

2020 ANNUAL TOWN MEETING

September 13, 2020

The Annual Town Meeting of 2020 was held on the Douglas White Soccer Field at the Concord Carlisle High School on September 13, 2020 pursuant to a Warrant signed by the Select Board on January 27, 2020 with the signed return of service on February 5, 2020 as inspected by the Town Moderator. The Warrant was posted at the required locations at least seven days before the meeting.

Due to the COVID-19 Pandemic, Town Meeting which was originally scheduled for April 27, 2020, was delayed through five separate declarations from the Moderator due to health and safety concerns.

Town Moderator Carmin Reiss called the meeting to order at 1:03 pm, having determined that the return of service on the Warrant was in order and a sufficient number of voters were present. A total of 381 voters were in attendance

Fire Chief Tom Judge reviewed evacuation procedures in the event of a pop-up thunderstorm. The meeting was broadcast over Minuteman Media Network and WIQH 88.3 radio, and a wifi hotspot was made available to voters on the field, from a van donated by Xfinity for which they were thanked.

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

Ms. Reiss appointed Mr. Fisher as Head Teller, Mr. Carr was appointed as Head Ballot Supervisor, and Mr. Wells was appointed as Assistant Ballot Supervisor. Tellers and Ballot Counters were sworn in by the Moderator and thanked for their service.

Ms. Reiss noted that September 12th marked the 358th year since the incorporation of the Town of Concord in 1635.

Ms. Reiss thanked the many Town staff for their extraordinary efforts to prepare for the first outdoor Town Meeting held in the history of the Town.

The following people were asked to stand to be recognized:

- 2020 Honored Citizen: Jonathan Keyes
- Select Board Chair: Michael Lawson
- School Committee Chair: Wallace Johnston
- Former School Committee member: Yuval Ehrlich
- Finance Committee Chair and past member, Karl Packard
- Finance Committee member and past Chair, Tom Tarpy

The documents used or referred to at the meeting were the “2021 Annual Town Meeting: Meeting Materials Book” (including a condensed edition of the Town Meeting Traditionals and Procedures) and the “Finance Committee report – COVID edition.” All presentations for articles were available online prior to the meeting along with public hearings and no presentations were given during the meeting. Speakers were limited to one minute and microphone covers were changed for each speaker.

There were 52 articles on the Warrant, of which 24 were moved on the Consent Calendar, 11 were postponed, one was referred to committee for further study and 16 were moved for full deliberation.

The table on the following pages shows where each article can be found as they are reported by manner of vote.

ARTICLE	SUBJECT	ACTION TAKEN
1	Choose Town Officers	Postponed indefinitely
2	Hear Reports	Passed by well more than a 2/3 vote under the Consent Calendar
CC	Consent Calendar	Passed by well more than a 2/3 vote
3	Meeting Procedure	Passed by well more than a 2/3 vote under the Consent Calendar
4	Ratify Personnel Board Classification Actions	Passed by well more than a 2/3 vote under the Consent Calendar
5	Classification & Compensation Plan for Regular-Status	Passed by well more than a 2/3 vote under the Consent Calendar
6	Positions	Postponed indefinitely
7	Personnel Bylaw Amendment Accept Provisions of M.G.L. c. 32, §103(J), as Amended by Section 19 of c. 188, to Increase the Cost of Living Adjustment (COLA) Base	Passed by well more than a 2/3 vote under the Consent Calendar
8	Use of Free Cash	Passed by well more than a 2/3 vote under the Consent Calendar
9	FY20 Budget Adjustment	Postponed Indefinitely
10	Town Budget	Passed nearly by near unanimous and more than a 2/3 vote
11	Capital Improvement and Debt Plan Final motion included an additional \$150,000 to the borrowing for electric bus infrastructure to make the total appropriation \$4,056,855.	Passed nearly by near unanimous and more than a 2/3 vote
12	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, § 53E1/2	Passed by well more than a 2/3 vote under the Consent Calendar
13	Affordable Housing Trust Bylaw Final motion replaces the word "Board" with the word "Trustees" in "Section 4. Trustees"	Passed by well more than a 2/3 vote under the Consent Calendar
14	Funds for Affordable Housing	Passed by well more than a 2/3 vote under the Consent Calendar

ARTICLE	SUBJECT	ACTION TAKEN
15	Authorize Special Legislation – Senior Means Tested Property Tax Exemption	Passed by near unanimous vote
16	Approval of Tax Increment Financing Agreement	Passed by a clear majority vote
17	Light Plant Expenditures & Payment in Lieu of Taxes	Passed by well more than a 2/3 vote under the Consent Calendar
18	Solid Waste Disposal Fund Expenditures	Passed by well more than a 2/3 vote under the Consent Calendar
19	Sewer System Expenditures	Passed by well more than a 2/3 vote under the Consent Calendar
20	Sewer Improvement Fund Expenditures	Passed by well more than a 2/3 vote under the Consent Calendar
21	Water System Expenditures	Passed by well more than a 2/3 vote under the Consent Calendar
22	Authorize Expenditure from PEG Access and Cable-related Fund	Passed by well more than a 2/3 vote under the Consent Calendar
23	Beede Swim & Fitness Center Enterprise Fund Expenditures	Passed by well more than a 2/3 vote under the Consent Calendar
24	Minuteman Regional Technical High School District Budget	Passed by well more than a 2/3 vote under the Consent Calendar
25	Concord Public Schools Budget	Passed by a near unanimous vote
26	Concord Public Schools Capital Budget	Passed by a near unanimous and well more than a 2/3 vote
27	Concord-Carlisle Regional High School Budget	Passed by a near unanimous vote
28	Concord-Carlisle Regional High School Capital Projects	Postponed Indefinitely
29	Middle School Stabilization Fund	Passed by well more than a 2/3 vote under the Consent Calendar
30	Citizen Petition: Healthy School Buses for Students Final motion reduced the sum from \$200,000 to \$50,000, because the sum of \$150,000 for fueling infrastructure was added to the Capital Improvement and Debt Plan under Article 11.	Passed by well more than a majority

ARTICLE	SUBJECT	ACTION TAKEN
31	Citizen Petition: Municipal Fleet Electrification Report	Postponed Indefinitely
32	Zoning Bylaw Amendment – Additional Dwelling Unit Final motion included substitution of the word “additional” for the word “accessory” in Section 4.2.2.2(h)	Passed by more than a 2/3 majority vote
33	Zoning Bylaw Amendment – Two-Family Dwelling Unit	Postponed Indefinitely
34	Zoning Bylaw Amendment – Planned Residential Development & Table 1 Principal Use Regulations Final motion added the words “at least” after the first word and “not more than” before “a one car garage” in section 10.2.3.6.(b)	Passed by near unanimous vote and more than a 2/3 margin
35	Zoning Bylaw Amendment – Hammerhead Lot	Passed by well more than a 2/3 vote under the Consent Calendar
36	Zoning Bylaw Amendment – Relief from Parking Requirements	Passed by well more than a 2/3 vote under the Consent Calendar
37	Zoning Bylaw Amendment – Thoreau Depot Business & Residence C Zoning District Boundary	Failed for a clear lack of majority
38	Zoning Bylaw Amendment – Fairs, Bazaars, Antique Shows, Suppers and Dances	Passed by well more than a 2/3 vote under the Consent Calendar
39	Zoning Bylaw Amendment – Prohibited Uses	Passed by well more than a 2/3 vote under the Consent Calendar
40	General Bylaw Amendment – Fossil Fuel Infrastructure Citizen Petition: Zoning Bylaw Amendment – Onsite Notice of PRD	Postponed Indefinitely
41	Final motion allows for correction of typographical errors before submittal to the Attorney General’s Office	Passes by a near unanimous vote
42	Citizen Petition: Amend Sign Bylaw to Allow Onsite Posting of Notice of PRD Application	Passed by a near unanimous vote
43	Citizen Petition – One Year Moratorium on Zoning Bylaw Section 10: PRDs	Unanimously referred to Planning Board for further study
44	Community Preservation Committee Appropriation Recommendations	Passed by well more than a 2/3 vote under the Consent Calendar

ARTICLE	SUBJECT	ACTION TAKEN
45	Citizen Petition: Electronic Recording of Select Board Executive Sessions	Motion failed for lack of majority
46	Citizen Petition: Public Posting of Open Meeting Law Complaints	Motion failed for lack of majority
47	Citizen Petition: Investigation and Amendment to the Town Counsel Bylaw	Motion failed by a substantial margin
48	Citizen Petition: Historic Districts Bylaw Nominating Organizations	Postponed Indefinitely
49	Neonicotinoids Prohibition on Town Agricultural Land	Postponed Indefinitely
50	Authorize Special Legislation – Additional Liquor Licenses	Passed by well more than a 2/3 vote under the Consent Calendar
51	Unpaid Bills	Postponed Indefinitely
52	Debt Rescission	Postponed Indefinitely

On a MOTION made by Mr. Lawson and duly seconded, it was VOTED by a large majority to omit the reading of the warrant and return of service.

CONSENT CALENDAR

VOTE TO ADVANCE FOR CONSIDERATION AND TAKE ACTION UPON CERTAIN ARTICLES WITHOUT DEBATE

Upon a MOTION made by Mr. Banfield and duly seconded, it was VOTED by well more than a two-thirds majority:

That the 2020 Annual Town Meeting advance for consideration the articles in the table below: and take action on such Articles without debate on any such Articles, provided, that upon the request of ten (10) voters at this Meeting, made before the vote is taken on this motion, an Article, or, in the Moderator's discretion, a portion thereof, shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

Article 2 HEAR REPORTS

Motion: that the Town receive the 2019 Annual Town Report.

Reason: Routine annual action by the Meeting

Article 3 MEETING PROCEDURE

Affirmative Action Recommended By: Finance Committee, Select Board

Motion: That in order to assure compliance with the requirements of the Mass. Gen. Laws c. 59, § 21C, the Meeting adopt 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:

o a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or

o 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 Select Board 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. Articles making appropriations to be kept open. Any Article making appropriations shall be kept open until the final adjournment of the Meeting.

