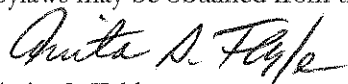


PUBLIC NOTICE

DATE OF POSTING: August 23, 2011

The attached Zoning Bylaw Amendments and Town General Bylaw Amendments approved at the April 2011 Annual Town Meeting and April 2011 Special Town Meeting have been approved by the Office of the Attorney General and are now in effect in the Town of Concord.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of the above posting date (i.e., November 21, 2011). Copies of the attached bylaws may be obtained from the Town Clerk's Office at the Town House in Monument Square.



Anita S. Tekle
Town Clerk

April 2011 Annual Town Meeting:

General Bylaws:

Article 40 – Farming Bylaw

Zoning Bylaws:

Article 43 – Zoning Bylaw Amendment—Side Yards

Article 44 – Zoning Bylaw Amendment—Definition of Height

Article 45 – Zoning Bylaw Amendment—Table of Principal Uses (Corrections)

Article 46 – Zoning Bylaw Amendment—Table III Dimensional Regulations

Article 47 – Zoning Bylaw Amendment—Commercial Vehicle Wheelbase

Article 48 – Zoning Bylaw Amendment—Special Home Occupation

Article 49 – Zoning Bylaw Amendment—Spelling Correction

Article 50 – Zoning Bylaw Amendment—Table of Use Regulations (West Concord Business District)

Article 52 – Zoning Bylaw Amendment—Grocery Store, Retail Store & Restaurant

Article 53 – Zoning Bylaw Amendment—Table III Dimensional Regulations

Article 54 – Zoning Bylaw Amendment—Formula Business With A Cap (Note one phrase in Section 3.3.4 disallowed and removed from approved text)

April 2011 Special Town Meeting:

General Bylaws:

Article 1 – Amendment to Non-Criminal Disposition of Violations of Town Bylaws – Adoption of Appendix A (Fines)

Zoning Bylaws:

Article 3 – Zoning Bylaw Amendment—Table of Use Regulations (West Concord Industrial District)

Article 4 – Zoning Bylaw Amendment—Combined Industrial/Business/Residence Use (West Concord Industrial District & Industrial District)

Article 6 – Zoning Bylaw Amendment—Establish the West Concord Village District



Town of Concord

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

**2011 Annual Town Meeting
April 25, 26 and 27**

FARMING BYLAW

ARTICLE 40. Upon a **MOTION** duly made and seconded the following was **VOTED BY A NEAR UNANIMOUS VOTE** and so declared by the Moderator:

FARMING BYLAW

This Bylaw highlights the importance of farming to the Town of Concord, reiterates that farming is a valued and accepted activity here, and is intended to help promote understanding between farmers and their neighbors.

SECTION 1. FARMING IN CONCORD

The Town of Concord has long been a town where farming has been a significant activity and is an important part of the Town's economy. Farming is still an important activity contributing to the Town's character and quality of life.

SECTION 2. CONSTITUTIONAL AND LEGISLATIVE RECOGNITION

The significant and unique nature of the use of land for agricultural activities has been recognized by the Constitution of Massachusetts (Article 97, power to take and purchase agricultural land), and by the General Laws of Massachusetts; see, for example, Chapter 40A, Section 3, Paragraph 1 (zoning bylaws may not prohibit or unreasonably regulate commercial agriculture); Chapter 90, Section 9 (limited exception for use of vehicles used exclusively for agriculture purposes on public ways); Chapter 111, Section 125A (odor and noise from certain normal and generally acceptable farming activities exempt from nuisance actions by Boards of Health); and Chapter 243, Section 6 (limitation on actions for nuisance against operations of a farm). See, also, Chapter 128, Section 1A for a definition of "farming" and "agriculture".

SECTION 3. PURPOSE OF THIS BYLAW

The purpose of this Bylaw is to recognize the foregoing, to establish policies to encourage and promote farming by recognizing the nature of farming activities, and to balance the interest of those conducting farming activities and the interest of residents affected by them.

SECTION 4. DEFINITIONS

"Farming" or "agriculture" shall mean:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floracultural, viticultural, or horticultural commodities;

- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, sheep, goats, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming activities” shall include farming and the following activities:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure, fertilizers and pesticides, and irrigation;
- construction and maintenance of drainage facilities for agricultural use;
- conducting agriculture-related educational and farm-based recreational and promotional activities, including agritourism, providing that the activities are related to marketing the agricultural output or services of the farm;
- construction and operations of greenhouses or hoophouses for crop production and plant propagation;
- processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment or apparatus, owned or leased by the farm owner or manager, used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

SECTION 5. DECLARATION AS TO FARMING

The Town and its residents recognize and accept that due to weather conditions, soil conditions, the timing of crop planting, crop management, and harvesting and other conditions unique to farming, farming activities may occur on holidays, week days and week-ends by night or day. The Town and its residents also recognize and accept that farming activities result in noise, dust, odor, and fumes. Such acceptance is based on the premise that farming activities are conducted in accordance with normal, generally accepted agriculture practices used in Concord and those current Best Management Practices (BMPs) as recommended by the University of Massachusetts Extension or its successor. Residents of Concord should expect and accept such agricultural activities as a normal and necessary aspect of living in a town with farms.

SECTION 6. DISCLOSURE NOTIFICATION

In order to help promote understanding between farmers and their neighbors, the Town of Concord will declare and publicize that Concord has a Farming Bylaw. Copies of this bylaw shall be posted in the Town House, to the Concord Ag Committee website, and will be available for distribution from the Town Clerk, the Planning Board or its designee. It may also be published on brochures or other town websites.

SECTION 7. EFFECT ON OTHER REGULATION

Nothing in this Bylaw shall limit or amend existing law, statutes or regulations, although it shall be considered in applications thereof. Nothing in this Bylaw shall limit or prevent future regulation of agriculture activities; however, the terms and intent of this Bylaw shall be considered in the enactment of such regulation.

