

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

Pursuant to the Warrant signed by the Selectmen on February 7, 2011, Town Moderator Eric E. Van Loon called the 2011 Annual Town Meeting to order at 7:04 pm at the Concord-Carlisle High School Auditorium and Cafeteria. Mr. Van Loon reminded those present of the purpose and significance of Town Meeting, which serves as the legislative body for our Town, approving expenditures and enacting Town policy and bylaws. Individual voters can attend Town Meeting in person, speak their views, and vote their convictions on the financial and policy matters that shape the quality of life in Concord. He thanked those present for taking the time to attend and participate, and urged those at home watching to consider attending in person in the future.

Mr. Van Loon acknowledged that this was his maiden voyage as Town Moderator, and asked for everyone's understanding and patience in the event that he stumbles. Mr. Van Loon declared that he had inspected the Return of Service of the Warrant, finding it to be in order, and that a sufficient number of voters were present to permit the meeting to be opened.

Upon a **MOTION** made by Jeffrey Wieand and duly seconded, it was

VOTED: That this meeting be held in the CCHS Auditorium, Cafeteria, and if necessary the Upper Gymnasium; that the halls be connected by a public address system and speakers so that the proceedings in each can be heard and participated in by all voters present in any hall, and that the proceedings in all three halls constitute parts of one and the same Meeting, all as authorized by §10 of Chapter 39 of the Massachusetts General Laws.

Mr. Van Loon reported that he had appointed the following individuals to serve as Assistant Moderators: Margaret B. Briggs, 253 Elm Street, Gary R. Clayton, 22 Center Village Drive, John H. Clymer, 13 River Street, and George M. Dallas, 100 Keyes Road. At this time, it is anticipated that Ms. Briggs will preside in the Cafeteria on Monday, Tuesday and Wednesday of this week, and Mr. Dallas will preside in the Gymnasium, if that space is needed. All have been duly sworn to the faithful and impartial discharge of their duties.

On a **MOTION** made by Jeffrey Wieand and duly seconded, it was

VOTED: That this Meeting elect Peggy Briggs of 253 Elm Street as Deputy Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Van Loon reported that he had appointed Abe Fisher of 400 Hayward Mill Road as Head Teller, to be assisted by Greg Englund of 52 Martha's Point Road. In the event the Meeting votes to take a written ballot on a motion, the ballot counting procedure and certification of the vote will be supervised by David Allen of 316 Heath's Bridge Road, to be assisted by David Karr of 82 Laws Brook Road. The Oath of Office was administered to the Tellers and Ballot Counters.

Johanna R. Glazer of 446 Hayward Mill Road was introduced as the Town Meeting Procedures Resource Person, available for consultation on process issues, assistance in drafting and presenting motions and amendments during Town Meeting.

Mr. Van Loon urged those present to review the key procedural documents available at the entrance to both rooms and printed on green paper—"Concord's Town Meeting Traditions and Procedures" and "Moderator's Notes for the 2011 Annual Town Meeting." The Moderators will assume everyone understands what is printed in these handouts. He noted that all substantive materials—motions, amendments and support material are also available at the entrance to both rooms and printed on white paper. He urged voters to review the Finance Committee Report and he made note of the chart in the front of the book indicating the recommendations of the Finance Committee and Board of Selectmen.¹

Mr. Van Loon acknowledged Concord's Aaa credit rating and thanked the Finance Committee, Finance Director Anthony Logalbo and his staff, Town Manager Chris Whelan, the Board of Selectmen and the School Committees of the Town and Regional School District for helping to keep Concord's fiscal affairs in good order and control.

Mr. Van Loon noted the following appointments under the Finance Committee Bylaw:

Reappointment for a three-year term expiring at the dissolution of the 2014 Annual Town Meeting:

Nancy C. Barrett, 234 Old Marlboro Road
Bruce W. Button, 28 Fairhaven Road
Lynn B. Salinger, 75 Pleasant Street

Appointment for a three-year term expiring at the dissolution of the 2014 Annual Town Meeting:

Alexandra Kuchar, 268 Plainfield Road
Wendy J. Rovelli, 42 Bow Street

Mr. Van Loon noted the retirement of members Mark Howell and Judith Quanrud and thanked them both for providing six years of distinguished service to the Town as members of the Finance Committee, and especially to Mr. Howell who had served as Chair. Anna Trout was introduced as the Town Technical Professional, available to assist with putting presentations or amendments onscreen. Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency. Voters were reminded to check in with the Election Officers and pick up a Voting Slip which will be used to identify those present as entitled to vote.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Van Loon asked attendees to stand in a moment of silence to reflect on how, through this Town Meeting, we and our neighbors are gathered to provide for our common good. As we deliberate and vote, may we remember that the passions of the moment are not always the best guide for our conduct in the future. And if a Town Meeting action requires sacrifice by some, may it be only where the common goal is worthy of the sacrifice. Let us approach each issue, no matter how difficult or divisive, with an open heart and with an open mind. And above all, may each of us maintain a saving sense of humor, so that the debates at this Town Meeting will not be a source of division among us when our business here is concluded.

Mr. Van Loon thanked the many citizens and Town and School employees who worked long hours to prepare the reports and background materials which will guide us through the Meeting. In particular, he thanked

¹ **Town Clerk Note:** Board of Selectmen & Finance Committee recommendations made at Town Meeting will only be included in these minutes when the recommendation was not printed in the Finance Committee Report.

CCHS Principal Peter Badalament, the Regional School Committee, and the faculty, students and staff of the high school for accommodating us here and for putting up with the disruption caused by setting up for this Meeting. He noted that the minutes of the Meeting will be kept by Town Clerk Anita Tekle, who was thanked along with Assistant Town Clerk Pat Clifford in the cafeteria, and the Election Officers and staff in the lobby. He noted that the person who is responsible for making Town Meeting run smoothly is Town Meeting Coordinator Laurel Landry, a member of the Town Manager's Executive Staff. Through all the preparations and reminders to the Town Moderator, she keeps her good humor and does a superb job.

He brought to the assembly's attention the 2010 Town Report, which shows the work of approximately 43 committees, boards and commissions, on which 257 of our neighbors have volunteered to serve to help preserve and run our community. He noted the presence of Green Cards, available to those interested in serving on a volunteer committee. Residents were encouraged to participate in the governance of the Town.

Mr. Van Loon noted that the Warrant for the Annual Town Meeting has 58 Articles. No motion is expected on Articles 12 and 23. In addition, we have scheduled a Special Town Meeting for Wednesday evening, April 27th, and the Warrant for this Meeting includes six Articles. No motion is anticipated on Articles 2 and 5 of the Special. With 19 Articles on the Consent Calendar and no motion under the above four Articles, that leaves 41 Articles for action on our combined Annual and Special Town Meeting Warrants. Presenters and voters were asked for brevity, focus and conciseness in their remarks. He noted that the Selectmen have done an admirable job of structuring the agenda to group like items together and to avoid all citizen petitions being taken up at the tail end of our energies. Tonight is "Town and School" Night, with the focus primarily on budgets and related items. Tomorrow is "Environmental" Night, with the focus on lighting, sustainability, bottles and farming. Wednesday will be "West Concord Zoning" Night, with 12 articles related to that area of Concord. On Tuesday evening we will honor retiring and long-serving Town and School staff members, and take up the high-interest "Town Lighting" Article 25 at 7:30 pm. On Wednesday evening, the Special Town Meeting will begin at 7:30 pm.