Reason: Routine and non-controversial at hearing; the motion is identical to Meeting Procedure motions passed annually and unanimously for more than fifteen years.

- Article 4** **RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**
Affirmative Action Recommended By: Finance Committee, Select Board
Motion: That the Town take affirmative action on Article 4 as printed in the Warrant.
Reason: Routine annual ratification action; non-controversial at hearing.
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- Article 5** **CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**
Affirmative Action Recommended By: Finance Committee, Select Board
Motion: That the Town take affirmative action on Article 5 as printed in the Warrant.
Reason: Routine and non-controversial at hearing
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- Article 7** **ACCEPTING PROVISIONS OF MASS. GEN. LAWS C. 32, § 103(J), AS AMENDED BY SECTION 19 OF CHAPTER 188, TO INCREASE THE COST OF LIVING ADJUSTMENT (COLA) BASE**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town take affirmative action on Article 7 as printed in the Warrant.
Reason: Non-controversial. Adopts local option to increase the base upon which cost of living increases may be granted to Town retirees, last adjusted in 1997, bringing the Town into line with the over 74% of Massachusetts County, Regional and Municipal legislative authorities that have adopted the option to increase the COLA base.
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- Article 8** **USE OF FREE CASH**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town authorize and direct the Assessors to transfer \$1,000,000 from the Certified Free Cash Balance as of July 1, 2019 to reduce the tax levy for the fiscal year ending June 30, 2021.
Reason: Routine transfer of surplus funds to reduce tax levy; non-controversial at hearing. Surplus results from revenue collection exceeding estimates and/or actual expenditures being less than appropriations.
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- Article 12** **AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER MASS. GEN. LAWS. C. 44, § 53E1/2**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town take affirmative action on Article 12 as printed in the Warrant.
Reason: Routine authorization of annual spending limits for Revolving Funds, expenditures made pursuant to the Town's Revolving Fund Bylaw with the approval of the Town Manager. Non-controversial.
-
- Article 13** **AFFORDABLE HOUSING TRUST BYLAW**
Affirmative Action Recommended by: Select Board
Motion: That the Town take affirmative action on Article 13 as printed in the Warrant, except that the word "Board" is replaced with the word "Trustees" in the fifth paragraph of Section 7.
Reason: Non-controversial. Carries out the vote of 2019 Annual Town Meeting to establish a Municipal Affordable Housing Trust Fund pursuant to Mass. Gen. Laws c. 44, § 55C by adopting a bylaw to establish the Trust.
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- Article 14** **FUNDS FOR AFFORDABLE HOUSING**
Affirmative Action Recommended by: Select Board, Finance Committee
Motion: That the Town transfer from the Certified Free Cash Balance as of July 1, 2019 the sum of \$500,000 for the purpose of developing or supporting affordable housing within the Town, to be expended under the direction of the Town Manager on such terms and conditions as the Select

Board may determine, including transferring the funds to the Municipal Affordable Housing Trust Fund.

Reason: Non-controversial. The proposed transfer follows the 2018 recommendation of the Affordable Housing Funding Committee that the Town appropriate sums from free cash to support affordable housing when the free cash balance is higher than five percent of the annual operating budget, until such time as other means of generating funds to support affordable housing are in place.

Article 17 LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES

Affirmative Action Recommended by: Select Board, Finance Committee

Motion: That the Town authorize the income from sales of electricity and from servicing and jobbing during the fiscal year ending June 30, 2021, together with the balance of operating cash in the Light Plant Fund, to be expended under the direction and control of the Town Manager, without further appropriation, for the expenses of the Light Plant for the fiscal year, as defined in Mass. Gen. Laws c. 164, § 57, and/or for other plant extension, enlargements, additions, renewals, and reconstruction.

Reason: Routine annual action; non-controversial at hearing. Authorizes the Light Plant to expend its income for operations and provides for the transfer of \$474,500 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, 2021.

Article 18 SOLID WASTE DISPOSAL FUND EXPENDITURES

Affirmative Action Recommended by: Select Board, Finance Committee

Motion: That the Town take affirmative action on Article 18 as printed in the Warrant.

Reason: Routine annual authorization; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue from the fiscal year ending June 30, 2021 and cash on hand in the Solid Waste Disposal Fund to operate the Town's curbside solid waste and recycling collection and disposal program.

Article 19 SEWER SYSTEM EXPENDITURES

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 19 as printed in the Warrant.

Reason: Routine annual enterprise fund authorization; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue for the fiscal year ending June 30, 2021 and cash on hand in the Sewer Fund for the operation, maintenance, and improvement of the Town's sewer system.

Article 20 SEWER IMPROVEMENT FUND EXPENDITURES

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 20 as printed in the Warrant.

Reason: Routine annual action; non-controversial at hearing. The Sewer Improvement Fund is a sub-fund of the Sewer Fund consisting of fees paid by certain properties connecting to the sewer system; the Article authorizes expenditure from the Fund for construction and expansion of sewer lines and treatment facility capacity.

Article 21 WATER SYSTEM EXPENDITURES

Affirmative Action Recommended by: Finance Committee, Select Board

Motion: That the Town take affirmative action on Article 21 as printed in the Warrant.

Reason: Routine annual action; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue for the fiscal year ending June 30, 2021 and cash on hand in the Water Fund for the operation, maintenance, and improvement of the Town's water system.

- Article 22** **AUTHORIZE EXPENDITURE FROM PEG ACCESS AND CABLE-RELATED FUND**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town transfer from the PEG Access and Cable-Related Fund the amount of \$376,934 to be expended under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the Comcast licensing agreement.
Reason: Routine transfer; non-controversial at hearing.
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- Article 23** **BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town appropriate from the Community Pool Enterprise Revenues the sum of \$1,575,000 and appropriate from Retained Earnings the sum of \$772,043 for a total appropriation of \$2,347,043, the amount required for the total operating and capital expenses of the Community Pool Enterprise Fund for the fiscal year ending June 30, 2021, in accordance Mass. Gen. Laws c. 44, § 53F½, to be expended under the direction of the Town Manager.
Reason: Routine annual enterprise fund authorization; non-controversial at hearing.
-
- Article 24** **MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town raise and appropriate the sum of \$1,258,898 for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2021.
Reason: Non-controversial. Routine ratification of assessment of Concord's share of the annual operating budget for the Minuteman Regional Technical High School District, pursuant to formula set forth in governing regional agreement.
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- Article 29** **MIDDLE SCHOOL STABILIZATION FUND**
Affirmative Action Recommended by: Finance Committee, Select Board
Motion: That the Town establish a Middle School Building Stabilization Fund as authorized by Mass. Gen. Laws c. 40, § 5B, and transfer from the Certified Free Cash Balance of July 1, 2019 the sum of \$2,000,000 to the fund so established.
Reason: Non-controversial. Concord Middle School buildings will require substantial renovation or replacement in the near future at a significant cost. The stabilization fund created and funded under this article will be used to reduce the annual property tax impact of borrowing necessary for the project.
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- Article 35** **ZONING BYLAW AMENDMENT - HAMMERHEAD LOT**
Affirmative Action Recommended by: Planning Board, Zoning Board of Appeals, Select Board
Motion: That the Town take affirmative action on Article 35 as printed in the Warrant.
Reason: Non-controversial. Transfers permit granting authority for Hammerhead Lot Special Permit applications from Zoning Board of Appeals to Planning Board, consistent with the views of both boards that the Planning Board is better suited to review and decide upon such applications.
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- Article 36** **ZONING BYLAW AMENDMENT- RELIEF FROM PARKING REQUIREMENTS**
Affirmative Action Recommended by: Planning Board, Zoning Board of Appeals, Select Board
Motion: That the Town take affirmative action on Article 36 as printed in the Warrant, with the inclusion of the words "if applicable" at the end of Item (a).
Reason: Non-controversial. Amends the zoning bylaw to add the six criteria that the Planning Board, in its current practice, considers when evaluating requests for relief from parking requirements.

Article 38 ZONING BYLAW AMENDMENT – FAIRS, BAZAARS, ANTIQUE SHOWS, SUPPERS AND DANCES

Affirmative Action Recommended by: Planning Board, Select Board

Motion: That the Town take affirmative action on Article 38 as printed in the Warrant.

Reason: Non-controversial. Amends the zoning bylaw to allow philanthropic organizations seeking to hold fairs, bazaars, suppers, dances and similar events to follow the same review process through which other organizations seeking to hold such events are reviewed.

Article 39 ZONING BYLAW AMENDMENT – PROHIBITED USES

Affirmative Action Recommended by: Planning Board, Select Board

Motion: That the Town take affirmative action on Article 39 as printed in the Warrant.

Reason: Non-controversial. Amends the zoning bylaw to clarify that the bylaw is not intended to preclude the keeping of a registered, non-residential trailer on the property.

Article 44 COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

Affirmative Action Recommended by: Community Preservation Committee, Finance Committee, Select Board

Motion: That the Town appropriate the sum of \$1,960,000 from the Concord Community Preservation Fund, of which \$244,233 shall be appropriated from the Undesignated Fund Balance as of June 30, 2019 and up to \$1,715,777 shall be appropriated from the projected Fiscal Year 2021 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager, for the ten appropriation recommendations as shown in the Warrant.

Reason: History of community support; numerous prior public hearings. Appropriates Community Preservation Fund funds to projects recommended by the Community Preservation Committee following a series of public hearings on funding applications by the projects, allocating \$320,000 for Community Housing, \$250,000 for Historic Preservation, \$619,223 for Open Space, \$730,000 for Recreation, and \$40,000 for Administration.