SECTION 8. DISPUTE RESOLUTION

Concerns regarding agricultural activities may be brought to the Town Manager, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the issue. The Town Agriculture Committee is also available to assist in addressing any concern or resolving any dispute relating to agricultural activities.

Passed by Declared Majority Vote

April 27, 2011

Approved by Attorney General May 23, 2011

A True Copy Attest:

A handwritten signature in cursive script, appearing to read "Anita S. Tekle".

Anita S. Tekle

Town Clerk



Town of Concord

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

2011 Annual Town Meeting April 25, 26 and 27

ZONING BYLAW AMENDMENT – SIDE YARDS

ARTICLE 43. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend the Zoning Bylaw as follows:

In subsection 6.2.7, insert the following paragraph at the end of the subsection:

“In the Residence C District, 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.”

So that the subsection reads as follows:

6.2.7 Side yards: Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, the width of one side yard may be reduced by an amount not to exceed three (3) feet if the width of the other side is correspondingly increased. Notwithstanding the foregoing, a building of accessory use may be placed not less than five (5) feet from a sideline so long as such building is not to be located nearer the sideline of the right-of-way than the rearmost point of the dwelling or any structure attached thereto.

In the Residence C District, 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.

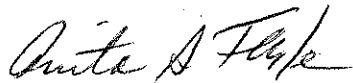
And, in Table III – Dimensional Regulations, add footnote 1 as follows:

<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>Min. Height In Feet</i>	<i>Max. Lot Coverage %</i>	<i>Max. Floor Area Ratio</i>
Residence C	10,000	80	80	64	20	15 ¹	Lesser of: 30' or 25% of lot depth	10	35	_____	_____

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C District.

Passed by Declared Two-Thirds Vote
April 27, 2011
Approved by Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting April 25, 26 and 27

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT

ARTICLE 44. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend the Zoning Bylaw as follows:

In subsection 6.2.11, after the first two paragraphs, add the following paragraphs at the end of the subsection:

“In the Residence C District, 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 District 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 District 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.”

So that the subsection reads as follows:

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

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

In the Residence C District, 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 District 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 District 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 Table III – Dimensional Regulations, add footnote 2 immediately following footnote 1, 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 C	10,000	80	80	64	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 District.

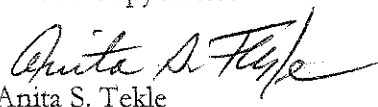
²Refer to Zoning Bylaw Subsection 6.2.11 for Residence C District.

Passed by Declared Two-Thirds Vote

April 27, 2011

Approved by Attorney General August 18, 2011

A True Copy Attest:


Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting April 25, 26 and 27

ZONING BYLAW AMENDMENT TABLE OF PRINCIPAL USES (CORRECTIONS)

ARTICLE 45. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend the **Zoning Bylaw Section 2.1 Classification of Districts** by inserting the following phrases after the word "Business" under the *Commercial Districts* list: "West Concord Business (WCB)", "Concord Center Business (CCB)", "Thoreau Depot Business (TDB)", "Nine Acre Corner Business (NACB)", all as adopted by the 2010 Annual Town Meeting; and

inserting the phrase "West Concord Industrial", as adopted by the 2010 Annual Town Meeting, at the beginning of the list under the *Industrial Districts*; and

amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS** to correct for unintended changes to the chart made by the 2010 Annual Town Meeting. These unintended changes include: 4.3.6 Assisted living – change yes to no in the Business (B) District and the Concord Center Business (CCB) District, Thoreau Depot Business (TDB) District and the Nine-Acre-Corner Business (NACB) District; 4.5.3 Craft Shop – change yes to no in Limited Business District (LB); 4.5.4 Restaurant – change yes to yes¹ in the LB District; 4.5.5 Indoor Amusement – change SP to no in the LB District; 4.5.10 Financial and business office – change yes* to yes* in the LB District; 4.5.11 Professional office – change yes* to yes* in the LB District; 4.5.15 Vehicular dealerships – change no to yes in the CCB, TDB, NACB and B Districts; 4.5.17 Parking facility – change SP to yes in the West Concord Industrial (WCI) District and the Industrial (I) District; 4.6.2 Storage yard, open-air sales – change yes⁵ to no in the LB District; 4.6.3 R&D and Light Manufacturing – change SP to yes in the WCI District and the I District; 4.6.4 Manufacturing, packaging, processing and testing – change SP to yes in the WCI District and the I District.

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses		Commercial Districts				Industrial Districts	
		B	WCB	CCB, TDB, NACB	LB	WCI	I
4.1	Extensive Uses						
4.1.1	Forestry	yes	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture, and viticulture	yes	yes	yes	yes	yes	yes
4.1.3	Greenhouse	yes	yes	yes	no	yes	yes