On a Motion made by Jeff Wieand and duly seconded, the following was **VOTED**:

That the reading of the Warrant and the Return of Service thereon be omitted.

On a **MOTION** made by Jeff Wieand and duly seconded, the following was **VOTED**:

That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, Tuesday, April 26th.

ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Van Loon reported the results of the Annual Town Election held on March 29, 2011 as follows (not including blanks or write-ins):

Total votes cast in all precincts:	742
For Moderator for one year:	
Eric E. Van Loon	635
For one vacancy on the Board of Selectmen for three years;	
Jeffrey S. Wieand	607
For one vacancy on the School Committee for three years:	
Pamela M. Gannon	617

For Concord Housing Authority for five years:	
Anita B. Barker	171
Stephen R. Newbold	256
K.C. Winslow	289

On a **MOTION** made by Stanley Black and duly seconded, the following was

VOTED: That Article 1 remain open for such other action thereunder as may be necessary and that the Meeting take up Article 2.

ARTICLE 2. HEAR REPORTS

On a **MOTION** made by Jeff Wieand and duly second, the following was **VOTED:**

To accept the reports of the various Town Officers and Committees.

Michael Lawson made the following **MOTION** that was duly seconded:

That the 2011 Annual Town Meeting advance for consideration Articles 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 45, 46, 48, 49 and 58, and take action on such Articles without debate on any of such Articles, provided that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each Article, the Moderator inquired as to whether there was a request to drop any of the Articles from the Consent Calendar Motion. No such objections were raised. The Consent Calendar was accordingly **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator as follows:

CONSENT CALENDAR

(Articles 3, 4, 11, 13, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 45, 46, 48, 49 and 58)

ARTICLE 3. MEETING PROCEDURE

Upon a **MOTION** made by Michael Lawson and duly seconded, it was **VOTED** by a **TWO-THIRDS MAJORITY**, and so declared by the Moderator:

That the Town adopt a “Rule of the Meeting” Resolution as follows:

Resolved: That in order to assure compliance with the requirements of Massachusetts General Laws Chapter 59, §21C, this Meeting hereby adopts the following Rule of the Meeting:

RULE OF THE MEETING

1. Articles for appropriations supported from current taxation and/or available funds

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the “allocation at Levy Limit”, or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following:

- A. The original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding – whether from available

funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

- B. If the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as:
 - 1. a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
 - 2. a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant.

2. Articles for appropriations supported from borrowing

The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

OR

- B. the original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant.

3. Appropriation article kept open

Any article making an appropriation shall remain open for further action until the final adjournment of the Meeting.

ARTICLE 4. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a **MOTION** made by Judith Terry that was duly seconded, it was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Change the classification title of "Town Appraiser" in Grade Number MP-6 of the Classification Plan for Managerial-Professional employees to "Town Assessor" effective May 25, 2010.
2. Add the classification title of "Facilities Maintenance Supervisor" to Grade Number MP-3 of the Classification Plan for Managerial-Professional employees effective May 25, 2010.
3. Add the classification title of "Assistant Town Accountant" to Grade Number MP-3 of the Classification Plan for Managerial-Professional employees effective May 25, 2010.
4. Add the classification title of "Head of Reference" to Grade Number MP-4 of the Classification Plan for Managerial-Professional employees effective May 25, 2010.

5. Change the classification title of “Assistant Town Accountant/Retirement Administrator” in Grade Number MP-3 of the Classification Plan for Managerial-Professional employees to “Retirement System Administrator” effective July 1, 2010.
6. Change the classification title of “Engineering Aide” in Grade Number MP-1 of the Classification Plan for Managerial-Professional employees to “Associate Engineer” effective November 9, 2010.
7. Add the classification title of “Assistant Treasurer” to Grade Number MP-3 of the Classification Plan for Managerial-Professional employees effective November 9, 2010.
8. Add the classification title of “Chief Information Officer” to Grade Number MP-7 and delete the title “Technology Director” from Grade MP-4 of the Classification Plan for Managerial-Professional employees effective February 8, 2011.

ARTICLE 11. FREE CASH USE

Upon a **MOTION** made by Michael Lawson and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To authorize and direct the Assessors to take \$850,000 from free cash to reduce the tax levy for the fiscal year ending June 30, 2012.

ARTICLE 13. PROPERTY TAX EXEMPTIONS

Upon a **MOTION** made by Barron (Tory) Lambert and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To accept the provisions of §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 §5 of Chapter 59 of the Massachusetts General Laws.

ARTICLE 14. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To authorize a transfer of \$380,000 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, 2012.

ARTICLE 15. LIGHT PLANT EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

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 §57 of Chapter 164 of the Massachusetts General Laws; and/or for other plant extensions, enlargements, additions, renewals and reconstruction.

ARTICLE 16. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

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 Meet-

ing, in an amount not to exceed \$50,000 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, §53E½ of the Massachusetts General Laws.

ARTICLE 17. SOLID WASTE DISPOSAL FUND EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

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.

ARTICLE 18. SEWER SYSTEM EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

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.

ARTICLE 19. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

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.

ARTICLE 20. WATER SYSTEM EXPENDITURES

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

That the income from user fees, special services 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.

ARTICLE 29. TRANSFER OF FUNDS TO THE CONCORD PUBLIC SCHOOLS CAPITAL NEEDS STABILIZATION FUND

Upon a **MOTION** made by Peter Fischelis and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To transfer the amount of \$100,000 from available funds originally appropriated for the operation of the Concord Public Schools of the Town for the fiscal year ending June 30, 2010 and encumbered at that year end for capital purposes, said amount to be transferred into the Concord Public Schools

Capital Needs Stabilization Fund established by vote under Article 32 of the 2006 Annual Town Meeting.

ARTICLE 30. TRANSFER OF FUNDS TO THE CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT TECHNOLOGY STABILIZATION FUND

Upon a **MOTION** made by Peter Fischelis and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To authorize the Concord-Carlisle Regional School District treasurer to transfer the amount of \$37,587 from available funds encumbered by the District at June 30, 2010 for technology purposes, said amount to be transferred into the Concord-Carlisle Regional School District Technology Stabilization Fund authorized by vote under Article 27 of the 2010 Annual Town Meeting.

ARTICLE 45. ZONING BYLAW AMENDMENT—TABLE OF PRINCIPAL USES (Corrections)

Upon a **MOTION** made by Mark Bobrowski and duly 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 (Note: The underlined sections are for illustrative purposes only to indicate the changes being made.)

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	<u>yes</u> ¹	yes	yes
4.5.5	Indoor amusement	yes	yes	yes	<u>no</u>	yes	yes
4.5.6	Outdoor amusement	yes	yes	yes	<u>yes</u> 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	<u>yes</u> ^{*♦}	yes	yes
4.5.11	Professional office	yes	yes	yes	<u>yes</u> [♦]	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	<u>yes</u>	<u>yes</u>
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses	no	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 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).”

