 200-foot Riverfront Area provided the activity is not within any other resource area; there is no regrading; no trees greater than 6 inches diameter breast height are removed; there is no alteration to additional resource areas; and erosion and sedimentation controls are used as needed or as determined by the Commission or agent of the Commission:
 - a. Maintaining and repairing existing buildings and structures (***excluding repaving***) provided that:
 - i. the footprint remains the same;
 - ii. there is no additional alteration of any resource areas; and
 - iii. there is no heavy equipment or stockpiling within 50 feet of resource areas;
 - b. Constructing, maintaining, and repairing unpaved pedestrian walkways for private use provided no use of fill material;
 - c. Maintaining and repairing existing stonewalls;
 - d. Maintaining and constructing new fencing provided that:
 - i. it is greater than 50 feet from the edge of the wetland boundary or 50 feet from the mean annual high water line of a perennial stream (whichever is farther);
 - ii. it does not constitute a barrier to wildlife movement (i.e. the fence is greater than 6 inches from the ground surface);
 - e. Stacking cordwood;
 - f. Conversion of lawns to decks, sheds, patios, and pools that are accessory to residential structures, provided the activity, including any discharge pipes, is located more than 50 feet from the mean annual high water line or bordering vegetated wetland (whichever is farther). The conversion of such uses, or other impervious surfaces accessory to existing single family houses to lawn or natural vegetation is also allowed;
 - g. Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts as determined by the Commission, and are necessary for planning and design purposes;
 - h. Planting native species of trees, shrubs, or groundcover (excluding turf lawns).
 - i. Vista pruning, provided the activity is located more than 50 feet from the mean annual high water line within a riverfront area or from bordering vegetated wetland, whichever is farther.
- 3.2 The following activities are exempt in any resource area and Buffer Zone:
 - a. Routine mowing (including river meadows) and maintenance of lawns, gardens, and landscaped areas (including tree pruning), in existence on the effective date of this Bylaw or which are created after such date in accordance of the terms of this Bylaw;
 - b. Work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations as 310 CMR 10.00; and
 - c. Removal of dead and dying trees, as confirmed by the Natural Resource Director or a certified arborist and documented to the Commission within 30 days of removal; and
 - d. Fencing around existing vegetable gardens that is flush or below ground.

3.3 Emergency Projects

Permits shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been

given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Bylaw, if deemed necessary by the Commission. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

3.4 Utilities and Roads

Permits shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission 14 days prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in Regulations adopted by the Commission.

The applications and permits required by this Bylaw shall not be required for maintaining and repairing existing and lawfully located existing roads (excluding bridges and culverts) provided that:

- a. there is no increase in impervious surface;
- b. there is no additional alteration of resource areas;
- c. written notice has been given to the Division of Natural Resources 14 days prior to commencement of work;
- d. erosion and sedimentation controls are used as necessary.

4. **Definitions**

Except as otherwise provided in this Bylaw or the Regulations hereunder, the definitions of terms and the procedures in this Bylaw shall be as set forth in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00), as now in effect. In addition, the following definitions shall apply in the interpretation and implementation of this Bylaw.

The term “abutter” shall include all landowners and individual condominium owners.

The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this Bylaw:

- 4.1 Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- 4.2 Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- 4.3 Drainage, or other disturbance of water level or water table;
- 4.4 Dumping, discharging, or filling with any material which may degrade water quality;
- 4.5 Placing of fill, or removal of material, which would alter elevation;
- 4.6 Driving of piles, erection or expansion of buildings or structures of any kind;

- 4.7 Placing of obstructions or dam-like objects in water;
- 4.8 Destruction of plant life including removal of trees and shrubs;
- 4.9 Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- 4.10 Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- 4.11 Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this Bylaw.

The term “structure” shall mean any manmade component whether above, on, or below ground. It may include, but not be limited to, any new surface or sub-surface component such as buildings, foundations, sheds, decks, garages, fences, barns, tennis courts, underground tanks and irrigation systems, swimming pools, and driveways, due to its potential to alter wetland resource area values.

The term “vernal pool” is defined as any confined basin or depression which has been certified by the Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

The term “vernal pool habitat” is the area within 100 feet of a Certified Vernal Pool, which provides essential habitat for vernal pool species to complete their life cycle.

The term “vista pruning” means the selective thinning of tree branches or understory shrubs to establish a specific “window” to improve visibility. Vista pruning does not include the cutting of **trees limbs** which would reduce the leaf canopy to less than 90% of the existing crown cover and does not include the mowing or removal of understory brush.