4.1.4	Earth Removal	SP	SP	SP	SP	SP	SP
4.1.5	Conservation use	yes	yes	yes	yes	yes	yes
4.1.6	Private recreation	yes	yes	yes	yes ¹	yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling	yes	no	yes	no	no	no
4.2.2	Two-family or additional dwelling unit	SP	no	SP	no	no	no
4.2.3	Combined business/residence	yes	yes	yes	yes ³	no	no
4.2.4	Combined industrial/business/residence	no	no	no	no	SP	SP
4.2.5	Residential Compound	SP	no	SP	no	no	no
4.2.6	Residential Cluster Development	SP	no	SP	no	no	no
4.2.7	Planned Residential Development	SP	no	SP	no	no	no
4.2.8	Boarding house	yes	no	yes	no	no	no
4.2.9	Hotel and motel	yes	SP	yes	yes ¹	no	no
4.3	Institutional Uses						
4.3.1	Educational	yes	yes	yes	yes	yes	yes
4.3.2	Child care facility	yes	yes	yes	yes	yes	yes
4.3.3	Religious	yes	yes	yes	yes	yes	yes
4.3.4	Philanthropic	yes	yes	yes	SP ⁸	yes	yes
4.3.5	Hospital and nursing home	yes	no	yes	SP ⁶	no	no
4.3.6	Assisted living residence	<u>no</u>	no	<u>no</u>	SP ⁸	no	no
4.3.7	Cemetery	yes	no	yes	no	no	no
4.3.8	Lodge and club	yes	SP	yes	no	yes	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use	yes	yes	yes	yes	yes	yes
4.4.2	Underground utility	yes	yes	yes	yes	yes	yes
4.4.3	Above ground utility	yes	yes	yes	SP	yes	yes
4.5	Business Uses						
4.5.1	Retail store	yes	yes	yes	no	no**	no**
4.5.2	Personal service shop	yes	yes	yes	no	no	no
4.5.3	Craft shop	yes	yes	yes	<u>no</u>	yes	yes
4.5.4	Restaurant	yes	yes	yes	yes ¹	yes	yes
4.5.5	Indoor amusement	yes	yes	yes	<u>no</u>	yes	yes
4.5.6	Outdoor amusement	yes	yes	yes	yes ¹	yes	yes
4.5.7	Funeral home	yes	SP	yes	yes ³	yes	yes
4.5.8	Repair shop and building trade	yes	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	no	no	no	no	yes	yes
4.5.10	Financial and business office	yes	yes	yes	yes** ⁴	yes	yes
4.5.11	Professional office	yes	yes	yes	yes ⁴	yes	yes
4.5.12	Medical center and laboratory	yes	no	yes	SP ⁶	yes	yes
4.5.13	Auto service station	yes	SP	yes	yes ¹	yes	yes
4.5.14	Auto repair shop	yes	SP	yes	no	yes	yes
4.5.15	Vehicular dealerships	<u>yes</u>	no	<u>yes</u>	no	yes	yes
4.5.16	Boat sales and rental	yes	no	yes	yes ⁵	yes	yes
4.5.17	Parking facility	yes	no	yes	no	<u>yes</u>	<u>yes</u>
4.5.18	Transportation services	SP	SP	SP	no	SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse	yes	no	yes	no	yes	yes
4.6.2	Storage yard, open-air sales	yes	no	yes	<u>no</u>	SP	SP
4.6.3	R&D and Light Manufacturing	yes	SP	yes	no	<u>yes</u>	<u>yes</u>

4.6.4	Manufacturing, packaging, processing, and testing	yes	no	yes	no	yes	yes
4.7	Restricted and Prohibited						
4.7.1	Uses	no	no	no	no	no	no
	Prohibited Uses						

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

#1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

And add a note to the footnotes of Table I – Principal Use Regulations as follows: “Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).”

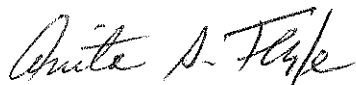
Passed by Declared Two-Thirds Vote

Consent Calendar

April 25, 2011

Approved by Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle

Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 46. On a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **TABLE III – Dimensional Regulations** by deleting the rows for Business Use subcategories “(A) Dwelling” and “(B) Combined Business/Res” in their entirety, as shown 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 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>
Business	_____	_____	_____	_____	10	Where 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	35	_____	_____
(A) Dwelling	10,000	80	80	64	20	15	Less of 30' or 25% of lot depth	40	35	=====	=====
(B) Combined Business/Res.	=====	=====	=====	=====	40	6' side and 25' rear yard in all cases provided that where such use abuts a residential dist., the side yard shall be increased to		40	35	Open space equal to the requirements of subsection 4.2.3.2	=====

						10' and a landscaped buffer shall be provided in accordance with the provisions for a business or industrial use.				
--	--	--	--	--	--	---	--	--	--	--

Passed by Declared Two-Thirds Vote
Consent Calendar
April 25, 2011
Approved by Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT **COMMERCIAL VEHICLE WHEEL BASE**

ARTICLE 47. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw subsection 4.5.14 Auto repair shop** and **subsection 5.3.5 Garaging or parking of commercial motor vehicles** to increase the allowed size of a commercial vehicle as follows:

In subsection 4.5.14, delete the number "135" and insert the number "172", so that the subsection reads as follows:

4.5.14 Auto repair shop: Establishment for the repair, maintenance, and painting of automobiles or similar light motor vehicles (maximum ten thousand (10,000) pounds gross vehicle weight and ~~135~~ 172-inch wheel base), provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated to confine disturbing noise to the premises.

And, in subsection 5.3.5, delete the words "one hundred thirty-five (135)" and insert the words and number "one hundred seventy-two (172)", so that the subsection reads as follows:

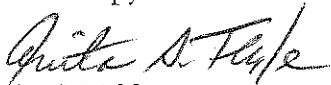
5.3.5 Garaging or parking of commercial motor vehicles: In residential districts, garaging or parking of one commercial automobile or light commercial vehicle (maximum ten thousand (10,000) pounds gross vehicle weight or ~~one hundred thirty-five (135)~~ one hundred seventy-two (172) inch wheel base) shall be permitted. Garaging or parking of more than one such vehicle or of a larger commercial vehicle(s) may be authorized by the Board by special permit.

Passed by Declared Two-Thirds Vote

April 27, 2011

Approved by Attorney General August 18, 2011

A True Copy Attest:


Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT **SPECIAL HOME OCCUPATION**

ARTICLE 48 Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

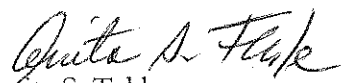
To amend **Zoning Bylaw Section 5.3.6.2 Special Home Occupation (b)** by deleting the words "permitted in the district" and replacing them with the words ", commercial motor vehicles (Section 5.3.5) and related equipment as may be approved by the Board" and by adding "(e) As determined by the Board, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.", so that the section reads as follows:

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 ~~permitted in the district~~, 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.