ARTICLE 46. ZONING BYLAW AMENDMENT—TABLE III—DIMENSIONAL REGS

Upon a **MOTION** made by Mark Bobrowski and duly 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 (*Note: Strike-through sections are for illustrative purposes only to indicate the sections to be removed. The words “Min” and “Max” are abbreviated for the Warrant only.*)

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
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	45	Less of 30’	40	35	_____	_____

							of 25% of lot depth				
(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' and a landscaped buffer shall be provided in accordance with the provisions for a business or industrial use.	40	35	Open space equal to the requirements of subsection 4.2.3.2	=====	

ARTICLE 48. ZONING BYLAW AMENDMENT—SPECIAL HOME OCCUPATION

Upon a **MOTION** made by Coleman Hoyt and duly 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, 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.

ARTICLE 49. ZONING BYLAW AMENDMENT—SPELLING CORRECTION

On a **MOTION** made by Coleman Hoyt and duly 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, Evaluation, Changes and Town Meeting Vote.

ARTICLE 58. DEBT RESCISSION

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To rescind the following unused borrowing authorization:

Article 5 of 2007 Special Town Meeting	
Willard School construction	\$2,800,000

End of Consent Calendar

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

Upon a **MOTION** made by Judith Terry and duly seconded, the following was **VOTED** on a show of hands by a **MAJORITY** and so declared by the Moderator:

To amend the Classification and Compensation Plan for all regular-status Town positions by adopting the following schedules to become effective July 1, 2011:

**CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2011**

ADMINISTRATIVE-CLERICAL-LIBRARY

Grade Number & Class Title		Minimum	Mid-Point	Maximum
ACL-1	Hourly	14.92	17.94	20.96
Recreation Clerk				
ACL-2	Hourly	16.66	20.03	23.39
Account Clerk				
Department Clerk				
Library Assistant				
Senior Recreation Clerk				
Utility Account Clerk				
ACL-3	Hourly	18.89	22.71	26.53
Branch Library Assistant				
Circulation Assistant				
Senior Account Clerk				
Senior Department Clerk				
Senior Library Assistant				
ACL-4	Hourly	20.40	24.53	28.65
Administrative Assistant				
Collections Assistant				
Retirement Assistant				
Treasury Assistant				

ACL-5	Hourly	21.81	26.22	30.62
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Assistant Town Clerk
Human Resources Assistant
Senior Administrative Assistant
Senior Circulation/Administrative Assistant
Technical Services Assistant

ACL-6	Hourly	22.56	27.13	31.69
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Finance Assistant

ACL-7	Hourly	24.93	29.98	35.02
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Executive Assistant to the Town Manager

TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
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TCL-1	Hourly	14.72	17.80	20.87
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Building Custodian

TCL-2	Hourly	16.63	20.10	23.57
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Building Maintenance Custodian
Laborer/Truck Driver

TCL-3	Hourly	18.29	22.12	25.94
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Building Systems Custodian
Cemetery Specialist
Equipment Operator
Park & Tree Specialist
Water/Sewer System Maintainer

TCL-4	Hourly	20.47	24.76	29.04
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Equipment/Line Operator
Master Mechanic
Park & Tree Specialist (Aerial)
Senior Park & Tree Specialist

TCL-5	Hourly	22.66	27.41	32.15
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Cemetery Supervisor
Crew Leader
Senior Master Mechanic
Treatment Systems Operator

TCL-6	Hourly	25.46	30.79	36.11
Fleet Supervisor				

TCL-7	Hourly	28.25	34.17	40.08
Public Works Supervisor				

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	40,518	50,819	61,120
Aquatics Supervisor				
Associate Engineer				
Engineering Technician				
Recreation Supervisor				
Special Collections Assistant				
MP-2	Annual	45,725	57,349	68,972
Assistant Aquatics Coordinator				
Assistant Local Inspector				
Assistant Natural Resources Director				
Budget Analyst				
COA Program Supervisor				
Environmental Health Inspector				
Field Lister				
Information Systems Assistant				
Office Accountant				
Public Health Inspector				
Senior Engineering Technician				
Staff Librarian				
Utility Software Coordinator				
Water Conservation Coordinator				
MP-3	Annual	53,955	67,671	81,387
Aquatics Coordinator				
Assistant Human Resources Director				
Assistant Public Works Engineer				
Assistant to the Water/Sewer Superintendent				
Assistant Town Accountant				
Assistant Treasurer				
Branch Librarian				
Circulation Supervisor				
Civil Engineer				
Customer Service Administrator				
Energy Conservation Coordinator				
Environmental & Regulatory Coordinator				
Facilities Maintenance Supervisor				

Fitness Coordinator
 GIS Program Coordinator
 Local Inspector
 Management Analyst
 Recreation Coordinator
 Retirement System Administrator
 Senior Budget & Operations Analyst
 Senior Planner
 Supervisor of Children's Services

MP-4	Annual	57,683	72,347	87,010
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Assistant Recreation Director
 Budget & Purchasing Administrator
 Financial Administrator
 Council on Aging Director
 Curator
 Environmental Services Program Administrator
 Head of Reference
 Natural Resources Director
 Operations Engineer
 Public Services Coordinator
 Public Works Engineer
 Technical Services Coordinator
 Telecommunications Coordinator

MP-5	Annual	62,045	77,818	93,590
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Assistant Library Director
 Deputy Fire Chief
 Deputy Treasurer/Collector
 Highway & Grounds Superintendent
 Police Lieutenant
 Public Health Director
 Town Clerk

MP-6	Annual	68,375	85,757	103,139
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Building Commissioner
 Deputy Police Chief
 Human Resources Director
 Town Accountant
 Town Assessor
 Town Engineer
 Water/Sewer Superintendent

MP-7	Annual	78,294	98,198	118,101
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Chief Information Officer
 Director of Planning & Land Management
 Library Director
 Recreation Director

MP-8	Annual	87,227	109,402	131,577
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Deputy Town Manager

Fire Chief
 Police Chief
 Public Works Director

MP-9	Annual	95,598	119,902	144,205
Finance Director				

ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1	Hourly	16.47	19.92	23.36
Meter Reader				
EL-2	Hourly	20.09	24.30	28.51
Lineworker, Grade 3 Meter Technician				
EL-3	Hourly	25.50	28.83	32.15
Lineworker, Grade 2 Utility Electrician				
EL-4	Hourly	31.66	35.79	39.92
Lineworker, Grade 1				
EL-5	Hourly	33.15	37.47	41.79
Lead Lineworker				
EL-6	Hourly	35.70	40.36	45.01
Line Supervisor				

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	Annual	55,231	66,399	77,567
Meter Supervisor				
EM-2	Annual	63,391	76,209	89,026
Electrical Engineer				
EM-3	Annual	75,405	90,652	105,899
Assistant CMLP Director Engineering & Operations Manager				
EM-4	Annual	101,925	122,534	143,143
CMLP Director				