5. Applications and Fees

5.1 Application.

Written application shall be filed with the Commission to perform activities subject to this Bylaw. This application shall include the information and plans set forth in the Rules and Regulations of the Commission.

5.2 Request for Determination of Applicability.

Any person desiring to know whether a proposed activity or an area is subject to this Bylaw may in writing request a determination from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act as a request under this Bylaw. Such a request for determination shall contain information and plans specified by the Rules and Regulations of the Commission. The Commission shall issue its order or determination in writing within 21 days of the close of the public hearing thereon unless the applicant authorizes an extension in writing. If the Commission determines that a proposed activity is subject to this Bylaw and issues a positive RDA, the applicant may file for approval as outlined in §§ 6.0 – 7.0 of this Bylaw.

5.3 Request for Wetland Resource Area Approval.

Any person desiring to certify, for purposes of this Bylaw, the limits of resource areas on a site may file a request for approval of resource area boundaries. This application shall include such information and plans as are set forth in the Rules and Regulations of the Commission to describe and define the wetland resource areas. The Commission shall accept an Abbreviated Notice of Resource Area Delineation (ANRAD) under the Wetlands Protection Act (M.G.L. Ch. 131 §40) as similar request under this Bylaw. **Alternatively, the Commission may accept a Request for Determination of Applicability to determine partial resource area boundaries. The suitability of this approach will be determined by the Commission.**

5.4 Independent Consultants.

The Commission may, at the expense of the applicant, retain an independent consultant for the purpose of providing the Commission with data, analysis, or other information deemed by the Commission to be reasonably necessary or appropriate to assist the Commission in reviewing the application or rendering its decision, in conformity with the provisions of M.G.L. Ch. 44 §53G and Rules and Regulations of the Commission. This is intended only to assist in reviewing large or complex projects.

6. Notice and Hearings

6.1 Notice.

Any person filing a Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation, or an amendment to any of the above permits with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. **An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.** When a person filing any application is other than the owner, the request **shall be sent by the person making the request to the owner and notice of the hearing and** the determination shall be sent by the Commission to the owner as well as to the person making the request.

6.2 Public Hearing.

The Commission shall conduct a public hearing on any application and a public meeting on the Request for Determination of Applicability, with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in Concord. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

- a. In order to provide sufficient review time the Commission may continue a public hearing or public meeting if new information is submitted by the applicant, or applicant's agent, less than seven (7) business days before the scheduled public hearing or public meeting.
- b. The Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

7. **Permits and Conditions**

7.1 Administrative Approvals.

Activities considered minor in scope and that would predictably have no measurable or cumulative impact upon the resource areas protected by this Bylaw, may be reviewed and permitted by the Natural Resource Director.

7.2 Decision.

If the Commission, after a public hearing and consideration of the general and specific factors set forth below, determines that the activities which are subject to the application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, unless the applicant authorizes an extension in writing, shall issue or deny a permit for the activities requested. The decision shall be in writing.

7.3 Factors.

In making such a determination, the Commission shall take into account the following factors:

- a. the extent to which the applicant has avoided, minimized and mitigated any such effect;
- b. any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt; and
- c. foreseeable future activities.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

7.4 Specific Factors.

a. Buffer Zone

In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

b. Riverfront Area

In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the **credible** evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed

mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

c. Resource Area Loss

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

d. Certified Vernal Pools

The Commission shall presume that all areas meeting the definition of “vernal pools” under §4.0 of this Bylaw, including the adjacent Vernal Pool Habitat, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the area does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.00).

e. Setbacks

The Commission shall presume that any activity or alteration within 25 feet of any freshwater wetlands, marshes, wet meadows, bogs, swamps, springs, banks, beaches, reservoirs, lakes, ponds, and lands under water bodies, intermittent streams, brooks and creeks, and perennial rivers and streams, has a significant individual or cumulative impact upon the resource area values protected by this Bylaw and shall be prohibited.

- i. This presumption may be overcome where applicant can clearly demonstrate with credible evidence the proposed activity or alteration would have no individual or cumulative impact upon any of the resource area values protected by this Bylaw in accordance with the Regulations hereunder. Alternatively, the Commission may waive the setback if it determines that an applicant satisfies the waiver requirements in §7.7.
- ii. The following shall not be subject to this setback presumption: Routine maintenance, repairs and construction on legally preexisting structures so long as there is no expansion in the structure; **the installation of public or private utilities along or within legally existing roadways and driveways**; continuation of a legally preexisting use; or the construction and maintenance of publicly maintained trails that restrict the use of motorized vehicles. Maintenance, repairs, and construction shall be subject to all other requirements under this Bylaw and its Regulations hereunder.