Passed by Declared Two-Thirds Vote
Consent Calendar
April 25, 2011
Approved by Attorney General August 18, 2011

A True Copy Attest:


Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT SPELLING CORRECTION

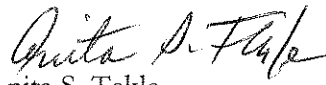
ARTICLE 49. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend the title of Zoning Bylaw subsection 10.3.4.3. to delete the word "Elevation" and replace it with the word "Evaluation", so the subsection title reads as follows:

10.3.4.3 Alternative PRD Submission, Public Hearing, ~~Elevation~~, Evaluation, Changes and Town Meeting Vote.

Passed by Declared Two-Thirds Vote
Consent Calendar
April 25, 2011
Approved by Attorney General August 18, 2011

A True Copy Attest:


Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT TABLE OF USE REGULATIONS (WEST CONCORD BUSINESS DISTRICT)

ARTICLE 50. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS** to modify the uses in the West Concord Business (WCB) District.

In Table I – Principal Use Regulations, under the West Concord Business (WCB) column, insert the letters “SP” next to the following subsections: 4.2.2 Two-family or additional dwelling;

so that Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses		Commercial Districts				Industrial Districts	
			B	WCB	LB	WCI	I
4.1	Extensive Uses						
4.1.1	Forestry		yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture, and viticulture		yes	yes	yes	yes	yes
4.1.3	Greenhouse		yes	yes	no	yes	yes
4.1.4	Earth Removal		SP	SP	SP	SP	SP
4.1.5	Conservation use		yes	yes	yes	yes	yes
4.1.6	Private recreation		yes	yes	yes ¹	yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling		yes	no	no	no	no
4.2.2	Two-family or additional dwelling unit		SP	<u>SP</u>	no	no	no
4.2.3	Combined business/residence		yes	yes	yes ³	no	no
4.2.4	Combined industrial/business/residence		no	no	no	SP	SP
4.2.5	Residential Compound		SP	no	no	no	no
4.2.6	Residential Cluster Development		SP	no	no	no	no
4.2.7	Planned Residential Development		SP	no	no	no	no

Principal Uses		Commercial Districts				Industrial Districts	
			B	WCB	LB	WCI	I
4.2.8	Boarding house		yes	no	no	no	no
4.2.9	Hotel and motel		yes	SP	yes ¹	no	no

And add a note to the footnotes of Table I – Principal Use Regulations as follows: “Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).”

Passed by Declared Two-Thirds Vote

April 27, 2011

(changes are shown underlined for illustrative purposes only)

Approved by the Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle

Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT **GROCERY STORE, RETAIL STORE & RESTAURANT**

ARTICLE 52. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend the **Zoning Bylaw** to add a definition of grocery store and add a size limitation to the definitions of retail store and restaurant uses when located in the West Concord Business (WCB) District and the proposed West Concord Village (WCV) District:

In subsection 4.5 Business Uses, add:

4.5.19 Grocery store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products and which occupies at least 5,000 square feet but not more than 35,000 square feet of gross floor area. Provided, however, in the West Concord Village District a grocery store shall not occupy more than 10,000 square feet of gross floor area.

And amend Table I Principal Use Regulations by adding a category for 4.5.19 Grocery store allowed in all Commercial Districts, except in the Limited Business District, but not in the Residential or the Industrial Districts as follows:

Principal Uses	Residential Districts				Commercial Districts						Industrial Districts				Site Plan Approval
	AA	A	B	C	B	CCB, TDB, NACB	WCB	WCV	LB	MP	WCI	I	IP	LIP	
<u>4.5.19 Grocery Store</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>yes</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>

And amend Sections 4.5.1 and 4.5.4 to limit the size of retail stores and restaurants in the West Concord Business District and West Concord Village District by adding the new underlined sections below:

4.5.1 Retail store: Sale and display of merchandise within a building. Sale of ready-to-consume foods and beverages in disposable containers for consumption outside the building will be permitted only as an accessory use to the principal retail operation. Provided, however, in the West Concord Business District a retail store shall not occupy more than 5,000 square feet of gross floor area and in the West Concord Village District a retail store shall not occupy more than 4,000 square feet of gross floor area of which not more than 3,500 square feet shall be public retail space, unless a special permit is granted to allow a larger retail store by up to twenty percent (20%). A special permit shall be granted by the

Planning Board only upon a written determination as provided in Section 11.6 and that the larger retail store serves a public purpose or has a public benefit.

4.5.4 *Restaurant*: Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverages is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building. Provided, however, in the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area and in the West Concord Village Districts a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant by up to twenty percent (20%). A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit.

Passed by Declared Two-Thirds Vote

April 27, 2011

(changes are shown underlined for illustrative purposes only)

Approved by the Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle
Town Clerk



Town of Concord

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

2011 Annual Town Meeting
April 25, 26 and 27

ZONING BYLAW AMENDMENT **TABLE III – DIMENSIONAL REGULATIONS**

ARTICLE 53. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To add references for Maximum front yard and Minimum building height to Sections 6.2.6 and 6.2.11, respectively, amend **TABLE III – Dimensional Regulations** by adding references to a minimum height and a maximum front yard under the columns for height and front yard for the West Concord Business (WCB) District and the proposed West Concord Village (WCV) District, and change the minimum front yard in the WCB District and WCV District from ten (10) feet to zero (0) feet, as shown below:

6.2.6 Front yards: Front yards shall be measured between the sideline of the right-of-way and the nearest point of any structure, with the exception of uncovered steps and ramps or the construction of walls and fences. In all cases, corner lots shall be considered to have two (2) front yards and two (2) side yards. A lot having frontage on two (2) streets shall have two (2) front yards, each of which shall comply with the requirements of the front yard provisions.

In the West Concord Business and West Concord Village Districts, there shall be a maximum front yard of ten (10) feet, that is, no portion of a building shall be set back from the front lot line by more than ten feet unless a special permit is granted to allow a greater front yard depth. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger front yard serves a public purpose.