SWIM & FITNESS

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

ARTICLE 6. TOWN BUDGET

Finance Committee Chair Michael Lawson provided an overview of the Town’s financial climate and the budget guidelines. After the **MOTION** was made by Christopher Whelan and duly seconded, Mr. Whelan reviewed highlights of the Town budget, addressing the deletions that had been made and the adjustments for FY12. Mr. Van Loon asked if there were any “holds” on the budget line items, and there were holds for Lines 1A, 41A and 41B. The questions were addressed, and a **VOTE** was taken on Mr. Whelan’s **FOLLOWING MOTION**, which was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To raise and appropriate the following amounts of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2012, and that the same be expended only for such purposes under the direction of the Town Manager:

Item No.	Department	FY12 Appropriation
General Government		
1A	Town Manager	\$ 294,318
1B	Town-wide building maintenance	159,000
1C	Human Resources Department	<u>167,853</u>
	TOTAL Town Manager Acct. #1	\$ 621,171
2	Legal Services	\$ 225,000
3A	Elections	\$ 27,134
3B	Registrars	<u>8,206</u>
	TOTAL Elections & Registrars Acct. #3	\$ 35,340
4	Town Meeting & Reports	\$ 77,800
<u>5</u>	<u>Planning and Land Management</u>	
5A	Planning	\$ 236,682
5B	Board of Appeals	46,924
5C	Natural Resources	189,737
5D	Inspections	342,495
5E	Health	<u>236,315</u>
	TOTAL Planning & Land Management	\$ 1,052,153
6	141 Keyes Road	65,383
	Total General Government	<u>\$ 2,076,847</u>
Finance and Administration		
7	Finance Committee	\$ 3,100

8	<u>Finance Department</u>	
8A	Administration	\$ 245,844
8B	Treasurer-Collector	246,563
8C	Town Accountant	123,354
8D	Assessors	370,852
8E	Town Clerk	202,458
	TOTAL Finance Department	<hr/> \$ 1,189,071
9	Information Systems	\$ 386,338
10	Town House	\$ 102,835
	Total Finance and Administration	<hr/> \$ 1,681,344 <hr/>

Public Safety

11	Police Department	\$ 3,825,111
12	Fire Department	3,506,738
13	West Concord Fire Station	36,779
14	Police and Fire Station	200,444
15	Emergency Management	12,810
16	Dog Officer	18,693
	Total Public Safety	<hr/> \$ 7,600,575 <hr/>

Public Works and Facilities

17	<u>Public Works Department</u>	
17A	CPW Administration	\$ 155,875
17B	Engineering	361,968
17C	Highway Maintenance	1,116,388
17D	Parks and Trees	583,688
17E	Cemetery	68,089
	Total Public Works Department	<hr/> \$ 2,286,008 <hr/>
18	Snow and Ice Removal	\$ 513,000
19	Street Lighting	50,000
20	CPW Equipment	210,000
21	Drainage Program	215,000
22	Sidewalk Management	100,000
23	Road Improvements	90,000
24	133/135 Keys Road	87,981
	Total Public Works and Facilities	<hr/> \$ 3,551,989 <hr/>

Human Services

25	Library	\$ 1,771,924
26	Recreation Administration	88,644
27	Hunt Recreation Center	82,945
28	Harvey Wheeler Community Center	134,076
29	Council on Aging	242,053
30	Veterans Services and Benefits	30,222
31	Ceremonies and Celebrations	23,540
32	Visitors' Center and Restroom	22,854
		<hr/>

	Total Human Services	<u>\$ 2,396,258</u>
Unclassified		
33	Town Employee Benefits	\$ 100,000
34	Reserve Fund	225,000
35	Salary Reserve	470,000
36	Land Fund	0
	Total Unclassified	<u>\$ 795,000</u>
Joint (Town-CPS)		
37A	Group Insurance	\$ 4,800,000
37B	Property and Liability Insurance	<u>175,000</u>
	TOTAL Acct. #37	\$ 4,975,000
38A	Unemployment Compensation	\$ 100,000
38B	Workers Compensation	<u>100,000</u>
	TOTAL Acct. #38	\$ 200,000
39	Retirement	\$ 2,860,000
40	Social Security & Medicare	\$ 610,000
41A	Debt Service - within levy limit	\$ 3,275,000
41B	Debt Service - excluded from levy limit	<u>\$ 4,174,334</u>
	TOTAL Debt Service Acct. #47	\$ 7,449,334
	Total Joint Accounts	<u>\$16,094,334</u>
TOTAL ARTICLE 6		\$ 34,196,347

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 amount of \$14,000, state aid to libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the amount of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's 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, 2011 and thereafter pursuant to the salary schedules adopted under Article 7, the implementation of the merit pay plan in accordance with Section 10.2 (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 amount 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 2012, 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 amount 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 2012, 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.

ARTICLE 7. FY11 TRANSFER FROM INSURANCE RESERVE FUND TO OPEB TRUST

Upon a **MOTION** made by Christopher Whelan that was duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To transfer the sum of \$700,000 from the Insurance Reserve Fund established by vote under Article 22 of the 1987 Annual Town Meeting to the Post-Retirement Group Health Insurance Trust Fund established by Home Rule Petition authorized by Article 11 of the November 5, 2007 Special Town Meeting and enacted by the General Court as Chapter 185 of the Acts of 2008, to partially meet the Annual Required Contribution of the General Fund as determined by the actuarial valuation dated January 1, 2009, and further to instruct the Treasurer to carry out the transfer of funds by June 30, 2011.

ARTICLE 8. PUBLIC SCHOOL BUDGET

Upon a **MOTION** made by Pamela Gannon that was duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To raise from the tax levy and appropriate the amount of \$28,474,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2012; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

ARTICLE 9. CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

Upon a **MOTION** made by Peter Fischelis that was duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To raise from the tax levy and appropriate the Town's apportioned share of \$15,089,162 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2012; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

ARTICLE 10. MINUTEMAN CAREER & TECHNICAL HIGH SCHOOL BUDGET

Upon a **MOTION** made by David Bearg that was duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To raise from the tax levy and appropriate the Town's apportioned share of \$531,008 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2012.

ARTICLE 11. Voted under Consent Calendar on April 25th.

ARTICLE 12. UNPAID BILLS

There was **NO MOTION** made under this article.

ARTICLES 13 through 20. Voted under Consent Calendar on April 25th.

ARTICLE 21. BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND: FY12 BUDGET

Upon a **MOTION** made by Christopher Whelan that was duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

To appropriate the amount of \$2,476,694 to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim and Fitness Center for the fiscal year beginning July 1, 2011, and that to meet this appropriation the amount of \$2,383,618 be appropriated from the estimated fiscal year 2012 revenues of the Community Pool Enterprise Fund and \$93,076 from the certified undesignated fund balance of June 30, 2010; and further that the amount of \$122,000 be appropriated from the certified undesignated fund balance of June 30, 2010 to be expended under the direction of the Town Manager for capital expenditures including building improvements and equipment replacements; in accordance with Chapter 44, §53F½ of the Massachusetts General Laws.