Item	Project/Description	Category	Sources		
			Prior Year Undesignated Fund Balance	FY21 CPA Fund Revenues	Total Amount Recommended
A	Concord Housing Authority – Commonwealth Avenue Project	Community Housing		\$300,000	\$300,000
B	Town of Concord Regional Housing Services Program	Community Housing		\$20,000	\$20,000
C	First Parish in Concord – Restoration and Repaint and Gild Belfry	Historic Preservation		\$75,000	\$75,000
D	Holy Family Parish – Holy Family Parish Rectory Renovation	Historic Preservation		\$75,000	\$75,000
E	Friends of Minute Man National Park –Buttrick House Gardens Hardscape Rehabilitation	Historic Preservation		\$100,000	\$100,000

F	Town of Concord – Gerow park Improvements Phase I	Open Space	\$244,223		\$500,000
		Recreation		\$255,777	
G	Town of Concord – Warner’s Pond Dredging Project	Open Space		\$250,000	\$500,000
		Recreation		\$250,000	
H	Town of Concord – Assabet River Pedestrian Bridge Construction Drawings and Permitting	Open Space		\$125,000	\$250,000
		Recreation		\$125,000	
I	Minute Man Arc for Human Services, Inc. – Accessible Outdoor Oasis Recreation Park for People with Disabilities	Recreation		\$100,000	\$100,000
J	Staff and Technical Support	Administra- tion		\$40,000	\$40,000
	Total All Projects		\$244,223	\$1,715,777	\$1,960,000

Article 50 AUTHORIZE SPECIAL LEGISLATION - ADDITIONAL LIQUOR LICENSES

Affirmative Action Recommended by: Select Board

Motion: That the Town take affirmative action on Article 50 as printed in the Warrant.

Reason: Non-controversial. Authorizes Select Board to request special legislation to ease the Board’s administrative burden in processing the over 100 requests for one-day liquor licenses received annually by authorizing the issuance of “general licenses” to be used by locations that regularly host special events, but do not hold an on-premises liquor license.

VOTE TO POSTPONE INDEFINITELY CERTAIN ARTICLES

On a MOTION duly made by Mr. Lawson and seconded, it was VOTED unanimously:

That the Town postpone indefinitely the following articles:

Article 1 CHOOSE TOWN OFFICERS

Description: Choose town officers

Reason: No motion is necessary under the article as town officers have been elected at the polls.

A Motion to Postpone Indefinitely has the same effect as no motion.

Article 6 PERSONNEL BYLAW AMENDMENT

Description: Proposed comprehensive amendment to Personnel Bylaw transferring to the Town Manager full authority for the Town’s personnel systems.

Reason: Select Board and Personnel Board wish to postpone consideration of the article to a future Town Meeting.

Article 9 **FY20 BUDGET ADJUSTMENT**

Description: Transfer of funds to cover additional legal expenses incurred by the Town in FY20

Reason: No motion will be offered under the article because surplus funds in underspent accounts as of June 30, 2020 were transferred to cover the additional legal expenses and the article no longer is necessary. A Motion to Postpone Indefinitely has the same effect as no motion.

Article 28 **CONCORD-CARLISLE REGIONAL HIGH SCHOOL CAPITAL PROJECTS**

Description: Proposed approval of \$848,000 of debt authorized by Concord-Carlisle Regional School Committee for new parking lot.

Reason: Concord-Carlisle Regional School Committee wishes to postpone consideration of the article to a future Town Meeting.

Article 31 **BY PETITION: MUNICIPAL FLEET ELECTRIFICATION REPORT**

Description: Urging the Select Board to appoint a committee to study and report on potential electrification of municipal vehicle fleet, addressing several aspects.

Reason: Petitioner intends to offer no motion under the article in view of work by the Town on vehicle electrification already in progress. A Motion to Postpone Indefinitely has the same effect as no motion.

Article 33 **ZONING BYLAW AMENDMENT – TWO-FAMILY DWELLING UNIT**

Description: Amendment to allow two-family dwelling by Special permit in Residence C Zoning District, in furtherance of 2018 Comprehensive Long Range Plan goals.

Reason: Planning Board wishes to postpone consideration of the article to a future Town Meeting.

Article 40 **GENERAL BYLAW AMENDMENT – FOSSIL FUEL INFRASTRUCTURE**

Description: Proposal for requirement that new construction and large additions to existing structures be fossil fuel free.

Reason: The Select Board wishes to postpone consideration of the proposal to a future Town Meeting.

Article 48 **BY PETITION- HISTORIC DISTRICTS BYLAW NOMINATING ORGANIZATIONS**

Description: Authorize the Select Board to petition the General Court for home rule legislation for specified changes to the composition of the Historic Districts Commission.

Reason: Petitioner wishes to postpone consideration of the article to a future Town Meeting.

Article 49 **NEONICOTINOIDS PROHIBITION ON TOWN AGRICULTURAL LAND**

Description: Proposal that the Town include a prohibition in new leases and licensing agreements on use of neonicotinoids

Reason: Select Board wishes to postpone consideration of the article to a future Town Meeting

Article 51 **UNPAID BILLS**

Description: Town Meeting authorization of payment of unpaid bills from prior fiscal years.

Reason: No motion necessary as there are no unpaid bills. A Motion to Postpone Indefinitely has the same effect as no motion.

Article 52 **DEBT RESCISSION**

Description: Town meeting authorization to rescind unused borrowing authorization.

Reason: No motion necessary as no rescissions necessary. A Motion to Postpone Indefinitely has the same effect as no motion.

ARTICLE 43. BY PETITION: ONE-YEAR MORATORIUM ON ZONING BYLAW SECTION 10 PRDs

Upon a MOTION made by Mr. Madigan and duly seconded, it was VOTED unanimously that Article 43 be referred to the Planning Board for further study.

ARTICLE 10. TOWN BUDGET

Upon a MOTION made by Mr. Lawson and duly seconded, the following was VOTED by well more than two-thirds majority and nearly unanimously:

That the Town take affirmative action on Article 10 as printed in the materials presented at the Joint Select Board/Finance Committee Public Hearing on August 17, 2020, and reprinted in the table below entitled FY21 Town Budget and that the Town:

1. raise and appropriate the sum of \$44,122,095,
2. transfer \$145,587 from the Parking Meter Fund,
3. transfer \$184,565 from the Cemetery Fund,
4. transfer \$262,165 from the Sewer Fund,
5. transfer \$728,557 from the Water Fund,
6. transfer \$584,136 from the Light Fund,
7. transfer \$148,560 from the Solid Waste Fund,
8. transfer \$38,613 from the Telecom Fund,
9. transfer \$170,880 from the Emergency Services Stabilization Fund,
10. transfer \$3,500 from Transportation Network Fees,
11. transfer \$1,802 from PEG Access Fund,
12. transfer a total of \$555,020 from accounts requiring no further appropriation, and
13. transfer \$715,000 from the Certified Free Cash as of July 1, 2019

for a total appropriation under Article 10, Items 1 – 16, of \$47,660,480, for the necessary and expedient purposes of the Town for the Fiscal Year ending June 30, 2021, and that the same be expended only for such purposes under the direction of the Town Manager; and further, that the Town Manager is authorized to turn in or sell at public auction surplus equipment, the amount allowed or received therefore to be applied against the purchase of new equipment; and that the Town appropriate and transfer the sum of \$1,000 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's Rabies Clinic; and further that the Town appropriate \$126,334.42 from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY2021.

Town Government Operating Budget

Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
General Government				
\$4,026,648 is 8.4% of Total				
1	A. Town Manager's Office	\$ 663,080	\$ 707,891	\$ 707,457
	B. Human Resources	443,069	480,780	474,854
	C. Information Systems	872,727	1,047,888	1,088,066
	D. Town Meeting and Reports	85,247	100,250	101,225
	E. Economic Vitality & Tourism	4,519	89,238	112,400
	F. Facilities Management			
	F1. Facilities Administration	544,483	230,424	623,700
	F2. Parks & Playgrounds	-	125,294	127,560
	F3. Resource Sustainability	112,024	91,085	160,995
	F4. Town House	119,489	127,919	126,675
	F5. Visitor's Center and Restroom	7,245	18,114	29,765
	F6. 55 Church Street	56,128	104,859	109,376
	F7. 37 Knox Trail	16,261	19,581	19,991
	Subtotal	2,924,273	3,143,321	3,682,063
2	A. Legal Services	629,462	250,000	344,585
	Department Subtotal	3,553,736	3,393,321	4,026,648
Finance				
\$2,373,592 is 5.0% of Total				
3	A. Finance Administration	\$ 579,739	\$ 725,917	\$ 610,697
	B. Treasurer-Collector	469,238	513,859	507,240
	C. Town Accountant	351,927	338,596	347,020
	D. Assessors	431,296	451,355	452,553
	E. Town Clerk	252,698	336,878	371,934
	F. Elections	56,017	42,653	76,176
	G. Registrars	7,421	7,374	7,971
	Department Subtotal	2,148,336	2,416,632	2,373,592

Planning and Land Management				
\$1,858,940 is 3.9% of Total				
Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
4	A. Planning Administration	\$ 467,446	\$ 525,818	\$ 562,302
	B. Natural Resources	285,527	293,518	345,173
	C. Inspections	456,122	490,298	459,084
	D. Health	419,877	439,014	444,182
	E. 141 Keyes Road	38,699	56,583	48,199
	Department Subtotal		1,667,671	1,805,231
Human Services				
\$3,445,273 is 7.2% of Total				
5	A. Library	\$ 2,181,874	\$ 2,401,494	\$ 2,290,638
	B. Senior Services			
	B1. Senior Services	410,989	624,470	663,216
	B2. Harvey Wheeler Community Center	82,935	89,787	93,548
	C. Recreation Services			
	C1. Recreation Services	108,376	121,260	118,882
	C2. Hunt Recreation Center	104,683	100,805	103,628
	D. Human Services	44,526	71,535	71,084
	E. Veterans Services	96,778	88,758	74,646
	F. Ceremonies and Celebrations	22,426	19,030	29,631
Department Subtotal		\$ 3,052,588	\$ 3,517,139	\$ 3,445,273
Public Safety				
\$10,212,263 is 21.4% of Total				
6	A. Police Department	\$ 4,453,500	\$ 4,875,035	\$ 4,624,613
	B. Animal Control Officer	25,734	27,236	27,500
	C. Police-Fire Station	224,990	226,773	231,869
	D. Fire Department	4,692,276	5,323,470	5,291,544
	E. Emergency Management	1,884	16,060	16,000
	F. West Concord Fire Station	16,949	24,898	20,738
	Department Subtotal		\$ 9,415,333	\$ 10,493,472