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

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

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

Revise the column labeled as "Height In Feet" in Table III to add the language "minimum height side and rear 15; minimum height front façade 18" for the West Concord Business and West Concord Village as shown below:

TABLE III – DIMENSIONAL REGULATIONS

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 ¹	Min. Side Yard In Feet	Minimum Rear Yard in Feet	Corner Clearance In Feet	Height In Feet	Max. Lot Coverage %	Max. Floor Area Ratio
<u>West Concord Business</u>	_____	_____	_____	_____	0		Where 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	<u>Maximum height 35; minimum height side and rear 15; minimum height front façade 18</u>		_____
<u>West Concord Village</u>	_____	_____	_____	_____	0		Where 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	<u>Maximum height 35; minimum height side and rear 15; minimum height front façade 18</u>		_____

¹ 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.

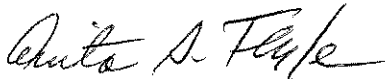
Passed by Declared Two-Thirds Vote

April 27, 2011

(changes are shown underlined for illustrative purposes only)

Approved by the Attorney General August 18, 2011

A True Copy Attest:



Anita S. Tekle

Town Clerk



Town of Concord

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

2011 Annual Town Meeting April 25, 26 and 27

ZONING BYLAW AMENDMENT FORMULA BUSINESS WITH A CAP

ARTICLE 54. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** And so declared by the Moderator:

To amend the Zoning Bylaw to add a definition of 'Formula business' and to define the number, location and visual features of such businesses in the West Concord Business (WCB) District and the West Concord Village (WCV) District as provided below:

Amend Zoning Bylaw Section 1 by adding a new definition as follows, and renumbering subsequent paragraphs:

1.3.10 *Formula business:* A type of business activity that maintains two or more of the following standardized features:

1. array of services and/or merchandise, or menu
2. trademark, logo, service mark or symbol
3. décor, architecture, layout or color scheme
4. uniforms
5. sign

and these features are the same as or substantially the same as fifteen or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools, government facilities, grocery stores or accessory uses.

And, amend Zoning Bylaw Section 3. USE REGULATIONS by adding a new subsection 3.3 Formula Business, as follows:

3.3 Formula Business

3.3.2 *Purpose.* The purpose of regulating the number, location and visual features of formula businesses in the West Concord Business District and the West Concord Village District is to maintain the unique, small-scale, small-town character and the quality of life for all Concord residents by preserving the individuality and distinctive appeal of the West Concord Business and West Concord Village districts. Preservation of the existing character, diversity, variety and scale of West Concord's Business and Village districts is also vital to the continuation of West Concord's ability to attract both residents and visitors. West Concord's Business and Village districts currently provide a mix of unique businesses, architecture, signage, and graphic and other design elements, which gives West Concord a distinctive visual appearance and small-scale eclectic ambiance. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the West Concord Task Force and in the

- 3.3.2 *Limitation on the number of formula businesses in the West Concord Business District and the West Concord Village District combined:* Limiting the number of formula businesses will allow the West Concord Business District and the West Concord Village District to avoid the proliferation of businesses that are homogeneous, visually obtrusive, and often have a high impact on infrastructure, will safeguard West Concord's historical relevance, and will ensure that Concord residents and tourists continue to have unique dining, retail and service experiences in West Concord.

The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to ten. When the total existing number is equal to or greater than ten, no new formula businesses can be established until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of the West Concord Business or West Concord Village Districts. If a business in current operation becomes a formula business by means of additional locations being established, this business shall count toward the total number of formula businesses, but shall not be considered as a formula business being established.

- 3.3.3 *Special permit required:* The establishment of a new formula business or expansion or relocation of an existing formula business in the West Concord Business District and the West Concord Village District shall require the grant of a special permit as defined in Section 11.6 from the Planning Board.

- 3.3.4 *Additional criteria for establishment, expansion, or relocation of a formula business in the West Concord Business District and West Concord Village District:*

- a) The formula business is designed and operated in a manner that preserves the community's distinctive small-town character;
- b) The formula business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;
- c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- d) The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district;
- e) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare; and
- f) No drive-through facilities are allowed.

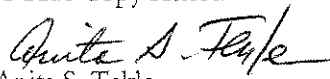
- 3.3.5 *Determination:* A formula business may adapt its business activities in consultation with the Building Inspector so that the proposed establishment no longer qualifies as a formula business as defined in subsection 1.3.10.

Passed by Declared Two-Thirds Vote

April 27, 2011

Approved by Attorney General August 18, 2011 (phrase "and eclectic ambiance" disallowed from 3.3.4.a and removed in above text)

A True Copy Attest:


Anita S. Tekle
Town Clerk



Town of Concord

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

SPECIAL TOWN MEETING APRIL 27, 2011

AMENDMENT TO NON-CRIMINAL DISPOSITION OF VIOLATIONS OF TOWN BYLAWS BYLAW ADOPTION OF APPENDIX A (FINES)

ARTICLE 1. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To amend the "Non-Criminal Disposition of Violations of Town Bylaws Bylaw" to add a new Section 5 and Appendix A as follows:

Section 5. Penalties

Penalties for violations shall be as listed in Appendix A.