ARTICLE 22. 2012 ROAD PROGRAM

Upon a **MOTION** made by James Smith that was duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To appropriate the amount of \$750,000 for the reconstruction or renovation of roads and streets within the town, including costs incidental or related thereto; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the amount of \$750,000 under the provisions of Chapter 44, §§7(5) and/or 7(6) of the Massachusetts General Laws, or any other enabling authority, said funds to be expended under the direction of the Town Manager; to authorize the Town Manager to apply for, accept and expend state grants as may be available for the same purpose and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, §§6 and/or 6A, of the Massachusetts General Laws, in anticipation of reimbursement of such amount; and that the Board of Selectmen and Town Manager are authorized to take any actions necessary or convenient to carry out this vote.

ARTICLE 23. CONTRACT FOR WATER/WASTEWATER AND ELECTRIC UTILITY OWNERSHIP/OPERATION AT HANSCOM AIR FORCE BASE

There was **NO MOTION** made under this article.

ARTICLE 24. MUNICIPAL OUTDOOR LIGHTING (by petition)

There was **NO MOTION** made under this article.

ARTICLE 25. Pre-scheduled to be taken up beginning at 7:30 pm on April 26, 2011.

ARTICLE 26. ELEMENTARY SCHOOL DEBT STABILIZATION FUND USE

On a **MOTION** made by Michael Lawson and duly seconded, the following was **UNANIMOUSLY VOTED** on a show of hands and so declared by the Moderator:

To appropriate the amount of \$700,000 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 the portion of the debt service due during fiscal year 2012 on the bonds issued for the Alcott, Thoreau and Willard elementary school buildings.

ARTICLE 27. CONCORD PUBLIC SCHOOL RENOVATIONS

On a **MOTION** made by Maureen Spada and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To appropriate the amount of \$825,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord

Public School facilities; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$825,000 under the provisions of Chapter 44, §7(3A) of the Massachusetts General Laws.

At this point in the proceedings at 9:15 pm, the assembly took a brief stretch break. The meeting resumed at 9:23 pm.

ARTICLES 28 through 30. Voted under Consent Calendar on April 25th.

ARTICLE 31. CONDEMNATION OF DEPRAVED PLAY AND DEFAMATION OF JEWS (by petition)

Mr. Van Loon indicated that pro and con microphones would be designated for this article. He reminded those present that no personal attacks would be allowed, and asked for civility in debate. All remarks are to be addressed to the Moderator, and attendees were reminded of Concord's "Traditions and Procedures" handout.

Lee Ann Kay made the following **MOTION** which was duly seconded:

That the Town condemn the production of the play "Falsettos" by Concord-Carlisle High School in 2009, which used public funds to defame the Jewish people and religion, in addition to celebrating irresponsible, destructive behavior, and urge the regional school committee to discipline the employees of the school district responsible for this play, urge the regional school committee to issue a public letter of apology to the Rabbinical Alliance of America, and urge the regional school committee to take action to insure the curricula, activities, and hallway displays of Concord-Carlisle High School conform to Massachusetts General Laws, Chapter 71, §30.

After a presentation made by Ms. Kay, and statements from the Board of Selectmen and School Committee, James Smith made the following **AMENDMENT TO MS. KAY'S MOTION** which was duly seconded:

That the **MOTION** under Article 31 be amended by replacing such motion in its entirety with the following:

That Town Meeting applauds the production of the play "Falsettos" with public funds by Concord-Carlisle High School in 2009, and urges the regional school committee to commend the employees of the school district responsible for this play and further urges the regional school committee to continue to foster positive role models and responsible citizenship through actions such as the production of plays like "Falsettos" that are meant to create opportunities for critical thought, rather than simply to entertain.

After discussion, Steven Ng made a **MOTION TO CALL THE QUESTION** on the amendment, which was duly seconded. A **VOTE** was taken by a show of hands on Mr. Ng's motion, which **PASSED** by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator. A **VOTE** was then taken on Mr. Smith's amendment, which **PASSED** by an **OVERWHELMING MAJORITY** on a show of hands and was so declared by the Moderator.

Dean Banfield then made a **MOTION TO CALL THE QUESTION UNDER ARTICLE 31 AS AMENDED**, which was duly seconded and **PASSED** on a show of hands by a **TWO-THIRDS MAJORITY** and was so declared by the Moderator. A Vote was then taken on Article 31 as amended by Mr. Smith,

which **PASSED** on a show of hands by an **OVERWHELMING MAJORITY**, and was so declared by the Moderator.

The meeting adjourned at 10:15 pm.

**Adjourned Session—Annual Town Meeting
April 26, 2011**

Town Moderator Eric Van Loon called the second session of the 2011 Annual Town Meeting to order at 7:05 pm on April 26, 2011 at the Concord-Carlisle High School Auditorium and Cafeteria. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the adjourned session to be opened. He introduced Town Meeting Procedures Resource Person Johanna Glazer and reminded attendees of the important procedural documents available on the tables outside the meeting rooms. He thanked the elected and appointed Town Officials for the countless hours devoted to preparing for the meeting.

Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency.

On a **MOTION** made by Jeffrey Wieand and duly seconded, the following was **UNANIMOUSLY VOTED**:

That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, Wednesday, April 27th.

Mr. Van Loon reviewed where we were in the Warrant, and indicated that we are on track to complete our work in three nights if everyone cooperates. He reminded those present of the Town's motto: "Quam Firma Rex" – "How Strong Is Harmony."

Elise Woodward, speaking on behalf of the Board of Selectmen, recognized Town Employees who had retired during the year and Town Employees with 25 or more years of service. Pam Gannon, speaking on behalf of the School Committee, recognized Concord Public School and Concord-Carlisle Regional School Employees who had retired during the year, and those with 25 or more years of service. All were thanked for their service to the community.

ARTICLE 32. EMERGENCY MEDICAL SERVICES REVOLVING FUND—CREATION & EXPENDITURES

Upon a **MOTION** made by Christopher Whelan that was duly seconded, the following was **UNANIMOUSLY VOTED** on a show of hands and so declared by the Moderator:

To authorize the Board of Selectmen to establish an Emergency Medical Services Revolving Fund, effective on or after July 1, 2011 on a date established by the Board of Selectmen pursuant to Chapter 44, §53E½ of the Massachusetts General Laws, into which the Treasurer shall deposit the revenue from ambulance charges and other fees paid by insurance companies, individuals and others for Emergency Medical Services, including Basic Life Support and Advanced Life Support and related services, provided by the Town and authorize an amount not to exceed \$400,000 be expended without further appropriation for the purpose of providing such Emergency Medical Services, to be managed and expended by the Town Manager for the costs related thereto.

The following article was pre-scheduled by the Moderator.

ARTICLE 25. RESTORATION OF STREETLIGHTS ON CONCORD'S PUBLIC ROADWAYS (by petition)

The following **MOTION** was made by Dorrie Kehoe and duly seconded:

To raise and appropriate the sum of \$22,000, to be expended under the direction of the Town Manager for the same purpose and in addition to the amount appropriated in Article 6, line item #19, Street Lighting, and further that the Town Manager is authorized, in the interest of public safety and convenience, to restore by October 30, 2011, approximately 500 streetlights in an equitable and energy efficient manner at locations to be determined by him or his designee.