7.5 Conditions.

Upon the issuance of a permit, the Commission shall impose conditions it deems necessary or desirable to protect said wetland resource area values, and all activities shall be conducted in accordance with those conditions.

7.6 Denial.

Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw. The Commission may also deny a permit:

- a. for failure to submit necessary information and plans requested by the Commission;
- b. for failure to comply with the procedures, design specifications, performance standards, and other requirements in Regulations of the Commission; or
- c. for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this Bylaw.

7.7 Waivers.

The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its Regulations, provided that:

- a. the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said Regulations;
- b. ~~that~~ avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
- c. **the project, considered in its entirety, would result in a net benefit of resource area values;**
or
- d. ~~that~~ the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

7.8 Expiration of Permit.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. The Commission may extend a permit for one or more periods of up to three years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit.

Notwithstanding the above, the Commission in its discretion may (a) issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission, and (b) extend such permit for one or more periods of up to five years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

7.9 Revocation of Permit.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this Bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §6.0, and after a public hearing.

7.10 Amendment of Permit.

Amendments to any permit shall be handled in the manner set out in the Wetlands Protection Act Regulations (310 CMR 10.00) and policies thereunder. For good cause, the Commission may also modify its determination of any resource area boundary delineation established in an ORAD at the time of issuance of any Order of Conditions for any activity or project on the same site; the issuance of an ORAD shall not be considered final action on such a boundary delineation request.

7.11 Recordation of Permit.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Middlesex (South) Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the Middlesex (South) Registry of Deeds, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

8. **Regulations**

After public notice at least 14 days prior to public hearing, the Natural Resource Commission may promulgate such Rules and Regulations to effectuate the purpose of this Bylaw, effective when voted and approved by a majority vote of Town Meeting, and filed with Town Clerk. Failure by the Commission to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

9. Compliance

9.1 Scope.

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this Bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw.

9.2 Entry.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

9.3 Enforcement.

The Commission shall have authority to enforce this Bylaw, its Regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under M.G.L. Ch. 40 §21D, and civil actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

9.4 Legal Action.

Upon request of the Commission, the Town Manager, Board of Selectmen and Town Counsel may take legal action for enforcement under civil law.

9.5 Fines.

The Natural Resources Director or other designee of the Town Manager may issue a fine for each offense as specified in this Bylaw and in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.

As long as any person in violation demonstrates a reasonable, good faith effort to comply with this Bylaw, the Natural Resources Director shall refrain from issuing fines. However, the Natural Resources Director shall resort to issuing fines when the violator ceases to demonstrate a reasonable, good faith effort toward achieving compliance. This provision does not preclude the Natural Resources Director from issuing fines and the Commission from simultaneously ordering mitigation or restoration of the affected resource area(s).

a. Fine Schedule

Any person who violates any provision of this Bylaw, Regulations, permits, or administrative permits issued hereunder, may be subject to the following fine schedule:

- i. \$100 per day for the first offense;
- ii. \$200 per day for the second offense;
- iii. \$300 per day for the third and subsequent offense.

Each day or a portion thereof during which a violation continues shall constitute a separate offense, and each provision of the Bylaw, Regulations, or permit violated shall constitute a separate offense, provided, however, that the accelerating penalty schedule for second, third and subsequent offenses set forth above shall not apply to continuing violations or violations of multiple bylaw provisions arising out of the same activity.

b. Appeals.

In addition to the appeal provisions under M.G.L. Chapter 40, §21D, persons fined may appeal in writing to the Commission within 21 days. The Commission shall vacate fines where compliance has been established or, their issuance is inconsistent with the interests of this Bylaw. The Commission shall suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation. This provision does not preclude the issuance of fines in conjunction with orders for restoration or mitigation.

10. Burden of Proof

Except where a higher burden of proof is specified in this Bylaw or Regulations adopted by the Commission, the applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

11. Appeals

A decision of the Commission shall be reviewable in the superior court in an action filed within 60 days thereof, in accordance with M.G.L. Ch. 249 §4 as amended .

12. Relation to the Wetlands Protection Act

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40), as amended, and Regulations (310 CMR 10.00), as amended thereunder.

13. Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Provided that this Bylaw shall not be applicable to activity that is the subject of a Notice of Intent filed with the Commission pursuant to the provisions of said Wetlands Protection Act (M.G.L. Ch. 131 §40) before May 6, 2009.

Article 43, Town Meeting, April 29, 2009
Approved by Attorney General September 8, 2009

Or take any other action relative thereto.