APPENDIX A

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Alcoholic Beverages Bylaw	1 st and each subsequent offense	\$100.00	Police Officers
Animal Bylaws	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Police Officers
Construction Noise Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Demolition Delay Bylaw	1 st and each subsequent offense	\$300.00	Building Commissioner
Dog Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$50.00 \$100.00	Dog Officer and Police Officers
Groundwater Protection Bylaw	Each day of violation	\$200.00	Board of Health
Horses on Sidewalks Bylaw	1 st offense 2 nd & each subsequent offense	Warning \$50.00	Police Officers

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
House Numbering Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Building Inspector
Hunting Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Internal Combustion Engines on White Pond Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Motor Boat Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Outdoor Fires and Camping Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Peeping Bylaw	1 st and each subsequent offense	\$100.00	Police Officers
Permit Parking Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Private Digging of Roads Bylaw	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Town Engineer or his/her designee
Regulation of Vehicles Bylaw	1 st and each subsequent offense	\$50.00	Police Officers
Sale of Tobacco to Minors Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense within 24-mo period	\$100.00 \$200.00 + 7-day suspension \$300.00 + 30-day suspension	Public Health Director or his/her designee
Sign Bylaw	1 st offense 2 nd offense, 90 days after notice 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Building Commissioner
Smoke Free Workplace Bylaw	1 st offense 2 nd offense 3 rd offense 4 th offense Each subsequent offense	\$25.00 \$50.00 \$100.00 \$200.00 \$300.00	Board of Health

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Smoking in Public Places Bylaw	1 st and each subsequent offense	\$25.00	Police Officers
Snow and Ice Disposal Bylaw	1 st offense 2 nd offense Each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Snow and Recreational Vehicles Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Soliciting Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$200.00	Police Officers
Underground Fuel Storage Systems Bylaw	1 st and each subsequent offense	\$100.00	Fire Chief
Trash Pickup Bylaw	1 st offense 2 nd & each subsequent offense	Warning \$25.00	Public Works Director and/or his/her Designee
Unregistered Motor Vehicles Bylaw	1 st offense 2 nd offense-30 days after warning 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Water Use Restriction Bylaw	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Police Officers
Wetlands Bylaw	1 st offense 2 nd offense 3 rd offense	\$100 per day \$200 per day \$300 per day	Natural Resources Director or other Designee of the Town Manager
Zoning Bylaw	1 st offense 2 nd offense 3 rd and each subsequent offense	\$50.00 \$50.00 \$100.00	Building Inspector

Passed by Declared Near Unanimous Vote

April 27, 2011

Approved by the Attorney General

May 27, 2011

A True Copy Attest:



Anita S. Tekle
Town Clerk



Town of Concord

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

SPECIAL TOWN MEETING APRIL 27, 2011

ZONING BYLAW AMENDMENT – TABLE OF USE REGULATIONS (WEST CONCORD INDUSTRIAL DISTRICT)

ARTICLE 3. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS** to modify the uses in the West Concord Industrial (WCI) District.

- 1) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District column, insert the word “no” next to the following subsection: 4.5.15 Vehicular dealerships; and
- 2) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District column, insert the letters “SP” next to the following subsections: 4.3.8 Lodge and club; 4.5.2 Personal service shop, 4.5.7 Funeral home, 4.5.9 Veterinary and kennel, 4.5.13 Auto service station and 4.5.14 Auto repair shop;

so that Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses						Industrial Districts	
						WCI	I
4.1	Extensive Uses						
4.1.1	Forestry					yes	yes
4.1.2	Agriculture, horticulture, floriculture and viticulture					yes	yes
4.1.3	Greenhouse					yes	yes
4.1.4	Earth Removal					SP	SP
4.1.5	Conservation use					yes	yes
4.1.6	Private recreation					yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling					no	no
4.2.2	Two-family or additional dwelling unit					no	no
4.2.3	Combined business/residence					no	no
4.2.4	Combined industrial/business/residence					SP	SP
4.2.5	Residential Compound					no	no

Principal Uses						Industrial Districts	
						WCI	I
4.2.6	Residential Cluster Development					no	no
4.2.7	Planned Residential Development					no	no
4.2.8	Boarding house					no	no
4.2.9	Hotel and motel					no	no
4.3	Institutional Uses						
4.3.1	Educational					yes	yes
4.3.2	Child care facility					yes	yes
4.3.3	Religious					yes	yes
4.3.4	Philanthropic					yes	yes
4.3.5	Hospital and nursing home...					no	no
4.3.6	Assisted living residence					no	no
4.3.7	Cemetery					no	no
4.3.8	Lodge and club					<u>SP</u>	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use					yes	yes
4.4.2	Underground utility					yes	yes
4.4.3	Above ground utility					yes	yes
4.5	Business Uses						
4.5.1	Retail store					no**	no**
4.5.2	Personal service shop					<u>SP</u>	no
4.5.3	Craft shop					yes	yes
4.5.4	Restaurant					yes	yes
4.5.5	Indoor amusement					yes	yes
4.5.6	Outdoor amusement					yes	yes
4.5.7	Funeral home					<u>SP</u>	yes
4.5.8	Repair shop and building trade					yes	yes
4.5.9	Veterinary and kennel					<u>SP</u>	yes
4.5.10	Financial and business office					yes	yes
4.5.11	Professional office					yes	yes
4.5.12	Medical center and laboratory					yes	yes
4.5.13	Auto service station					<u>SP</u>	yes
4.5.14	Auto repair shop					<u>SP</u>	yes
4.5.15	Vehicular dealerships					<u>no</u>	yes
4.5.16	Boat sales and rental					yes	yes
4.5.17	Parking facility					yes	yes
4.5.18	Transportation services					SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse					yes	yes
4.6.2	Storage yard, open-air sales					SP	SP
4.6.3	R&D and Light Manufacturing					yes	yes
4.6.4	Manufacturing, packaging, processing, and testing					yes	yes
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses					no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

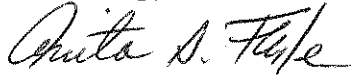
Passed by Declared Two-Thirds Vote

April 27, 2011

Approved by the Attorney General

May 27, 2011

A True Copy Attest:



Anita S. Tekle

Town Clerk



Town of Concord

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

SPECIAL TOWN MEETING APRIL 27, 2011

ZONING BYLAW AMENDMENT – COMBINED INDUSTRIAL/BUSINESS/RESIDENCE USE (WEST CONCORD INDUSTRIAL DISTRICT & INDUSTRIAL DISTRICT)

ARTICLE 4. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw Section 4.2.4 *Combined industrial/business/residence*** use to revise the standards and criteria for allowing issuance of a special permit for such combined uses in the West Concord Industrial (WCI) and the Industrial District by deleting the section in its entirety and inserting the following new Section 4.2.4:

4.2.4 *Combined industrial/business/residence:* A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and non-retail business uses are conducted provided that:

4.2.4.1 Each such dwelling unit and retail store (including grocery store) is structurally part of an industrial/non-retail business building(s), having at least a common foundation and roof.