After a lengthy discussion, at 8:50 pm Fran Grigsby made a **MOTION TO CALL THE QUESTION**, which was duly seconded and **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY**, and so declared by the Moderator.

A standing counted **VOTE** was then taken on Ms. Kehoe's Motion, which **PASSED** (with 435 voting in favor and 331 opposed).

ARTICLE 33. AERIAL LADDER TRUCK REPLACEMENT

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To appropriate the amount of \$900,000 to be expended under the direction of the Town Manager for the purchase of a Fire Department aerial ladder truck and any necessary related equipment and other costs incidental and related thereto; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$900,000 under the provisions of Massachusetts General Laws, Chapter 44, §7(9).

ARTICLE 34. RADIO FREQUENCY IDENTIFICATION SYSTEM—CONCORD PUBLIC LIBRARY

The following **MOTION** was made by Christopher Whelan and duly seconded:

To appropriate the amount of \$140,000 to be expended under the direction of the Town Manager for the purchase and installation of a Radio Frequency Identification System (RFID) for the Concord Public Library, including any other costs incidental or related thereto; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$140,000 under the provisions of Massachusetts General Laws, Chapter 44, §7(9).

After discussion, at 9:15 pm George Carrette made a **MOTION TO CALL THE QUESTION**, which was duly seconded and **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY**, and so declared by the Moderator. A **VOTE** was then taken on Mr. Whelan's motion, which **PASSED** by a **TWO-THIRDS MAJORITY** on a show of hands and was so declared by the Moderator.

ARTICLE 35. RIDEOUT PLAYGROUND EQUIPMENT REPLACEMENT

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To appropriate the amount of \$250,000 to be expended under the direction of the Town Manager for the replacement, renovation, and any other work related to improvement of the playground equipment and facilities at Rideout Playground; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$250,000 under the provisions of Massachusetts General Laws, Chapter 44, §§7(9) and (25).

Article 36. WEST CONCORD CENTER ROADWAY-RELATED IMPROVEMENTS

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator:

To appropriate the amount of \$50,000 to be expended under the direction of the Town Manager for engineering, design and survey services related to the renovation and improvement of Main Street in West Concord Center; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$50,000 under the provisions of Massachusetts General Laws, Chapter 44, §7(22).

ARTICLE 37. GUIDELINES FOR A SUSTAINABLE CONCORD (by petition)

The following **MOTION** was made by Hasso Ewing and duly seconded:

To urge the Town Manager and the Board of Selectmen to establish sustainability principles or guidelines designed to promote the conservation of resources and sustainable practices in the activities of Town government, and which require: (1) that all Town Departments, Boards and Committees consider those principles or guidelines when conducting their activities and carrying out their responsibilities, and (2) that they report periodically to the Town Manager, the Board of Selectmen and the citizens of Concord on their progress in meeting the principles or guidelines so that the Town Manager and the Board of Selectmen may develop a Town-wide framework for measuring the progress of Town government toward achieving sustainability in all its activities.

After discussion, David Stephens made a **MOTION** to **CALL THE QUESTION**, which was duly seconded and **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY**, and so declared by the Moderator. A **VOTE** was then taken on Ms. Ewing's **MOTION**, which **PASSED BY MAJORITY VOTE** on a show of hands and was so declared by the Moderator.

At 9:45 pm the assembly took a brief stretch break. At 9:48 pm, Mr. Van Loon asked for guidance from the group as to whether we should stay and take up Articles 38 and 39 tonight, or take up 38 tonight and 39 tomorrow. Michael Lawson made a **MOTION** that we take up both questions tonight, and then adjourn, which was duly seconded. A **VOTE** was taken, and Mr. Lawson's **MOTION PASSED** by a show of hands.

ARTICLE 38. DRINKING WATER IN SINGLE-SERVING PET BOTTLES BYLAW (by petition)

The following **MOTION** was made by Jean Hill and duly seconded:

To vote to amend the Town Bylaws by adding a provision for the sale of drinking water in PET bottles as follows:

Section 1. Sale of Drinking Water in Single-Serving PET Bottles

It shall be unlawful to sell non-sparkling, unflavored drinking water in single-serving polyethylene terephthalate (PET) bottles of 1 liter (34 ounces) or less in the Town of Concord on or after January 1, 2012.

Section 2. Exemption

Sales occurring subsequent to a declaration of an emergency adversely affecting the availability and/or quality of drinking water to Concord residents by the Fire Chief or other duly-authorized Town, Commonwealth or United States official shall be exempt from this Bylaw until seven days after such declaration has ended.

Section 3. Enforcement

Enforcement of this Bylaw shall be the responsibility of the Concord Health Department or any other Town Department, as determined by the Town Manager, which shall make random inspections of

food and beverage purveyors not less frequently than once every six months. Any establishment conducting sales in violation of this Bylaw shall be subject to a non-criminal disposition fine as specified 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. Any such fines shall be paid to the Town of Concord.

Section 4. Suspension

If the Town Manager determines that the cost of implementing and enforcing this Bylaw has become unreasonable, then the Town Manager shall so advise the Board of Selectmen and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this Bylaw in force or may suspend it permanently or for such length of time as they may determine.

Mr. Van Loon indicated that pro and con microphones would be used for discussion of this article. Mr. Wieand, speaking on behalf of the Board of Selectmen, indicated that while the Board was supportive of the objectives of Article 38, it was unable to reach consensus on a recommendation. Although the bylaw as presented includes an “escape” clause in Section 4, the assembly should assume that the Board of Selectmen would find the means to defend the bylaw if it passes, and should a lawsuit ensue. After a lengthy discussion, at 10:43 pm Maureen Dribble made a **MOTION TO CALL THE QUESTION**, which was duly seconded, and **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY**, and so declared by the Moderator. A vote was then taken on Ms. Hill’s motion by a show of hands, which was unclear, so a counted vote was taken. Ms. Hill’s **MOTION FAILED TO PASS** (with 265 voting in favor and 272 opposed).

Ray Bruttomesso asked for a ruling of the Chair as to whether we should continue to proceed with Article 39, given the lateness of the hour. Mr. Van Loon indicated that an overwhelming majority had voted in favor of taking the two articles up together. No one appealed the ruling of the Chair, and the meeting took up Art. 39.

ARTICLE 39. RESOLUTION TO DISCOURAGE THE SALE OR USE OF DISPOSABLE SINGLE-SERVING BOTTLED DRINKING WATER (by petition)

The following **MOTION** was made by Janet Lawson and duly seconded:

Whereas: (1) bottled drinking water is a wasteful and unnecessary use of energy and water resources and its use contributes to climate change, (2) disposable water bottles are a significant pollutant to our planet, and (3) Concord has excellent municipally-supplied tap water,

Town Meeting 2011 urges the citizens of Concord to voluntarily stop buying drinking water in single-serving bottles, and Concord municipal departments, schools, businesses and non-profit institutions to take action as appropriate to reduce or eliminate the consumption of single-serving bottled water, and further charges the Board of Selectmen, Town Manager and Concord Public Schools to initiate a comprehensive educational campaign to achieve this goal and to urge the State legislature to pass an Expanded Bottle Bill which includes single-serving water bottles.