Public Works				
\$4,473,093 is 9.4% of Total				
7	A. Public Works Administration	\$ 423,951	\$ 446,181	\$ 446,983
	B. Engineering	572,668	696,029	684,215
	C. Highway Maintenance	1,181,219	1,521,160	1,517,682
	D. Winter Maintenance	610,001	625,000	640,000
	E. Parks and Trees	599,668	777,045	774,001
	F. Cemetery	198,268	250,286	257,789
	G. 133/135 Keyes Road	108,824	120,490	124,923
	H. Capital Assets			
	H1. Road Improvements	-	-	-
	H2. Drainage Program	-	-	-
	H3. Sidewalk Management	-	-	-
	H4. Heavy Equipment	-	-	-
	I. Street Lighting	41,250	57,400	27,500
	Department Subtotal	\$ 3,735,849	\$ 4,493,591	\$ 4,473,093

Item No.	Department	Fiscal 2019 Expenses	Fiscal 2020 Appropriation	Fiscal 2021 Proposal
Unclassified				
\$560,000 is 1.2% of Total				
8	Employee Wellness			
	A. Unused Sick Leave	\$ 90,000	\$ 90,000	\$ 65,000
	B. Public Safety Disability	-	2,500	2,500
	C. Employee Assistance Program	7,477	7,500	7,500
	Subtotal	97,477	100,000	75,000
9	Reserve Fund*	-	225,000	225,000
* Transfers totaling \$225,000.00 were made to other accounts in Fiscal Year 2019.				
10	Salary Reserve**	262,500	307,262	250,000
** Transfers totaling \$1,145,395 in Fiscal Year 2019 and \$861,726 in Fiscal Year 2020 were made to other accounts.				
11	Land Fund	10,000	10,000	10,000
	Total Unclassified	\$ 369,977	\$ 642,262	\$ 560,000
TOWN GOVERNMENT SUBTOTAL				
Account 1-10		\$ 23,943,489	\$ 26,761,649	\$ 26,949,809

Joint (Town - CPS)				
\$20,401,671 is 43.5% of Total				
12	A. Group Insurance	\$ 5,374,837	\$ 5,966,069	\$ 6,383,694
	B. OPEB	1,617,000	1,697,850	1,500,000
	C. Property/Liability	275,000	288,750	300,000
	Insurance Subtotal	7,266,837	7,952,669	8,183,694
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	83,185	110,000	110,000
	B. Workers' Comp.	126,711	100,000	110,500
	Subtotal	209,896	210,000	220,500
14	Retirement	3,777,010	3,965,861	4,064,734
15	Social Security and Medicare	816,675	800,000	866,864
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,069,031	3,450,625	
	CPS Principal and Interest	660,594	715,520	
	Subtotal	3,729,625	4,166,145	
	Interest on Notes		25,000	
	Other Debt Expense	3,915	5,000	
	Subtotal Within Levy Limit	3,733,540	4,196,145	3,999,012
	B. Excluded Debt			
	Town Principal and Interest	99,794	350,794	
	CPS Principal and Interest	3,254,356	2,870,387	
	Less: Use of Stabilization Funds	(275,000)		
	Subtotal Excluded Debt	3,079,150	3,221,181	3,375,867
	Total Debt Service	6,812,690	7,417,326	7,374,879
	Total Joint (Town - CPS)	\$ 18,883,108	\$ 20,345,856	\$ 20,710,671
	Total Appropriation	\$ 42,826,597	\$ 47,107,505	\$ 47,660,480

The following MOTION was made by Mr. Dane and duly seconded but FAILED for lack of majority:

That the Town amend Article 10(2)A: Legal Services as follows:

1. By replacing, in Line 2A, Legal Services, the Fiscal '21 Proposed budget figure of \$344,585 with the amount of \$250,000, the same amount as the fiscal 2020 Appropriation.

And Further:

2. That no expenditures for Legal Services in excess of the Appropriated amount be made from Free Cash, unexpended funds appropriated to other accounts, or any other source without prior consultation with the Finance Committee, and, if legally permitted, its consent thereto.

The following MOTION was made by Ms. Touw and duly seconded but FAILED for lack of majority:

That Item 14 be added to article 10 read: "Transfer from free cash available as of July 1, 2019, the amount of \$291,000 to the Concord Free Public Library.

ARTICLE 11. CAPITAL IMPROVEMENT AND DEBT PLAN

Upon a MOTION made by Mr. Lawson and duly seconded, it was VOTED by well more than two-thirds majority and nearly unanimously:

That the Town raise and appropriate the sum of \$1,081,855, transfer the sum of \$150,000 representing unexpended bond proceeds and premium originally borrowed to fund public safety equipment authorized under Article 24 of the 2016 Annual Town Meeting to fund a portion of the costs of the Fire Department Ambulance #2 Replacement (2011) project, and to authorize the Town Treasurer with the approval of

the Select Board to borrow by the issuance of bonds or notes under the provisions of Massachusetts General Laws c. 44, §7 or §8, or any other enabling authority, the sum of \$2,825,000 for a total appropriation of \$4,056,855 to fund the FY21 Capital Improvement Plan, as shown in the table below, said funds to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Mass. Gen. Laws c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FY21 Capital Improvement and Debt Plan

Capital Outlay		FY21 Revised
General Government	Technology Upgrades	\$0
1C. Information Systems	Building Improvements	\$3,830
1F1. Facilities Admin.	Conservation Improvements	\$105,000
1F3. Resource Sustain.		
Human Services	Technology Upgrades	\$5,000
5A. Library		
Public Safety		
6A. Police Department	Vehicles and Equipment	\$165,000
6D. Fire Department	Vehicles and Equipment	\$202,363
Public Works		
7B. Engineering	System Improvements	
7C. Highway	Highway Improvements	\$22,436
Maintenance		\$20,000
7E. Park and Trees	Park Improvements	\$18,226
7H1. Road	Road Improvements	\$100,000
Improvements		\$130,000
7H2. Drainage Program	Drainage Improvements	\$25,000
7H3. Sidewalk Mgt.	Sidewalk Improvements	\$285,000
7H4. Heavy Equipment	Vehicles and Equipment	
Capital Outlay Total		\$1,081,855

FY21 Capital Improvement and Debt Plan

Borrowed Funds Revised		FY21
General Government	Electric Bus Fueling Infrastructure	\$150,000
1. Town Manager		
1F2. Parks & Playgrounds	Emerson Playground Improvements	\$200,000
	Gerow Improvements	\$0
	Rideout Park Improvements	\$0
	Warner's Pond Dredging	\$500,000
	White Pond Improvements	\$600,000
Public Safety	Ambulance #2 Replacement (2011)	\$275,000
6D. Fire Department	Ladder #1 Refurbishment (2012)	\$0
Public Works	Road and Parking Lot Reconstruction	\$1,250,000
7A. Public Works Admin.		
Borrowed Funds Total		\$2,825,000
Transfer funds	Unexpended bond (2016 ATM, Art. 24)	\$150,000
Borrowed Funds Total		\$2,975,000
Total Capital Outlay and Borrowed Funds		\$4,056,855

ARTICLE 15. AUTHORIZE SPECIAL LEGISLATION – SENIOR MEANS TESTED PROPERTY TAX EXEMPTION

Upon a MOTION made by Mr. Karr and duly seconded, it following was VOTED by near unanimous vote:

That the Town authorize the Select Board to petition the Massachusetts General Court to enact home rule legislation for the town of Concord to continue the town's senior means-tested property tax exemption in substantially the same form previously enacted in Chapter 374 of the Acts of 2016, except that Section 8 (the sunset clause) would be eliminated, and Sections 1 and 2 would be amended to ease the administrative burden of eligibility calculations, so that the legislation shall be in substantially the form provided

below, and further to authorize the Select Board to approve amendments to said act before its enactment that are within the scope of the general objectives of the petition:

SECTION 1. With respect to each qualifying parcel of real property classified as Class 1, residential, in the Town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would be assessed if no part of the tax were exempted (the "total tax") less 10 per cent of gross income, except that this exemption shall not be more than 50 per cent of the total tax, nor shall this exemption cause more than 90 per cent of the total tax to be exempted when combined with other exemptions. The percentage of total annual qualifying income may be raised by section 3. The exemption shall be applied to the domicile of the taxpayer only.

For the purposes of this act, a “parcel” shall be a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit.

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

(i) the qualifying real property is owned and occupied by a person whose prior year’s gross income is no greater than the published income limit of the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(ii) the qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or owned jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;

(iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) the applicant or not less than 1 of the joint applicants has been domiciled in the town of Concord for not less than 10 consecutive years before filing an application for the exemption;

(v) the maximum assessed value of the domicile is not more than the town’s median single-family residential assessed value of the prior fiscal year; and

(vi) the board of assessors has approved the application for the exemption.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year’s total residential property tax levy for the town of Concord, including the levy for the regional high school if not included in the town’s tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the Select Board within a range of 0.5 to

1 per cent of the residential property tax levy for the town. If benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant’s income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the Town of Concord shall be first by vote of approval at an annual town meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote of the Town to revoke those sections.

SECTION 7. An exemption shall not be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

ARTICLE 16: APPROVAL OF TAX INCREMENT FINANCING AGREEMENT

Upon a MOTION made by Mr. Lawson and duly seconded, it was VOTED by a clear majority:

That, pursuant to Mass. Gen. Laws, c. 40, § 59 and c.