4.2.4.2 At least twenty (20) percent of the dwelling units (and no less than one unit) are available as affordable housing; however, if at least ten (10) percent of the industrial use and/or non-retail business use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

4.2.4.3 In a combined industrial/business/residence project, one or more retail store(s) or grocery store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area.

4.2.4.4 In a combined industrial/business/residence project, the industrial and non-retail business uses combined shall be not less than thirty percent (30%) of the total gross floor area.

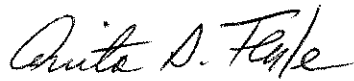
4.2.4.5 No residential dwelling units shall be located on the ground/first floor.

4.2.4.6 If located in the West Concord Industrial District, the design of the structure and the site for the combined industrial/business/residence project shall adhere to the recommendations of the West Concord Design Guidelines. A special permit shall be issued under this section only if the Board shall find that the combined industrial/business/residence use is in harmony with or advances the recommendations and intent of the 2010 West Concord Master Plan and the criteria listed in Section 11.6 Special Permit.

4.2.4.7 In a combined industrial/business/residence project where at least ten percent of the dwelling units are available as affordable housing and at least ten percent of the industrial or non-retail business use area is available at an affordable rent or lease, the Board may grant a special permit to allow an increase in the height of the building to forty (40) feet, as defined in Section 6.2.11, if the Board finds that the proposed combined industrial/business/residence project is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to be located.

Passed by Declared Two-Thirds Vote
April 27, 2011
Approved by the Attorney General
May 27, 2011

A True Copy Attest:

A handwritten signature in cursive script, appearing to read "Anita S. Tekle".

Anita S. Tekle
Town Clerk



Town of Concord

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

SPECIAL TOWN MEETING APRIL 27, 2011

ZONING BYLAW AMENDMENT ESTABLISH THE WEST CONCORD VILLAGE DISTRICT

ARTICLE 6. Upon a **MOTION** duly made and seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY** and so declared by the Moderator:

To amend **Zoning Bylaw Section 2.1 Classification of Districts** by inserting the following phrase, "West Concord Village (WCV) at the beginning of the list under the *Commercial Districts* list;

Amend **Zoning Bylaw Section 2.2 Zoning Map** by changing the following parcels or portions of parcels located in West Concord along Commonwealth Avenue, Church Street and Main Street, as shown on Assessor's Map D-9, that are currently zoned as "West Concord Business" to "West Concord Village":

Beginning along the northerly side of Commonwealth Avenue and moving southeasterly, those portions of Parcels: 2184-1-2, 2190, 2191, 2192, 2193-92, 2193-94, 2193-96, 2193-98, 2193-100, 2194-LL, 2194-84, 2194-84A, 2194-86, 2194-88, and 2195 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing southeasterly to the centerline of the MBTA commuter rail then easterly along the centerline of the MBTA commuter rail to the West Concord Depot, that portion of the commuter rail line and Parcel 2196-2, and Parcels 2201, 2200-3, 2200-2, and 2200-1 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing along the westerly side of Junction Park to the centerline of Main Street, then proceeding westerly along the centerline of Main Street to the westerly property line of Parcel 2451 (also known as the 99 Restaurant) then following the rear lot lines of the following parcels on the south side of Commonwealth Ave. and Church Street in their entirety: Parcels 2451, 2202, 2203, 2204-41, 2204-43, 2204-45, 2204-47, 2205, 2206, 2207, 2208, 2209 and 2210, and a portion of 2447, that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Proceeding northwesterly along the western property line of Parcel 2209 to the centerline of Church Street, then northerly to the centerline of the MBTA commuter rail line, then incorporating parcels 2212, 2213, 2214, 2215, 2216 to the centerline of Maple Court/driveway right-of-way and proceeding northwesterly across Bradford Street and continuing along the centerline of Maple Court to include parcels, 2218, 2219, 2231, 2232 which are currently zoned as West Concord Business District shall become West Concord Village District; at Parcel 2232 the zoning district line follows the western property line of Parcel 2232 to the side line of Commonwealth Ave., which then

proceeds to the centerline of Commonwealth Ave. that is opposite the westerly property line of Parcel 2184-2.

As shown on a map titled West Concord Zoning dated January 3, 2011;

And amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS** to insert and establish the following uses for the West Concord Village District:

In Table I – Principal Use Regulations, insert the West Concord Village (WCV) column.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “no” next to the following sub-categories of uses: 4.2.1 Single-family dwelling, 4.2.2 Two-family or additional dwelling unit, 4.2.4 Combined industrial/business/residence, 4.2.5 Residential Compound, 4.2.6 Residential Cluster Development, 4.2.7 Planned Residential Development, 4.2.8 Boarding house, 4.2.9 Hotel and motel, 4.3.5 Hospital and nursing home, 4.3.6 Assisted living residence, 4.3.7 Cemetery, 4.5.7 Funeral home, 4.5.8 Repair shop and building trade, 4.5.9 Veterinary and kennel, 4.5.12 Medical center and laboratory, 4.5.13 Auto service station, 4.5.14 Auto repair shop, 4.5.15 Vehicular dealerships, 4.5.16 Boat sales and rental, 4.5.17 Parking facility, 4.5.18 Transportation services, 4.6.1 Warehouse, 4.6.2 Storage yard, open-air sales, 4.6.4 Manufacturing, packaging, processing and testing, and 4.7.1 Prohibited uses.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “yes” next to the following sub-categories of uses: 4.1.1 Forestry, 4.1.2 Agriculture, horticulture, floriculture and viticulture, 4.1.3 Greenhouse, 4.1.5 Conservation use, 4.1.6 Private recreation, 4.3.1 Educational, 4.3.2 Child care facility, 4.3.3 Religious, 4.3.4 Philanthropic, 4.4.1 Municipal use, 4.4.2 Underground utility, 4.4.3 Above ground utility, 4.5.1 Retail store, 4.5.2 Personal service shop, 4.5.3 Craft shop, 4.5.4 Restaurant, 4.5.5 Indoor amusement, 4.5.6 Outdoor amusement, and 4.5.10 Financial and business office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word and symbols “yes***” next to the following subsections: 4.2.3 Combined business/residence and 4.5.11 Professional office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters and symbols “SP***” next to the following subsections: 4.3.8 Lodge and club and 4.6.3 R&D and Light manufacturing.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters “SP” next to subsection: 4.1.4 Earth removal.