The Natural Resources Commission has had the opportunity to work with the Wetlands Bylaw for over three years, and is now proposing minor revisions. The changes fall broadly into three categories: expanded definitions for improved clarity, aligning Bylaw language with state regulations, and providing better guidance for property owners, Town staff, and the Commission, while still upholding the principles of the protections provided by the Bylaw.

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT REGISTRATION BYLAW

ARTICLE 59. To determine whether the Town will vote to adopt a bylaw requiring the registration of domestic pet cats.

Section 1. PURPOSE OF THIS BYLAW

The purpose of this bylaw is to create a process for registering domestic pet cats in Concord;

- whereas the state of Massachusetts requires by law that cats be vaccinated for rabies;
- whereas Concord has no procedure in place for documenting vaccinated pet cats.

Section 2. REGISTERING PET CATS

- a. no person shall own or keep a cat 6 months of age or older within the Town unless it is registered with the Town;
- b. the registering keeper of the cat(s) must be 18 years of age or older;
- c. a registration fee of \$10 shall be collected per household/residence vs. collecting a fee for each cat living on said premises; a \$40 registration fee per household/residence will be applied if any cat(s) are not neutered or spayed. Cat breeders identified on Town records are exempt from the spay/neuter fees.

- d. during the registration period, each owner will have his/her cat(s) registered, numbered and described at the Town Clerk's office. The owner may add descriptive words, indicating the cat's sex, age, coloring, weight, unique markings and breed.
- e. a valid rabies certificate along with evidence of having the cat(s) spayed or neutered must be submitted to the Town Clerk at the time of registration;
 - 1) evidence of vaccination, spaying or neutering may be waived if a signed statement from a veterinarian warrants such action;
- f. updates regarding status or number changes are to be submitted voluntarily by keepers of the cat(s).
- g. any cat(s) in transit, or brought into temporarily for the sole purpose of showing in a cat show or exhibition, shall be exempt from these provisions;
- h. cat owners 70 years of age or older will have a special registration rate of \$5 for spayed or neutered cats, and \$30 for cats not spayed or not neutered;
- i. a violation of the rabies vaccine law may be fined up to a maximum of \$100;
- j. registration takes place annually between April 1st and the following March 31st, both dates inclusive.

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This Article seeks Town Meeting approval to adopt a bylaw requiring registration of pet cats in Concord.

BY PETITION TOWN OF CONCORD MASSACHUSETTS CAT BYLAW

ARTICLE 60. To determine whether the Town will vote to adopt a bylaw discouraging certain roaming behaviors related to pet cats.

Section 1. PURPOSE OF THIS BYLAW

The purpose of this bylaw is to have a mechanism in place regarding free-roaming pet cats.

- a. this bylaw encourages cat owners/keepers keep their cats indoors or within the boundaries of their property, and pertains to domestic, pet cats only;
- b. an owner/keeper of a cat(s) will only allow his/her cat to roam outside with direct supervision and respect the boundaries of neighboring properties;
- c. no person shall allow his/her cat to disturb the peace of neighbors or private property, or endanger the safety of any other person or pet;
- d. there is no disturbance to peace or property if a community of neighbors agree on and support a free-roaming cat within the boundaries of their related properties.

Section 2. TRESPASS

- a. no owner or keeper of a cat shall allow his/her cat to enter onto the property of a neighbor without agreement from the neighbor;
- b. if a cat owner/keeper has been informed by a law enforcement officer or Animal Control Officer that his/her cat was disturbing a neighbor or property of another, this constitutes a First Offense. Subsequent offenses and fines follow:

- 1st Offense = No fine;
- 2nd Offense = \$25 fine;
- 3rd Offense = \$50 fine;
- 4th Offense = remedial actions as directed by ACO and all parties involved.

Or take any other action relative thereto.

PETITIONER'S EXPLANATION:

This Article seeks Town Meeting approval to adopt a bylaw addressing safety or nuisance complaints as related to pet cats in Concord.

LOCAL OPTION LOCAL INCOME TAX – FURTHER ACTION

ARTICLE 61. To determine whether the Town will take any further action with regard to the legislative proposal that has been submitted to the 2013 General Court pursuant to approval of Article 47 at the 2012 Annual Town Meeting, which proposes that the Town of Concord be permitted to replace a portion of its residential real estate property tax by a local income tax to be collected as a surcharge on the taxable personal income of residents of the town, the adoption of such a local income tax and the rate of said surcharge to be voted at an annual or special town meeting by a two-thirds majority and approved at a municipal election by a majority of those voting at the polls.