23A, and the applicable regulations thereunder, the Town take affirmative action on Article 16 to:

1. Approve a Tax Increment Financing Agreement between the Town and Concord and Junction Village ALF Limited Partnership (the "TIF Agreement"), substantially in the form approved by the Select Board on September 3, 2020 and included in the Meeting Materials, for property located at 6X Winthrop Street, (Assessor Parcel ID#1022672), which TIF Agreement provides for real estate tax exemptions and personal property tax exemptions at the exemption rate schedule set forth therein;
2. Approve an Economic Development Incentive Program ("EDIP") Local Incentive-Only Application submission to the Massachusetts Economic Assurances Coordinating Council (the "EACC") substantially in the form on file with the Town Clerk,

for the same property as described in TIF Agreement;

3. Authorize the Select Board to execute the TIF Agreement, and any documents related thereto, and to approve submission of the TIF Agreement and the EDIP Local Incentive-Only Application, and any associated documents, to the EACC, all relating to the project as described in the TIF Agreement, and to take such other actions as are necessary or appropriate to obtain approval of the TIF Agreement and the EDIP Local Incentive-Only Application, implement those documents, and carry out the purposes of this Article 16.

[COPY OF AGREEMENT FOLLOWS:]

**TAX INCREMENT FINANCING AGREEMENT
BY AND BETWEEN
THE TOWN OF CONCORD
AND
JUNCTION VILLAGE ALF LIMITED PARTNERSHIP**

THIS TAX INCREMENT FINANCING AGREEMENT (the "Agreement") is made this _____ of _____, 2020, by and among the TOWN OF CONCORD (the "Town"), acting by its Select Board as authorized by vote of the 2020 Annual Town Meeting, and Junction Village ALF Limited Partnership (the "Company").

RECITALS

WHEREAS, the Town is a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts having a principal place of business at 22 Monument Square, Concord, MA 01742; and

WHEREAS, the Company is a Limited Partnership duly organized under the laws of in the Commonwealth of Massachusetts with a principal place of Business at 99 Pleasant Street, Marlborough, MA 01752; and

WHEREAS, the Company plans to commence construction of an approximately 54,000 square foot affordable assisted living located at 6X Winthrop Street, Concord, Massachusetts on property owned by Concord Housing Development Corporation – JV, LLC and shown on the attached Concord Assessors Map 8D Parcel 2013-1 (the "Property"); and

WHEREAS, the Company plans to invest approximately \$19,998,525 dollars to develop and operate the Christopher Heights of Concord at Junction Village (the "Project") at the Property. The Project will consist of an affordable assisted living facility featuring 83-units of low- and moderate-income housing 100% of which will contribute to the Town of Concord's Subsidized Housing Inventory; and

WHEREAS, the Company, as a result of the Project, intends to create 30 new permanent full-time jobs at the facility on Winthrop Street; and

WHEREAS, the Company intends to apply for status as a Local Incentives-Only Project under the Massachusetts Economic Development Incentive Program (“EDIP); and

WHEREAS, on August 31, 2020 the Select Board recommended approval of this Agreement to the Concord Town Meeting; and

WHEREAS, on September 13, 2020 the Concord Town Meeting voted to approve this Agreement; and

WHEREAS, the Town strongly supports increased economic development to provide additional jobs and increase the Town’s Subsidized Housing Inventory with the additional affordable housing units to be created by the Project.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration each to the other paid, receipt of which is hereby acknowledged, the parties hereby agree as follows:

A. THE TOWN’S OBLIGATIONS

1. A Tax Increment Financing (“TIF”) exemption (the “Exemption”) is hereby granted to the Company by the Town in accordance with Chapter 23A, Sections 3A to 3F; Chapter 40, Section 59, and Chapter 59, Section 5, Clause Fifty-first of the Massachusetts General Laws and the applicable regulations thereto. The Exemption for real estate taxes shall be for a period of fifteen (15) years (the “Exemption Term”), commencing in the fiscal year for which the Town has increased the assessed value at the Property to the full assessed value of the Project at the Property (the first day of such fiscal year in which said full assessed valuation occurs is hereinafter referred to as the “Start Date”); and shall provide an exemption from taxation of the new incremental value of the Property resulting from the Project, as determined by the Town of Concord Assessor, as follows:

Fiscal Year	Exemption Percentage
1	69.21%
2	69.21%
3	69.21%
4	69.21%
5	69.21%
6	69.21%
7	69.21%
8	69.21%
9	69.21%
10	69.21%
11	69.21%
12	69.21%
13	69.21%
14	69.21%
15	69.21%

2. The Base Valuation shall be the assessed value of the Property for Fiscal Year 2021 in the amount of \$1,444,200.
3. The Base Valuation shall be adjusted annually by an adjustment factor, which reflects the increased values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws.
4. Notwithstanding the foregoing Exemption Schedule or anything in this Agreement to the contrary, the total amount of the Exemption authorized by this Agreement commencing on the date hereof, shall not exceed an aggregate of \$2,000,000 for the entire Exemption Term (the "Total Exemption"). Once the Total Exemption has been granted to the Company, the Company shall not be entitled to any further Exemption, even if the Exemption Term has not expired.
5. The Company agrees that whether it is acting as Junction Village ALF Limited Partnership or as Grantham Group LLC, or as Christopher Heights of Concord at Junction Village, or any other entity that owns or manages the Project, it shall not seek any type of additional direct or indirect financial support of any kind from the Town for this Project. Further, the Total Exemption shall not be increased without approval of both the Select Board and Town Meeting.
- 6.. The Assessor shall remit to the Company annually, by December 31st, a statement of the amount of the Exemption for each fiscal year of this TIF Agreement and the amount of Exemption remaining until the Total Exemption is met.
7. The Company is also subject to Personal Property tax, which will be exempted at the same percentages as the Real Estate Exemption.

B. THE COMPANY'S OBLIGATIONS

The Exemption granted to the Company by the Town hereby is in consideration of, and conditioned upon the Company's compliance with the following commitments:

1. Company shall create thirty (30) new permanent full-time jobs over a three (3) year period commencing upon the issuance of a certificate of occupancy for the Project at 6X Winthrop Street in Concord. The Company's job retention and creation plans shall be outlined in the Employment & Job Creation section of the EDIP Local Incentive-Only Application to be submitted to the State in connection with the Company's request for a TIF exemption.
2. Provided the Company receives the necessary and appropriate governmental and regulatory approvals to do so, it shall construct an approximately 54,000 square foot 83-unit, affordable assisted living facility at the Property.
3. The Company plans to invest in the Project approximately \$19,998,525 dollars. The Company expects to complete the Project by April 1, 2022, and in the event of construction delays no later than April 1, 2023.
4. Subject to applicable law, the Company will use reasonable efforts, including, but not limited to, cooperating with the Massachusetts Executive Office of Labor and Workforce Development in order to identify and to hire qualified residents within the region to fill vacancies within the Company for Concord-based jobs as they develop.
5. The Company shall submit an annual report pursuant to General Laws Chapter 23A, Section 3F to the Massachusetts Economic Assistance Coordinating Council ("EACC") through the Commonwealth's on-line

portal for each year of the Application designation. The annual report shall include the number of jobs created, and value of the Property capital investments and other related items with respect to the Property annually and on a cumulative basis. The Company shall submit a report as required by General Laws Chapter 40, Section 59(viii) to the Town Clerk and EACC.

6. Subject to the provisions of this Agreement, the Company shall pay all real estate taxes owed to the Town relating to the Property in a timely fashion. The Company shall also pay the real estate taxes as assessed by the Town on any partial construction completion in full and in a timely manner.

7. In the event of any de-certification by the EACC, the Town shall discontinue the Exemption benefits described above, commencing with the fiscal year immediately following the year in which the Company was decertified by EACC and the Company shall pay any taxes due as if no Exemption applied.

8. The Company agrees that the Town has the right to petition the EACC to decertify the Certified Project and to revoke this Agreement if the Town, acting through Select Board, determines that the Company has failed in a material way to meet any particular obligations as set forth in this Agreement, subject to the provisions of this Section B.8 and the further provisions below. Prior to taking any action to request decertification of the Project by the EACC, the Town shall give written notice of the alleged default to the Company and provide them an opportunity to meet with the Town officials to discuss a remedy for the alleged default. The Company shall have thirty (30) days from the receipt of such written notice to respond to the Town regarding any alleged default and one hundred twenty (120) days from the receipt of such written notice to remedy such alleged default.

Prior to filing any such petition for decertification the Select Board shall schedule a hearing and at said hearing, the Select Board shall consider general economic conditions, regional or industry issues affecting the Company directly or indirectly, the Company's potential ability to meet hiring projections, and any other relevant factors. If the Select Board is satisfied that the Company has made a good faith effort to meet its obligations under this Agreement, the parties will attempt to negotiate a mutually acceptable and reasonable resolution, which may result in amendments to the terms of the Agreement, prior to the Town filing a de -certification petition.

9. In addition to discontinuance of benefits as set forth in Paragraph B.8 above, if the Agreement is decertified because the Company has failed to create and maintain the thirty (30) permanent jobs at the 6X Winthrop Street location during the term of this Agreement, as required in Paragraph B.1 hereof, then pursuant to Massachusetts General Laws Chapter 23A, Section 3F(e), the Town may recapture the value of the real estate taxes not paid due to the Exemptions provided herein. Said recapture shall be made through a special assessment on the Company in the municipal fiscal year that follows the EACC's decision to revoke project certification. The assessment, payment, and collection of said special assessment shall be governed by procedures provided for the taxation of omitted property pursuant to Massachusetts General Laws Chapter 59, Section 75, notwithstanding the time period set forth in said Chapter 59 for which omitted property assessments may be imposed for each of the fiscal years included in the special assessment.

10. The matters described above as obligations of the Company are only conditions to the eligibility for tax exemptions under this agreement and do not create any enforceable obligations or covenants of the Company. The Town's sole remedies for failure by the Company to satisfy any of its obligations and conditions are the procedures set forth in paragraphs B.8 through B.9 above.

