

# 2021 ANNUAL TOWN MEETING

June 13, 2021

The Annual Town Meeting of 2021 was held on the Douglas White Soccer Field at the Concord Carlisle High School on June 13, 2021 pursuant to a Warrant signed by the Select Board on March 31, 2021 with the signed return of service on March 31, 2021 as inspected by the Town Moderator. The Warrant was posted at the required locations at least seven days before the meeting.

Town Moderator Carmin Reiss called the meeting to order at 1:02 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 412 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 wifi was made available to voters on the field, thanks for IT Director Jason Bulger and CMLP Superintendent David Wood.

Upon a motion made by Ms. Escobedo 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. Colleen Giddings was appointed Assistant Moderator in order to count the votes of voters inside the building who are checking in other voters.

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 thanked the many Town staff for their extraordinary efforts to prepare for the outdoor Town Meeting.

The following people were asked to stand to be recognized for giving their time and talent to the Town:

2021 Honored Citizen: Elise Woodward  
Outgoing Select Board Member and Former Chair: Jane Hotchkiss  
Outgoing School Committee Member and former Chair: Heather Bout  
Outgoing Finance Committee members: Richard Jameson, Wade Rubenstein, and Phil Swain

A customary moment of silence was held during which the Moderator reminded Town Meeting attendees of their responsibilities and the importance of civility.

Newly elected officials who will take office immediately after the conclusion of Town Meeting were introduced:

Select Board: Linda Escobedo and Henry Dane (3 year terms)  
School Committee: Courtland L. Booth and Tracey Marano (3 year terms)  
Housing Authority: Stephan Bader (5 year term), Charles T. Philips (2 year term), and Stephanie Chrobak (1 year term)

The documents used or referred to at the meeting were the “2021 Annual Town Meeting: Meeting Materials Book” and the “Finance Committee Report.” 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 43 articles on the Warrant, of which 25 were moved on the Consent Calendar, 5 were not moved and 13 were moved for full deliberation.

The table below shows where each article can be found as they are reported by manner of vote.

ARTICLE	SUBJECT	ACTION TAKEN
1	Choose Town Officers	No action taken
2	Hear Reports	Passed by well more than 2/3 majority under the Consent Calendar
CC	Consent Calendar	Passed by well more than 2/3 majority
3	Meeting Procedure	Passed by well more than 2/3 majority under the Consent Calendar
4	Finance Committee Guidelines Publication	Passed by well more than 2/3 majority under the Consent Calendar
5	Ratify Personnel Board Classification Actions	Passed by well more than 2/3 majority under the Consent Calendar
6	Classification & Compensation Plan for Regular-Status Positions	Passed by well more than 2/3 majority under the Consent Calendar
7	Personnel Bylaw Amendment	No action taken
8	Use of Free Cash	Passed by well more than 2/3 majority under the Consent Calendar
9	FY21 Town Budget Line Item Adjustments as printed in the handout	Passed by a clear majority
10	Town Budget	Passed by well more than 2/3 majority
11	OPEB Trust Fund Appropriation	Passed by well more than 2/3 majority under the Consent Calendar
12	OPEB Trust Fund Expense	Passed by well more than 2/3 majority under the Consent Calendar
13	Capital Improvement and Debt Plan	Passed unanimously
14	Authorize Expenditure of Revolving Funds Under Mass. Gen. Laws c. 44, §53E ½	Passed by well more than 2/3 majority under the Consent Calendar
15	Establishment of a Parking Meter Fund and Repeal of the Parking Meter Revolving Fund Bylaw	Passed by well more than 2/3 majority under the Consent Calendar

ARTICLE	SUBJECT	ACTION TAKEN
16	Annual Appropriation of Parking Meter Receipts	Passed by well more than 2/3 majority under the Consent Calendar
17	Appropriate Funds for Affordable Housing Development	Passed by a clear majority
18	Senior Means-Tested Property Tax Exemption	No action taken
19	Appropriation for Senior Means-Tested Tax Exemption	Passed by well more than 2/3 majority under the Consent Calendar
20	Light Plant Expenditures & Payment in Lieu of Taxes	Passed by well more than 2/3 majority under the Consent Calendar
21	Solid Waste Disposal Fund Expenditures	Passed by well more than 2/3 majority under the Consent Calendar
22	Sewer System Expenditures	Passed by well more than 2/3 majority under the Consent Calendar
23	Sewer Improvement Fund Expenditures	Passed by well more than 2/3 majority under the Consent Calendar
24	Water System Expenditures	Passed by well more than 2/3 majority under the Consent Calendar
25	Authorize Expenditure from PEG Access & Cable-Related Fund	Passed by well more than 2/3 majority under the Consent Calendar
26	Beede Swim & Fitness Center Enterprise Fund Expenditures	Passed by well more than 2/3 majority under the Consent Calendar
27	Minuteman Regional Technical High School District Budget	Passed by well more than 2/3 majority under the Consent Calendar
28	Concord Public Schools Budget	Passed unanimously
29	Concord Public Schools Capital Projects	Passed by more than 2/3 majority and nearly unanimously
30	Concord-Carlisle Regional High School Budget adjusted to \$24,376,779	Passed by a clear majority
31	Home Rule Legislation and Bylaw Amendment: Regulation of Fossil Fuel Infrastructure	Passed by well more than a majority