This article, submitted by the Local Option Local Income Tax Committee appointed by the Board of Selectmen, enables the 2013 Annual Town Meeting to take further action on the implementation of a Local Option Local Income Tax for the Town of Concord in the event the state legislature acts favorably to grant such authority to the Town. If the state legislature has not yet acted, this Article enables the 2013 Annual Town Meeting to consider what other steps may be necessary and desirable to promote and encourage favorable action by the state legislature.

HOME RULE LEGISLATION – FOR ONE ADDITIONAL LICENSE FOR THE RETAIL SALE OF ALL ALCOHOLIC BEVERAGES (SECTION 15 OFF-PREMISE)

ARTICLE 62. To determine whether the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation with the General Court to allow for the placement on the official ballot for any general or special election the following question: “Shall the Board of Selectmen of the Town of Concord be authorized to issue one additional license for the retail sale of all alcoholic beverages, in accordance with Massachusetts General Laws Chapter 138, Section 15, or take any other action relative thereto.

The purpose of this article is to serve the public convenience by allowing one additional “Section 15 Off-Premise” license for the retail sale of all alcoholic beverages.

DEBT RESCISSION

ARTICLE 63. To determine whether the Town will vote to rescind the following unused borrowing authorization:

Article 20 of 2009 Annual Town Meeting – Concord Municipal Light Plant, Smart Grid (original authorization \$4,500,000)	\$ 500,000
Article 33 of 2011 Annual Town Meeting – Fire Equipment, aerial ladder truck (original authorization \$900,000)	\$ 100,000
Article 42 of 2011 Annual Town Meeting – Land acquisition, Rogers parcel	\$ 300,000

This article will remove from the Town's accounting records debt authorizations that were not required to accomplish the purpose of the original articles and that were issued as bonds or notes. This is routine proper fiscal practice.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 6th day of February in the year two thousand-twelve.

Carmin C. Reiss

Stanly E. Black

Steven Ng

Elise F. Woodward

Jeffrey S. Wieand

BOARD OF SELECTMEN

Commonwealth of Massachusetts Middlesex, ss.

Concord _____
Date

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

Constable of Concord

ATTENTION CITIZENS

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

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

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

COMMITTEE LISTING

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

=	BOARD OF APPEALS
#	BOARD OF ASSESSORS
=	CABLE TV COMMITTEE
*	CEMETERY COMMITTEE
=	COMMUNITY PRESERVATION ACT COMMITTEE
=	CONCORD CULTURAL COUNCIL
*	CONCORD MUNICIPAL LIGHT BOARD
*	COUNCIL ON AGING BOARD
+	FINANCE COMMITTEE
=	HANSCOM FIELD ADVISORY COMMISSION REPRESENTATIVE & ALTERNATE
*	BOARD OF HEALTH
#	HISTORICAL COMMISSION
=	HISTORIC DISTRICTS COMMISSION
=	HUGH CARGILL TRUST COMMITTEE
=	LIBRARY COMMITTEE
*	MAPC REPRESENTATIVE
=	MBTA REPRESENTATIVE
+	MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL REPRESENTATIVE
#	NATURAL RESOURCES COMMISSION
=	PERSONNEL BOARD
=	PLANNING BOARD
=	PUBLIC CEREMONIES & CELEBRATIONS COMMITTEE
*	PUBLIC WORKS COMMISSION
=	RECORDS & ARCHIVES COMMITTEE
*	RECREATION COMMISSION
=	BOARD OF REGISTRARS
*	RETIREMENT BOARD
=	TRUSTEES OF TOWN DONATIONS
=	WHITE POND ADVISORY COMMITTEE

TOWN ELECTION

Tuesday, March 19, 2013

POLLS OPEN 7AM TO 8PM

The deadline for unregistered residents to register to vote for the Annual Town Election or to participate and vote at the Annual Town Meeting is Wednesday, February 27, 2013.

In addition to regular office hours, the Town Clerk's Office will hold a special evening voter registration session on Wednesday, February 27th from 4:30 to 8:00 pm at the Town Clerk's Office, 22 Monument Square.

Voter registration may be done either by mail or in person.

A mail-in registration form may be downloaded from the Town's Web Site (www.concordma.gov – click "Elections & Voting") or call the Town Clerk's office and ask that a form be mailed.

For in-person registration, visit the Town Clerk's office at the Town House

22 Monument Square – 978-318-3080.

Open Mondays-Fridays 8:30 AM - 4:30 PM

TOWN MEETING

BEGINS MONDAY, APRIL 22, 2013

7:00 PM

Concord-Carlisle Regional High School
500 Walden Street

Adjourned sessions - if necessary

Tuesday	April 23, 2013
Wednesday	April 24, 2013
Thursday	April 25, 2013
Monday	April 29, 2013
Tuesday	April 30, 2013