C. ADDITIONAL PROVISIONS

1. Pursuant to the provisions of Chapter 40, Section 59 of the Massachusetts General Laws and applicable regulations, this Agreement shall be binding upon the Company, its successors, assigns, and subsequent owners

of the Property, so long as the Project has not been decertified by the EACC. The Company shall not convey, assign or transfer this TIF, or its rights hereunder to any third party without the express and advance written consent of the Town, which consent may not be unreasonably withheld by the Town, provided the proposed assignee provides reasonable assurances to the Town regarding the continuing operation of the Project and compliance with the terms of this Agreement. The transfer of any general or limited partnership interest in the Company, or the admission of any additional general or limited partners shall not be considered an assignment or transfer of this Agreement and shall be permitted as a matter of right.

2. The Town and the Company acknowledge and agree that there is no public construction contemplated by this Agreement and, therefore, no betterment schedule referred to in Massachusetts General Laws Chapter 40, Section 59 is required. This Agreement and the Tax Increment Financing Exemption provided for hereunder shall apply only to the Property. No other building shall be eligible for a Tax Increment Financing Exemption unless specifically approved by Concord Town Meeting.

3. This Agreement is governed by the laws of the Commonwealth of Massachusetts. If any provision of this Agreement shall be found invalid for any reason, such invalidity shall be construed as narrowly as possible and the balance of this Agreement shall be deemed to be amended to the minimum extent necessary to provide to the Town and the Company substantially the benefits set forth in this Agreement.

4. This agreement is subject to Massachusetts General Laws Chapter 23A, Sections 3A to 3F, Chapter 40, Section 59, and Chapter 59, Section 5, Clause Fifty-first and the applicable regulations thereto.

5. The time within which the Company shall be required to perform any of its obligations under this agreement shall be extended to the extent the performance of such obligation is delayed by a force majeure event such as an act of God, earthquake, fire, act of terrorism, war, labor dispute, delay or restriction by a government body, or any other cause beyond the reasonable control of the Company.

6. All notices permitted or required under the provisions of the Agreement shall be in writing, and shall be sent by registered or certified mail, postage prepaid, or shall be delivered by private express carrier to the addresses listed below or at such other address as may be specified by a party in writing and served upon the other in accordance with this section. Such notices shall be deemed given when delivered or when delivery is refused.

If intended for the Town, addressed to:

Town of Concord
Office of the Town Manager
24 Monument Square
Concord, MA 01742
Attention: Stephen Crane

with copies concurrently delivered to:

Town of Concord
Board of Assessors
24 Court Lane
Concord, MA 01742

If intended for the Company, addressed to:

Junction Village ALF Limited Partnership
99 Pleasant Street
Marlborough, MA 01752

7. The Company agrees to allow the Town to monitor compliance with this Agreement. The Company shall provide to the Town, upon reasonable request, access to such information as the Town may deem necessary to

monitor the Company's compliance including, but not limited to, income and expense information.

8. This Agreement shall not be binding and shall not go into effect until fully executed by the parties thereto, and until such time as this Agreement has been approved by the Massachusetts Economic Assistance Coordinating Council.

WITNESSETH the execution and delivery of this Agreement by the parties hereto as of the date first above written.

TOWN OF CONCORD SELECT BOARD

Date _____

JUNCTION VILLAGE ALF LIMITED PARTNERSHIP

By: _____

Name: _____

Title: _____

Date: _____

The following MOTION was made by Ms. Gailus and duly seconded but FAILED due to lack of majority:

Except that paragraph A5. of the TIF agreement as included in the meeting materials will be preplaced with a new paragraph A5, which reads as follows:

A5. The Company, whether acting as Junction Village ALF Limited Partnership or as Grantham Group LLC, or as Christopher Heights of Concord at Junction Village, or any other entity that owns or manages the Project, shall not be entitled to any type of additional direct or indirect financial support of any kind from the Town for this Project. The Total Exemption shall not be increased, nor shall any other type of financial assistance from the town be granted without approval of both the Select Board and Town Meeting. Furthermore, the Select Board will be urged to exercise and activate the decertification process outlined in item B8, if the company asks for any further financial support from the town with a claim that it cannot otherwise complete or operate the Project.

ARTICLE 25: CONCORD PUBLIC SCHOOLS BUDGET

Upon a MOTION made by Ms. Bout and duly seconded, it was VOTED nearly unanimously:

That the Town raise and appropriate the sum of \$40,777,193 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2021; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

ARTICLE 26: CONCORD PUBLIC SCHOOLS CAPITAL BUDGET

Upon a MOTION made by Ms. Bout and duly seconded, it was VOTED nearly unanimously:

That the Town appropriate the sum of \$830,000 to be expended under the direction of the Concord School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings; and further, to meet this appropriation, authorize the Town Treasurer with the approval of the Select Board to borrow \$830,000 and to issue bond or notes under the provisions of Mass. Gen. Laws c. 44, § 7, or any other enabling authority; and further that, in accordance with Mass. Gen. Laws c. 44, § 20, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed under this Article 26 shall be reduced by the amount of any such premium so applied.

ARTICLE 27: CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

Upon a MOTION made by Mr. Johnston and duly seconded, it was VOTED nearly unanimously:

That the Town raise and appropriate a sum of \$23,747,968 as the Town’s apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2021; and that the same be expended only for such purposes and under

the direction of the Concord-Carlisle Regional School Committee.

ARTICLE 30: CITIZEN PETITION: HEALTHY SCHOOL BUSES FOR STUDENTS

Upon a MOTION made by Mr. Foulds and duly seconded, it was VOTED by well more than a majority:

That the Town that the Town transfer from the Certified Free Cash Balance as of July 1, 2019 the sum of \$50,000 to be expended under the direction of the Town Manager, to supplement the cost of two electric school buses.

ARTICLE 32: ZONING BYLAW AMENDMENT: ADDITIONAL DWELLING UNIT

Upon a MOTION made by Mr. Flint and duly seconded, it was VOTED by more than a two-thirds majority:

That the Town take affirmative action on Article 32 as printed in the Warrant, with the substitution of the word “additional” for the word “accessory” in Section 4.2.2.2(h).

Article 32: WARRANT ARTICLE

To determine whether the Town will vote to amend the Zoning Bylaw Section 4.2.2.2 Two-family or additional dwelling unit to delete Section 4.2.2.2 entirely and adopt a new Section 4.2.2.2 that reads as follows:

4.2.2.2 For the purpose of providing small additional dwelling units to rent in the Town that will not substantially alter the appearance of the Town or for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, a building permit may be granted for one additional dwelling unit in a single-family dwelling or detached accessory structure, provided that:

- (a) The area of the lot on which the single-family dwelling and additional dwelling unit is located shall not be less than the required minimum lot size for the applicable Zoning District;
- (b) The additional dwelling unit shall occupy no more than 750 square feet of gross floor area of the

single-family dwelling or detached accessory structure;

- (c) No more than one such additional dwelling unit shall exist on the lot;
- (d) Either the additional dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;
- (e) Dimensioned floor plans of the additional dwelling unit shall be filed with the building permit or special permit application;
- (f) No use or occupancy of the additional dwelling unit shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;
- (g) The additional dwelling unit shall meet the required setbacks for the primary structure of the applicable Zoning District and a site plan, at a measurable scale, shall be submitted with the application to the Building Inspector showing the location of the additional dwelling unit, and the location and arrangement of parking spaces on the property;
- (h) One parking space shall be provided for the accessory dwelling unit;
- (i) The property is served by Town sewer or, alternatively, the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit;
- (j) The additional dwelling unit shall not be legally separated or sold apart from the single family dwelling;
- (k) The additional dwelling unit shall meet the height restrictions for primary and accessory structures in the applicable Zoning District as required in Section 6.2.11;
- (l) The total gross floor area of all buildings on

the lot shall conform to the maximum floor area ratio as required in Section 6.2.13, and;

(m) The single family dwelling or the additional dwelling unit shall not be used for a bed and breakfast under Section 5.3.15.

The Board may grant a Special Permit for relief for an additional dwelling unit located on a lot with less than the required minimum lot size for the applicable Zoning District, and/or an additional dwelling unit up to 1,000 gross square feet, and/or a reduction in the required setbacks for a detached additional dwelling unit, provided that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

or take any other action relative thereto.

ARTICLE 34: ZONING BYLAW AMENDMENT: PLANNED RESIDENTIAL DEVELOPMENT AND TABLE 1 PRINCIPAL USE REGULATIONS

Upon a MOTION made by Mr. Johnson and duly seconded, it was VOTED by well more than two-thirds majority and nearly unanimously:

That Town Meeting take affirmative action on Article 34 to amend the Table I Principal Use Regulations 4.2.7 Planned Residential Development to change Site Plan Approval from NR (Not Required) to R (Required) and to amend Zoning Bylaw Section 10 Planned Residential Development so that the following Sections read as shown below (changes are shown in bold italics and strikeout for emphasis only), and further that typos may be corrected prior to submission to the Attorney General's Office for approval.

		Residential Districts				Commercial Districts					Industrial Districts					
	Principal Use						B CCB TDB NACB									Site Plan Approval
4.2.7	Planned Residential Development	RAA SP	RA SP	RB SP	RC SP	WCZ no	SP	WCB no	LB no	MP no	WCI no	I no	IPA no	IPB no	LIP#1 LIP#2 no[SP••]	RNR

10.1 Purpose

Planned Residential Development allows by special permit from the Board an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area *and incorporate Low Impact Development for stormwater design and green building practices*. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:

The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain ~~or Wetlands~~ Conservancy districts *or Federal, State or local regulated wetlands*, and (2) twenty-five percent (25%) of the area of land situated within the Flood Plain ~~or Wetlands~~ Conservancy districts *or Federal, State or local regulated wetlands* by the minimum lot size permitted in the zoning district(s) within which the tract is located. In the Limited Industrial Park #1 district the maximum permissible density shall be obtained by dividing the aforesaid sum by 40,000 square feet.