Carmin Reiss, speaking for the Board of Selectmen, reported that the Selectmen unanimously urged no action on this article, since its impact was unclear. After a discussion, at 11:10 pm, Thomas Sadtler made a **MOTION TO CALL THE QUESTION**, which was duly seconded. Ms. Lawson was allowed to respond to one outstanding question, and then a **VOTE** was taken on Mr. Sadtler’s motion, which **PASSED** on a show of hands by a **TWO-THIRDS VOTE** and was so declared. At 11:12 pm a **VOTE** was taken on Ms. Lawson’s motion, which **PASSED** by **MAJORITY VOTE** on a show of hands, and was so declared by the Moderator.

The meeting adjourned at 11:15 pm.

**Adjourned Session—Annual Town Meeting
April 27, 2011**

Town Moderator Eric Van Loon called the third session of the 2011 Annual Town Meeting to order at 7:07 pm at the Concord-Carlisle High School Auditorium and Cafeteria. Mr. Van Loon declared that the meeting was properly called and that a sufficient number of voters were present to permit the adjourned session to be opened. He indicated that the emphasis would be on zoning issues tonight, and he reviewed the schedule. George Dallas has been appointed Assistant Moderator and will preside in the Cafeteria during the Annual Town Meeting. Carrie Floor and Peggy Briggs have also been sworn in as Assistant Moderators, in the event they are needed to assist during the Annual or Special Town Meeting.

Fire Chief Mark Cotreau reviewed evacuation procedures in the event of an emergency.

ARTICLE 40. FARMING BYLAW

At 7:14 pm, on a **MOTION** made by Jennifer Hashley that was duly seconded, the following was **VOTED** on a show of hands by **MAJORITY 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 hoopouses 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.

ARTICLE 41. COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

On a **MOTION** made by Lynn Huggins and duly seconded, the following was **VOTED** on a show of hands by a **NEAR UNANIMOUS VOTE** and so declared by the Moderator:

Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the amount of \$974,320 from the Concord Community Preservation Fund, of which up to \$45,286 shall be appropriated from the undesignated fund balance as of June 30, 2010, and up to \$929,034 shall be appropriated from projected Fiscal Year 2012 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	Amount Recommended	Category	Source of Funds	
				Prior Year Fund Balance	FY12 CPA Fund Revenues
A	Town of Concord – White Pond Watershed Management Plan	64,403	50% Open Space, 50% Recreation		64,403
B	Town of Concord –Open Space, Community Housing, and Recreation Property Acquisition Fund	80,000	None		80,000
C	Drinking Gourd Project – Caesar Robbins Historical Center	300,000	Historic Preservation	45,286	254,714
D	Concord Housing Dev. Corp. – Junction Village Predevelopment	75,000	Community Housing		75,000
E	Louisa May Alcott Memorial Assoc. – Concord School of Philosophy Restoration	158,600	Historic Preservation		158,600
F	Town of Concord – Heywood Meadow Restoration and Preservation Project	95,000	Historic Preservation & Open Space		95,000
G	Concord Scout House, Inc. – Phase I Rehabilitation	100,000	Historic Preservation		100,000
H	Town of Concord – Regional Housing Services Program	16,000	Community Housing		16,000
I	Town of Concord – Administrative Expenses	30,000	Administrative		30,000
J	CPA Open Space Reserve Fund	35,317	Open Space		35,317
K	CPA Community Housing Reserve Fund	20,000	Community Housing		20,000
		\$974,320		\$45,286	\$929,034

At 7:37 pm the Annual Town Meeting was suspended so that the Special Town Meeting could be called to order. At 9:35 pm, after conclusion and adjournment of the Special Town Meeting, the Annual Town Meeting was resumed.

ARTICLE 42. LAND ACQUISITION—6A HARRINGTON AVENUE

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY** and so declared by the Moderator: To

- (a) authorize the Natural Resources Commission, in the name of the Town of Concord, to acquire, by purchase or gift, fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of the property at 6A Harrington Avenue, identified on the Assessors Maps as parcel #2702, comprised of approximately 4.72 acres, said property to be acquired for conservation purposes, including without limitation open space and/or agriculture and/or community gardening, on such terms and conditions as the Natural Resources Commission and the Board of Selectmen may determine and appropriate therefor a sum of \$450,000; and

- (b) appropriate an additional sum of \$50,000, to be expended under the direction of the Town Manager, for the restoration of said property, including any necessary slope stabilization, erosion control, site clean-up, environmental testing and remediation, and soil and related improvements; and
- (c) authorize the Board of Selectmen to take by eminent domain upon the written request of the Natural Resources Commission the fee, easement and/or other real property interests in, on, over, across, under and along all or any portion of said property; and
- (d) that to meet this appropriation,
 - (i) the sum of \$60,000, for the purchase of the property and an additional \$50,000, for the restoration of the property, be appropriated from the Concord Community Preservation Fund's Fiscal Year 2012 Fund Revenues and from funds previously allocated to the Open Space Reserve Fund, in accordance with Chapter 44B of the Massachusetts General Laws; and
 - (ii) and that the Treasurer be authorized with the approval of the Selectmen to borrow in accordance with Massachusetts General Laws Chapter 44 a sum not to exceed \$450,000, a portion of which to be offset or reimbursed by the aforesaid \$60,000 in Community Preservation Funds; and
- (e) authorize the Natural Resources Commission to grant a conservation restriction pursuant to Chapter 184, §§31, 32 and 33 of the Massachusetts General Laws, on all or any portion of said property, on such terms and conditions as the Natural Resources Commission may determine, to the Concord Land Conservation Trust or a similar conservation organization, in exchange for payment equal to all or any portion of the purchase price.

ARTICLE 43. ZONING BYLAW AMENDMENT—SIDE YARDS

On a **MOTION** made by Elise Stone and duly seconded, the following was **VOTED** on a show of hands 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.

ARTICLE 44. ZONING BYLAW AMENDMENT—DEFINITION OF HEIGHT

On a **MOTION** made by Elise Stone and duly seconded, the following was **VOTED** on a show of hands 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. Chim-

neys, 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.

ARTICLES 45 & 46. Voted on Consent Calendar on April 25th.

ARTICLE 47. ZONING BYLAW AMENDMENT—COMMERCIAL VEHICLE WHEEL BASE

On a **MOTION** made by Coleman Hoyt and duly seconded, the following was **VOTED** on a show of hands 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 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 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.

ARTICLES 48 & 49. Voted on Consent Calendar on April 25th.

ARTICLE 50. ZONING BYLAW AMENDMENT—TABLE OF USE REGULATIONS (WEST CONCORD BUSINESS DISTRICT)

On a **MOTION** made by Christopher Sgarzi and duly seconded, the following was **VOTED** on a show of hands 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

Principal Uses		Commercial Districts				Industrial Districts	
			B	WCB	LB	WCI	I
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
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).”