At the bottom of Table I – Principal Use Regulations, add the following footnote:

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

so that the WCV column in Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
4.1	Extensive Uses						
4.1.1	Forestry	yes	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture,	yes	yes	yes	yes	yes	yes

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
	floriculture and viticulture						
4.1.3	Greenhouse	<u>yes</u>	yes	yes	no	yes	yes
4.1.4	Earth Removal	<u>SP</u>	SP	SP	SP	SP	SP
4.1.5	Conservation use	<u>yes</u>	yes	yes	yes	yes	yes
4.1.6	Private recreation	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling	<u>no</u>	yes	no	no	no	no
4.2.2	Two-family or additional dwelling unit	<u>no</u>	SP	SP	no	no	no
4.2.3	Combined business/residence	<u>yes</u> ***	yes	yes	yes ³	no	no
4.2.4	Combined industrial/business/residence	<u>no</u>	no	no	no	SP	SP
4.2.5	Residential Compound	<u>no</u>	SP	no	no	no	no
4.2.6	Residential Cluster Development	<u>no</u>	SP	no	no	no	no
4.2.7	Planned Residential Development	<u>no</u>	SP	no	no	no	no
4.2.8	Boarding house	<u>no</u>	yes	no	no	no	no
4.2.9	Hotel and motel	<u>no</u>	yes	SP	yes ¹	no	no
4.3	Institutional Uses						
4.3.1	Educational	<u>yes</u>	yes	yes	yes	yes	yes
4.3.2	Child care facility	<u>yes</u>	yes	yes	yes	yes	yes
4.3.3	Religious	<u>yes</u>	yes	yes	yes	yes	yes
4.3.4	Philanthropic	<u>yes</u>	yes	yes	SP ⁸	yes	yes
4.3.5	Hospital and nursing home	<u>no</u>	yes	no	SP ⁶	no	no
4.3.6	Assisted living residence	<u>no</u>	no	no	SP ⁸	no	no
4.3.7	Cemetery	<u>no</u>	yes	no	no	no	no
4.3.8	Lodge and club	<u>SP</u> ***	yes	SP	no	yes	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use	<u>yes</u>	yes	yes	yes	yes	yes
4.4.2	Underground utility	<u>yes</u>	yes	yes	yes	yes	yes
4.4.3	Above ground utility	<u>yes</u>	yes	yes	SP	yes	yes
4.5	Business Uses						
4.5.1	Retail store	<u>yes</u>	yes	yes	no	no**	no**
4.5.2	Personal service shop	<u>yes</u>	yes	yes	no	no	no
4.5.3	Craft shop	<u>yes</u>	yes	yes	no	yes	yes
4.5.4	Restaurant	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.5	Indoor amusement	<u>yes</u>	yes	yes	no	yes	yes
4.5.6	Outdoor amusement	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.7	Funeral home	<u>no</u>	yes	SP	yes ³	yes	yes
4.5.8	Repair shop and building trade	<u>no</u>	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	<u>no</u>	no	no	no	yes	yes
4.5.10	Financial and business office	<u>yes</u>	yes	yes	yes**	yes	yes
4.5.11	Professional office	<u>yes</u> ***	yes	yes	yes*	yes	yes
4.5.12	Medical center and laboratory	<u>no</u>	yes	no	SP ⁶	yes	yes
4.5.13	Auto service station	<u>no</u>	yes	SP	yes ¹	yes	yes

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
4.5.14	Auto repair shop	<u>no</u>	yes	SP	no	yes	yes
4.5.15	Vehicular dealerships	<u>no</u>	yes	no	no	yes	yes
4.5.16	Boat sales and rental	<u>no</u>	yes	no	yes ⁵	yes	yes
4.5.17	Parking facility	<u>no</u>	yes	no	no	yes	yes
4.5.18	Transportation services	<u>no</u>	SP	SP	no	SP	SP
4.6 Industrial Uses							
4.6.1	Warehouse	<u>no</u>	yes	no	no	yes	yes
4.6.2	Storage yard, open-air sales	<u>no</u>	yes	no	no	SP	SP
4.6.3	R&D and Light Manufacturing	<u>SP</u> ***	yes	SP	no	yes	yes
4.6.4	Manufacturing, packaging, processing, and testing	<u>no</u>	yes	no	no	yes	yes
4.7 Restricted and Prohibited Uses							
4.7.1	Prohibited Uses	<u>no</u>	no	no	no	no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

♦ Except as provided by Special Permit in Limited Business District #8

♦♦ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

#1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

And add a note to the footnotes of Table I – Principal Use Regulations as follows: “Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).”

Passed by Declared Two-Thirds Vote

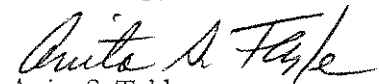
April 27, 2011

(changes are shown underlined for illustrative purposes only)

Approved by the Attorney General

May 27, 2011

A True Copy Attest:



Anita S. Tekle

Town Clerk