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:

- (a) the number of bedrooms available;
- (b) the price or rental rates of the units; and
- (c) two of the three styles of units: single-family, two-family or multi-family.

~~If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities. (Relocated to Section 10.2.3.6)~~

10.2.3.1 Low income dwelling units are those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.

10.2.3.5 Long-term availability: The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.

10.2.3.6 Density Bonus: *Increases beyond the basic density within the Planned Residential Development may be authorized by the Board based upon one or more of the following:*

- a) If at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1.*
- b) If at least 50% of the units are less than 2,500 gross square feet with not more than a one car garage;*
- c) If at least 50% of the units are zero step entry with master bedroom and full bathroom on the first floor; Any increases in density permitted by the Planning Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.*

10.2.7 Height: *The maximum permitted height of any structure within a PRD shall be thirty-five (35) feet. The Board may grant relief from the maximum height of a building provided the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.*

10.2.9 Common Open Space: *All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least ~~thirty-five~~ ^{twenty-five} (3525) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under ~~the Clean Water Act or the Wetlands Protection Act~~ and the Town's Wetlands Bylaw).*

10.2.9.1 *The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:*

- (a) Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water- related recreational opportunities;*
- (b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;*
- (c) Land which provides a significant wildlife habitat or which is a unique natural area;*
- (d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;*
- (e) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;*
- (f) Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;*
- (g) Land which enhances scenic views;*
- (h) Land providing desirable public access to existing Town or State recreational or conservation land.*

10.2.9.2 *Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:*

- (a) a membership corporation, trust or association whose members are all the owners and occupants of the units;*
- (b) by the Town; or*
- (c) otherwise as the Board may direct.*

10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the common open space as the Board may deem appropriate.

10.2.11 Sustainable Design Requirement

The proposal for the built environment should reflect thoughtful consideration of a broad range of sustainability goals. Such design should be consistent with and further the goals of the Town. In determining whether the intent of this Section has been satisfied, the Board shall consider the extent to which the design plan incorporates the following:

(a) Low Impact Development for Stormwater Design. Low impact development relies on natural features (indigenous to the site or bio-designed) to protect water quality and encourage on-site infiltration of stormwater. Such measures may include use of natural drainage flow paths, minimization of land clearance, incorporation of bioretention features/raingardens, and minimization of the creation of impervious surfaces (through building clustering, minimizing size and footprint of buildings and paved areas, use of pervious surfaces where practical).

(b) Energy Efficiency and Clean Energy Usage. Use of energy efficient appliances and HVAC systems is desired. All-electric buildings, with no fossil-fuel usage, and the use of more sustainable forms of energy production, such as geothermal and solar, are encouraged.

(c) Energy Efficient Building Design. The building envelope and components (Building framing, insulation, windows, HVAC systems) should be designed to maximize energy conservation.

(d) Building Layout. The arrangement of building on the site and the accompanying infrastructure minimizes impervious surface area and maximizes contiguous open space for both residents and wildlife.

(e) Ways to Minimize Greenhouse Gas Emissions. Maintaining or proposing new vegetation to maximize carbon sequestration on site. Selection of HVAC systems and appliances to encourage use of renewable energy sources. Construction design to minimize emissions from construction vehicles.

(f) Other green building, energy efficiency, sustainability measures. The applicant may propose other measures that fit within the broad rubric of sustainable site planning, design and construction.

10.3.1 Special Provisions for the Concord Housing Authority and Town of Concord Projects: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by the Concord Housing Authority or to a PRD application submitted by the Concord Board of Selectmen in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw and with Town of Concord Housing Partnership Guidelines and Procedures as in effect from time to time.

10.3.2 Special Provisions for Non-profit entity: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by a Non-profit entity in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw.

10.3.3.3 Not later than twenty-four (24) months from the date of Town Meeting approval, an application for a

special permit shall be submitted to the Board for the PRD Conversion in accordance with the procedures for approval set forth in Subsection 10.4 below. A special permit shall be issued only if the Board shall find that the plans submitted to it for the PRD Conversion conform substantially to the terms of the approval granted by the Town Meeting and provided further that such permit shall be issued in conformance with the provisions of Subsection 10.4.4. The Board may, in its discretion, permit minor deviations from the Application as approved by the Town Meeting, so long as it finds that such deviations are not substantially inconsistent with the Town Meeting approval.

10.3.4 Special Provisions for an Alternative PRD to be submitted to and approved by a two-thirds (2/3) vote of Town Meeting – In the Limited Industrial Park (LIP) District, the limitations contained in Subsection 10.2 above shall not apply to any PRD submitted to and approved by a two-thirds (2/3) vote of Town Meeting prior to application for a special permit from the Board all in accordance with the following procedures (herein an “Alternative PRD”):

10.3.4.1 Purpose: The provisions applicable to an Alternative PRD are intended to:

- (a) Permit an applicant to propose and for the Town to vote on a Preliminary Site Development and Use Proposal unique to a particular location;
- (b) Permit flexibility in the development of specific site by requiring few predetermined standards;
- (c) Encourage proposals responsive to the Town’s housing goals including housing types which increase diversity and affordability; and
- (d) Enable the Board to require adherence to the Primary Site Development and Use Proposal approved by Town Meeting in the granting of a special permit.

10.3.4.4 Alternative PRD Application for Special Permit; Reports and Recommendations; and Issuance of a Special Permit by the Board: Generally, the application of a special permit, the Planning Board’s and Natural Resources Commission’s report and recommendations and issuance of a special permit by the Board shall follow the requirements of Section 10.3 provided however that in addition to the provisions contained in Section 10.3.4 the Board shall find:

- (a) The proposed Alternative PRD is substantially consistent with the Preliminary Site Development and Use Proposal approved by Town Meeting;
- (b) The minimum frontage, front yard, side yard and rear yard shall not be less than the minimum permitted in the Zoning District in which the Alternative PRD is located;
- (c) The maximum permitted height of any structure shall not exceed the height permitted in the Zoning District in which the Alternative PRD is located.
- (d) The maximum gross floor area permitted shall not exceed the gross floor area permitted in the Zoning District in which the Alternative PRD is located provided however that the gross floor area of any (i) low income or affordable dwelling units (ii) enclosed parking (iii) enclosed trash/recycling area and (iv) any basement area and unfinished attic area shall not be included in determining the maximum gross floor area as defined and permitted in accordance with this Bylaw
- (e) The minimum Common Open Space shall be equal to at least fifty (50) percent of the total area of the PRD Tract; the Common Open Space shall be subject to a perpetual restriction of the type described in G.L.C. 184 Section 31 and the Common Open Space shall be owned by a membership corporation, trust or association whose members are all the owners of the units or owned by the Town or otherwise owned as the Board may direct;
- (f) The special permit shall be granted within two (2) years of the date of the Town Meeting vote which approved the Preliminary Site Development Use Proposal. Said two (2) years shall not include any time required to pursue or await determination of any appeal applicable to the Alternative PRD.

10.4.1 Application: Any person who desires a special permit for a PRD shall submit an application in writing in such form as the Board may require which shall include the following:

10.4.1.2 Development plans consisting of:

- (a) Site plans meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;
- (b) Building elevations;
- (c) Floor plans;
- (d) Detailed plans for disposal of sanitary sewage; and
- (e) Landscape plan and details;
- (f) Low Impact Design for stormwater drainage;*
- (g) Energy calculation for the proposed project, and;*
- (h) A Tree Protection and Mitigation Plan as required under the Tree Preservation Bylaw.*

10.4.1.3 Low income and affordable dwelling unit marketing program including anticipated:

- (a) Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board) of family households or single individual residing in each low income or affordable dwelling unit;
- (b) Methods for attracting residents of diverse income and ethnic backgrounds.
- (c) Pre- and post-construction management methods concerning the maintenance of the low income and affordable dwelling units including supporting documents and contracts; and
- (d) Proposed methods of ensuring long-term availability for the low-income and affordable dwelling units, including supporting documents and restrictions.

10.4.1.4 Such additional information as the Board may determine.

10.4.2 Planning Board Report and Recommendations: The Town Planner shall distribute to various applicable Town Departments the development statement and plans for review and comment. Planning Board shall review the development statement and plans and shall submit in writing to the Board a report and recommendations upon the technical quality of the proposed development, and at least the following:

10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.

10.4.2.6 An evaluation and opinion upon the degree to which the proposed PRD meets the Sustainability Design Requirements.

10.4.2.76 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

10.4.3 Natural Resources Commission's Report and Recommendations: The Natural Resources Commission shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:

10.4.4 Board Issuance of Special Permit: A special permit shall be issued under this section only if the Board shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall

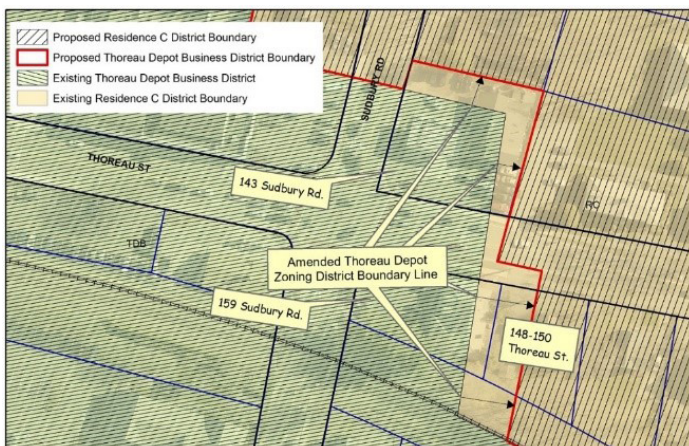
require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing.

ARTICLE 37: ZONING BYLAW AMENDMENT – THOREAU DEPOT BUSINESS & RESIDENCE C ZONING DISTRICT BOUNDARY

A MOTION was made by Ms. Ferguson and duly seconded that the Town take affirmative action on Article 37 as printed in the Warrant. The motion FAILED for lack of a two-thirds required majority.