ARTICLE 51. ZONING BYLAW AMENDMENT—ESTABLISH THE WEST CONCORD VILLAGE DISTRICT

There was **NO MOTION** made under this article.²

ARTICLE 52. ZONING BYLAW AMENDMENT—GROCERY STORE, RETAIL STORE AND RESTAURANT

On a **MOTION** made by Christopher Sgarzi and duly seconded, the following was **VOTED** on a show of hands by a **TWO-THIRDS MAJORITY VOTE** 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	<u>CCB, TDB, NACB</u>	<u>WCB</u>	<u>WCV</u>	LB	MP	WCI	I	IP	LIP		
<u>4.5.19 Grocery Store</u>	no	no	no	no	yes	<u>yes</u>	<u>yes</u>	<u>yes</u>	no	no	no	no	no	no	<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:

² See Article 6 of the April 27, 2011 Special Town Meeting for a vote to establish a West Concord Village District.

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.

ARTICLE 53. ZONING BYLAW AMENDMENT-TABLE III-DIMENSIONAL REGULATIONS

On a **MOTION** made by Christopher Sgarzi that was duly seconded, the following was **VOTED** on a show of hands 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 bound-

ary 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

<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>
<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	Maximum height 35 minimum height side and rear 15; minimum height front façade 18		_____
<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	Maximum height 35; minimum height side and rear 15; minimum height front façade 18		_____

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.

ARTICLE 54. ZONING BYLAW AMENDMENT—FORMULA BUSINESS WITH A CAP

On a **MOTION** made by Gary Kleiman that was duly seconded, the following was **VOTED** on a show of hands 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 West Concord Master Plan of 2010.

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 ~~and eclectic ambiance~~;³
- 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 imme-

³ *Note:* The Attorney General disallowed the phrase "and eclectic ambiance" from §3.3.4.a above, so that this phrase is not part of the approved Zoning Bylaw.

diate 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.

ARTICLE 55. ZONING BYLAW—FORMULA BUSINESS WITHOUT A CAP

There was **NO MOTION** made under this article.

ARTICLE 56. ZONING BYLAW AMENDMENT—EXTENDED STAY HOTEL (by petition)

The following **MOTION** was made by Dan Holmes and duly seconded:

That the Town vote to amend the Zoning Bylaw to allow hotel and motel use in the Industrial Park District and to allow extended stay hotel use in the Limited Business District 1 (LBD) and in the Industrial Park District, as follows:

Section 4.2 Residential Uses shall be revised by adding thereto the following new subsection:

“4.2.10 *Extended Stay Hotel:* An establishment providing four (4) or more rooms or suites for transient lodging accommodations (which may include living, kitchen and sleeping areas) intended primarily for rental to guests who have a primary domicile elsewhere. The lot on which an extended stay hotel is located shall contain open space of not less than twice the gross floor area of the extended stay hotel in addition to any area required for parking or vehicular access. An extended stay hotel may provide a bar, restaurant, public dining room and/or common breakfast room area or other public areas which are open and available to persons who are not guests of the establishment.”

CONCORD ZONING – TABLE I – PRINCIPAL USE REGULATIONS, Section 4.2 Residential Uses shall be revised by amending row 4.2.9 Hotel and motel to change the word ‘no’ to ‘yes’ for the Industrial Park (IP) District and by adding thereto a new row, 4.2.10 Extended stay hotel with the word ‘no’ listed under all districts except Limited Business District 1 (LBD) where the word ‘yes¹’ is inserted and Industrial Park District where the word ‘yes’ is inserted with Site Plan Approval required (R), such that the last two rows of Section 4.2 read as follows (with the revisions underlined for purposes of illustration only):

Principal Uses	Residential District				Commercial Districts				Industrial Districts				Site Plan Approval
	A	A	B	C	B, CCB, TDB, NACB	WC B	Ltd B	MP	WC I	I	IP	LI P	
4.2.9 Hotel and motel	no	no	no	no	yes	SP	yes ¹	no	no	no	<u>yes</u>	no	R
<u>4.2.10 Extended stay hotel</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>yes¹</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>R</u>

Section 5.3.11 *Workshops and classes;* shall be revised such that the word “hotel” shall be replaced by the words “hotel, extended stay hotel”.

Section 5.3.13 *Gift shops, candy counters*;, shall be revised such that the word “hotel” shall be replaced by the words “hotel, extended stay hotel”.

Section 7.7.2.1 *Required spaces*: Table IV, Minimum Parking, shall be revised such that the principal use heading “Hotel and motel” shall be revised to add a comma and the words “extended stay hotel” after the words “Hotel and motel”.

Section 7.7.2.10 *Off-Street loading*;, shall be revised such that the word “hotel” shall be replaced by the words “hotel, extended stay hotel”.

After a discussion, at 11:38 pm a **VOTE** by a show of hands was taken and the Moderator declared that the **MOTION FAILED TO PASS** since it did not reach the required two-thirds majority. At 11:40 pm Tim Rose asked for a point of order, questioning the Moderator’s count. An informal count was then taken in both rooms, with the following result: Auditorium (49 in favor and 50 opposed); Cafeteria (35 in favor and 22 opposed). The Total of both rooms was 84 in favor and 72 opposed, which did not meet the minimum of 104 votes needed to pass (2/3). The Moderator’s declaration of a failed vote was reaffirmed.

ARTICLE 57. LEXINGTON & CONCORD 1775: SPECIAL MA LICENSE PLATE (by petition)

On a **MOTION** made by Joseph L. Andrews, Jr. and duly seconded, the following was **VOTED** on a show of hands by **MAJORITY VOTE** and so declared by the Moderator:

Concord Town Meeting supports Massachusetts’ citizens efforts, in cooperation with the Registry of Motor Vehicles, to create a new special automobile license plate: “Lexington and Concord 1775.”

We believe this special license plate will help to highlight the Concord area’s unique role in the American Revolution, and that it will help to stimulate interest in Concord history by residents and by potential visitors from throughout the nation, both young and old. Income from sale of the plate will help maintain historic sites in Minute Man National Historic Park, located in Concord, Lexington, and Lincoln.

Supporting this warrant article will not obligate voters to purchase the “Lexington and Concord 1775” license plate, should it be approved, but we hope citizens will strongly consider purchasing one since the RMV requires 1500 purchasers before initial approval to manufacture the plate and 3000 purchasers within two years of issue to continue it as a plate.

ARTICLE 58. Voted under the Consent Calendar on April 25th.

There being no further business to come before the assembly, the Annual Town Meeting was dissolved at 11:47 pm.

Respectfully submitted,

Anita S. Tekle
Town Clerk

Attorney General Approval of Bylaws:

General Bylaw – Article 40 (Farming Bylaw) was approved by the Attorney General on May 23, 2011.

Zoning Bylaw Amendments – The following Zoning Bylaw Amendments were approved by the Attorney General on August 18, 2011: Articles 43, 44, 45, 46, 47, 48, 49, 50, 52, 53 and 54. Note that all amendments were approved by the Attorney General as submitted, with the exception of Article 54 (Formula Business With a Cap)—one phrase in Section 3.3.4 was disallowed and this has been indicated by a strikethrough in the text of these minutes.