Article 37 WARRANT ARTICLE

To determine whether the Town will vote to amend Zoning Bylaw Section 2.2 Zoning Map by expanding the Thoreau Depot Business Zoning District boundary and reducing the Residence C Zoning District boundary on Assessor Parcels #0180 (143 Sudbury Rd.), #0368 (159 Sudbury Rd.), and #0366 (148-150 Thoreau St.) as shown on the “Zoning Map” consisting of one sheet on file with the Town Clerk, and as follows in Exhibit A, Thoreau Depot Business Zoning Map, or take any other action relative thereto.



ARTICLE 41: ZONING BYLAW AMENDMENT: ON-SITE COMMUNITY NOTICE OF PRD APPLICATION

Upon a MOTION made by Ms. Gailus and duly seconded, it was VOTED nearly unanimously: That the Town take affirmative action on Article 41 as printed in the Warrant, except that the word “legally” in the proposed Zoning Bylaw amendment should be replaced with the word “legibly” and that typographical errors may be corrected prior to submittal to the Attorney General’s Office.

Article 41: WARRANT ARTICLE

To determine whether the Town will vote to amend the Zoning Bylaw Section 10.4 by adding an item “10.4.1.5. Detail of a Sign to be installed at Property within five calendar days following submission of Application and to remain on site until approval or denial of a permit, which sign shall include the words ‘Planned Residential Development Special Permit Application Submitted’ in a manner legally visible from the nearest Public Right of Way”, or take any other action relative thereto.

ARTICLE 42: ZONING BYLAW AMENDMENT: AMEND SIGN BYLAW TO ALLOW ONSITE POSTING OF NOTICE OF PRD APPLICATION

Upon a MOTION made by Ms. Gailus and duly seconded, it was VOTED nearly unanimously:

That the Town amend the Sign Bylaw by adding to Section 5 thereof an item 5.j. as follows:

“Notice of Proposed Planned Residential Development. A temporary sign notifying the public that an Application for a Planned Residential Development Special Permit has been submitted for a site may be placed at that site.”

**ARTICLE 45: ELECTRONIC RECORDING OF
SELECT BOARD EXECUTIVE SESSIONS –
CITIZEN PETITION**

The following MOTION was made by Mr. Read and duly seconded but FAILED for lack of majority.

That the Town urge the Select Board to audio record or audio-visually record its executive sessions, and retain and make publicly available the unredacted portions of these recordings for at least three years after the minutes of the recorded meetings are released to the public.

**ARTICLE 46: PUBLIC POSTING OF OPEN
MEETING LAW COMPLAINTS – CITIZEN
PETITION**

The following MOTION was made by Mr. Read and duly seconded but FAILED for lack of majority.

That the Town urge the Town Manager and Select Board to post Open Meeting Law complaints on the Town's webpage for the committee or board to which the complaint refers when such posting is requested by the complainant, and to leave complaints posted until they are resolved to the satisfaction of the complainant, or the complainant reaches the end of the complaint appeal process.

**ARTICLE 47: INVESTIGATION AND
AMENDMENT TO THE TOWN COUNSEL
BYLAW – CITIZEN PETITION**

The following MOTION was made by Mr. Read and duly seconded but FAILED for lack of majority.

That the Town urge the Select Board to appoint a committee whose purpose will be to investigate the reasons for numerous recent violations of the Town Counsel Bylaw, and then recommend amendments to the bylaw which will allow the Town to return to compliance with it.

Having no further business to take up, a motion it was voted to adjourn and dissolve the 2020 Annual Town Meeting at 4:01 pm on September 13, 2020.

ARTICLE 5 - CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITION

CLASSIFICATION AND COMPENSATION PLAN

Effective July 1, 2020

ADMINISTRATIVE-CLERICAL

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-1 Receptionist/Clerk Recreation Clerk	Hourly	17.81	21.43	25.04
AC-2 Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk	Hourly	19.90	23.93	27.96
AC-3 Customer Services Representative Senior Account Clerk Senior Department Clerk	Hourly	22.57	27.14	31.70
AC-4 Administrative Assistant Assistant to the Town Clerk Collections Assistant Retirement Assistant Treasury Assistant	Hourly	24.38	29.32	34.26
AC-5 Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant	Hourly	26.07	31.33	36.59
AC-6 Finance Assistant Senior Human Resources Assistant	Hourly	26.96	32.42	37.87

TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TCL-1 Building Custodian	Hourly	17.59	21.26	24.93
TCL-2 Building Maintenance Custodian	Hourly	19.86	24.01	28.16
TCL-3 Facilities Maintainer Maintenance & Inventory Coordinator Water/Sewer System Maintainer	Hourly	21.86	26.43	31.00
TCL-4 Custodial Maintenance Supervisor Equipment/Line Operator Master Craftsperson	Hourly	24.46	29.60	34.73
TCL-5 Assistant Public Works Supervisor Crew Leader Licensed Electrician/Skilled Carpenter Senior Master Mechanic Treatment Systems Operator	Hourly	27.08	32.75	38.41
TCL-6 Senior Treatment Systems Operator	Hourly	30.42	36.79	43.16
TCL-7 Public Works Supervisor HVAC Technician	Hourly	33.74	40.82	47.89

MANAGERIAL-PROFESSIONAL

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-1 Associate Engineer Engineering Technician Media Technician Recreation Supervisor Station Manager Tourism & Visitor Services Manager	Annual	48,419	60,729	73,038
MP-2 Administrative & Special Projects Coordinator Administrative Manager	Annual	54,642	68,531	82,420

		Minimum	Mid-Point	Maximum
Administrative Systems Analyst				
Assistant Local Inspector				
Assistant Natural Resources Director				
Budget Analyst				
Energy Specialist				
Environmental Health Inspector				
Environmental & Regulatory Coordinator				
Facilities Operations Coordinator				
Field Lister				
GIS Technician/Analyst				
Information Systems Technician				
Office Accountant				
Public Health Inspector				
Public Information & Communications Manager				
Water Conservation Coordinator				

MP-3	Annual	64,474	80,866	97,257
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Assistant Assessor				
Assistant Human Resources Director				
Assistant Public Health Director				
Assistant Public Works Engineer				
Assistant Senior Services Director				
Assistant Town Accountant				
Assistant Town Clerk				
Assistant Treasurer				
Associate Financial Manager				
Childcare Services Manager				
Customer Service Supervisor				
Energy Conservation Coordinator				
Local Inspector				
Management Analyst				
Municipal Archivist/Records Manager				
Operations Manager				
Recreation Programs & Events Manager				
Retirement System Administrator				
Senior Budget & Operations Analyst				
Senior Environmental & Regulatory Coordinator				
Senior Information Systems Technician				
Senior Planner				

MP-4	Annual	68,928	86,452	103,976
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Assistant Highway & Ground Superintendent				
Assistant Recreation Director				
Customer Service Administrator				
Environmental Services Program Administrator				
GIS & Application Integration Program Manager				
Operations Engineer				
Public Works Engineer				

		Minimum	Mid-Point	Maximum
MP-5	Annual	74,142	92,990	111,838
Assistant Library Director				
Assistant Town Engineer				
Budget & Purchasing Director				
Deputy Treasurer/Collector				
Director of Sustainability				
IT Services Manager				
Financial Manager/Accountant				
Natural Resources Director				
Police Lieutenant				
Public Health Director				
Senior Services Director				
Town Clerk				
Town Planner				
MP-6	Annual	86,092	107,977	129,861
Assistant Fire Chief				
Building Commissioner				
Facilities Director				
Highway & Grounds Superintendent				
Police Captain				
Recreation Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				
MP-7	Annual	93,559	117,343	141,127
Director of Planning & Land Management				
Human Resources Director				
Library Director				
MP-8	Annual	104,234	130,733	157,231
Assistant Town Manager				
Chief Information Officer				
Fire Chief				
Police Chief				
Public Works Director				
MP-9	Annual	114,235	143,278	172,321
Deputy Town Manager				
Finance Director				
Public Works & Engineering Director				

ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1 (Reserved for future use)	Hourly	19.38	23.44	27.50
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	25.20	30.48	35.75
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	31.98	36.15	40.31
EL-4 Lineworker, Grade 1	Hourly	39.70	44.90	50.09
EL-5 Lead Lineworker	Hourly	41.57	47.01	52.44
EL-6 Line Supervisor	Hourly	44.77	50.62	56.47

ELECTRICAL MANAGEMENT

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EM-1 Meter Supervisor Senior Engineering Technician	Annual	66,189	79,441	92,693
EM-2 Electrical Engineer	Annual	84,593	101,491	118,388
EM-3 Lead Electrical Engineer	Annual	90,885	109,095	127,305
EM-4 Power Supply & Rates Administrator	Annual	106,190	127,408	148,625
EM-5 Assistant CMLP Director	Annual	111,500	133,778	156,056
EM-6 CMLP Director	Annual	128,593	154,356	180,118

MEDIA SPECIALISTS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MS-1 Education Coordinator Lead Producer	Hourly	18.45	24.60	30.75

SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
SF-1 Swim/Fitness Specialist	Hourly	12.75	36.38	60.00

HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-A Human Services Assistant	Hourly	12.75	21.38	30.00
HS-1 Human Services Specialist	Hourly	15.63	30.32	45.00
HS-2 Child Care/Education Specialist	Hourly	15.63	28.82	42.00

TELECOMMUNICATIONS TECHNICIANS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TT-1 Telecommunications Technician	Hourly	30.10	35.36	40.62
TT-2 Senior Telecommunications Technician	Hourly	34.40	40.44	46.47
TT-3 Lead Telecommunications Technician	Hourly	36.12	42.46	48.80

TELECOMMUNICATIONS MANAGEMENT

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TM-1 Network Administrator	Annual	75,540	88,726	101,911
TM-2 Network Engineer Telecommunications Coordinator	Annual	86,047	101,123	116,199
TM-3 Telecommunications Director	Annual	99,439	116,850	134,261
TM-4 Chief Information & Technology Officer	Annual	151,816	178,397	204,977