ARTICLE	SUBJECT	ACTION TAKEN
32	Historic Districts Map Amendment – Main Street Historic District	Passed by well more than 2/3 majority under the Consent Calendar
33	Demolition Review Bylaw Amendment	Passed by a clear majority
34	Community Preservation Committee Appropriation Recommendations	Passed by well more than 2/3 majority under the Consent Calendar
35	General Bylaw Amendment – Tree Preservation Bylaw	Passed by well more than 2/3 majority under the Consent Calendar
36	Zoning Bylaw Amendment – Definitions, Zoning Map & Flood Plain Conservancy District	Passed by well more than 2/3 majority under the Consent Calendar
37	Zoning Bylaw Amendment – Table IV Minimum Parking	Passed by well more than 2/3 majority under the Consent Calendar
38	Zoning Bylaw Amendment – Two-Family or Additional Dwelling Unit	Passed by a 2/3 majority
39	Zoning Bylaw Amendment – Earth Removal Bylaw	Passed by more than a 2/3 majority
40	Citizen Petition: Neonicotinoids Prohibition on New Leases of Town Land	Passed by a clear majority
41	Citizen Petition: Fiber/Broadband Study Committee	Passed by a majority
42	Unpaid Bills	No action taken
43	Debt Rescission	No action taken

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

On a MOTION made by Ms. Escobedo and duly seconded, it was VOTED nearly unanimously that upon notification to the Moderator by the Fire Chief that lightning in the area may present physical danger to the participants at the June 13, 2021 session of Annual Town Meeting, we will adjourn forthwith, to resume the Meeting on the rain date of June 14, 2021 at 5:00 pm on the Doug White Fields at the Concord-Carlisle Regional High School.

On a MOTION made by Ms. Escobedo and duly seconded, it was VOTED unanimously to advance for consideration and take no action on articles 1, 7, 18, 42, and 43.

## **CONSENT CALENDAR**

### **MOTION TO ADVANCE FOR CONSIDERATION AND TAKE ACTION ON CERTAIN ARTICLES WITHOUT DEBATE (2021 CONSENT CALENDAR)**

On a MOTION made by Ms. Hartman and duly seconded, it was VOTED by well more than a two-thirds majority that the 2021 Annual Town Meeting advance for consideration the Articles in the table below and take action on such Articles without debate on any of 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**

**Affirmative Action Recommended By:** Select Board

**Motion:** That the Town accept the 2020 Annual Report.

**Reason:** Routine, non-controversial action

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**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:
    - a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
    - 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.

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**Article 4 FINANCE COMMITTEE GUIDELINES PUBLICATION**

**Affirmative Action Recommended By:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 4 as printed in the Warrant.

**Reason:** Non-controversial at hearing; adjustment of Finance Committee policy on budget guidelines to align with current practice of establishing a separate guideline for each budget unit (Town, CPS, and CCRSD) and publication on the town website, and to link guidelines publication date to scheduled date for closing the Warrant.

[**Warrant language:** To determine whether the Town will vote to replace the policy established under Article 4 of the 1976 Annual Town Meeting relative to establishing and publishing budget guidelines as follows (changes are shown in ~~strikeout~~ and bold italics for emphasis only):

The Finance Committee shall annually establish ~~a guideline~~ ***budget guidelines*** for ~~budget increases to be considered in the next~~ fiscal year ~~for the planning by the Board of Selectmen~~ ***Select Board***, the Concord Public School Committee and the Concord-Carlisle Regional School Committee and will publish said guidelines ***on the Town website no later than five (5) weeks before the scheduled close of the warrant in the local press prior to November 30 of the previous fiscal year***]

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**Article 5 RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

**Affirmative Action Recommended By:** Finance Committee, Select Board, Personnel Board

**Motion:** That the Town take affirmative action on Article 5 as printed in the Town Meeting Materials booklet.

**Reason:** Routine annual ratification action; non-controversial at hearing.

[**Town Meeting Materials language: Motion:** That the Town take affirmative action on Article 5, as printed in the Town Meeting Materials booklet, to ratify the Personnel Board's actions to amend the Classification and Compensation Plan as follows:

1. Move the title "Public Information & Communications Manager" from Grade MP-2 to Grade MP-4 effective December 1, 2020.
  2. Add the title "Library Innovation & Communication Specialist" to Grade MP-1 effective December 1, 2020.
  3. Add the title "Land Manager" to Grade MP-2 effective December 8, 2020.
  4. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between March 26, 2021 and June 13, 2021.]
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**Article 6 CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

**Affirmative Action Recommended By:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 6 as printed in the Warrant.

**Reason:** Routine and non-controversial at hearing.

[Warrant Language: To determine whether the Town will vote to amend the Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2021, or take any other action relative thereto:



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

**CLASSIFICATION AND COMPENSATION PLAN**

Effective July 1, 2021

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**ADMINISTRATIVE-CLERICAL**

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
AC-1 Receptionist/Clerk Recreation Clerk	Hourly	18.17	21.86	25.54
AC-2 Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk	Hourly	20.30	24.41	28.52
AC-3 Customer Services Representative Senior Account Clerk Senior Department Clerk	Hourly	23.02	27.68	32.33
AC-4 Administrative Assistant Assistant to the Town Clerk Collections Assistant Retirement Assistant Treasury Assistant	Hourly	24.87	29.91	34.95
AC-5 Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant	Hourly	26.59	31.96	37.32
AC-6 Finance Assistant Senior Human Resources Assistant	Hourly	27.50	33.07	38.63



**TRADES-CRAFTS-LABOR**

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
TCL-1 Building Custodian	Hourly	17.94	21.69	25.43
TCL-2 Building Maintenance Custodian	Hourly	20.26	24.49	28.72
TCL-3 Facilities Maintainer Maintenance & Inventory Coordinator Water/Sewer System Maintainer	Hourly	22.30	26.96	31.62
TCL-4 Custodial Maintenance Supervisor Equipment/Line Operator Master Craftsperson	Hourly	24.95	30.19	35.42
TCL-5 Assistant Public Works Supervisor Crew Leader Licensed Electrician/Skilled Carpenter Senior Master Mechanic Treatment Systems Operator	Hourly	27.62	33.40	39.18
TCL-6 Senior Treatment Systems Operator	Hourly	31.03	37.53	44.02
TCL-7 Public Works Supervisor HVAC Technician	Hourly	34.41	41.63	48.85

**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.*

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
MP-1 Associate Engineer Engineering Technician Library Innovation & Communications Specialist Media Technician Recreation Supervisor Station Manager Tourism & Visitor Services Manager	Annual	49,387	61,943	74,499

		Minimum	Mid-Point	Maximum
MP-2	Annual	55,735	69,902	84,068
Administrative & Special Projects Coordinator				
Administrative Manager				
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				
Land Manager				
Office Accountant				
Public Health Inspector				
Water Conservation Coordinator				
MP-3	Annual	65,763	82,483	99,202
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	70,307	88,182	106,056
Assistant Highway & Ground Superintendent				
Assistant Recreation Director				
Customer Service Administrator				
Environmental Services Program Administrator				

		Minimum	Mid-Point	Maximum
GIS & Application Integration Program Manager Operations Engineer Public Information & Communications Manager Public Works Engineer				
MP-5	Annual	75,625	94,850	114,075
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	87,814	110,136	132,458
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	95,430	119,690	143,950
Director of Planning & Land Management Human Resources Director Library Director				
MP-8	Annual	106,319	133,348	160,376
Assistant Town Manager Chief Information Officer Fire Chief Police Chief Public Works Director				
MP-9	Annual	116,520	146,144	175,767
Deputy Town Manager Finance Director				

## ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1 (Reserved for future use)	Hourly	19.77	23.91	28.05
EL-2 Lineworker, Grade 3 Meter Technician	Hourly	25.70	31.09	36.47
EL-3 Lineworker, Grade 2 Utility Electrician	Hourly	32.62	36.87	41.12
EL-4 Lineworker, Grade 1	Hourly	40.49	45.79	51.09
EL-5 Lead Lineworker	Hourly	42.40	47.95	53.49
EL-6 Line Supervisor	Hourly	45.67	51.64	57.60

## 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	67,513	81,030	94,547
EM-2 Electrical Engineer	Annual	86,285	103,521	120,756
EM-3 Lead Electrical Engineer	Annual	92,703	111,277	129,851
EM-4 Power Supply & Rates Administrator	Annual	108,314	129,956	151,598
EM-5 Assistant CMLP Director	Annual	113,730	136,454	159,177
EM-6 CMLP Director	Annual	131,165	157,443	183,720

### MEDIA SPECIALISTS

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
MS-1 Education Coordinator Lead Producer	Hourly	18.82	25.10	31.37

### SWIM & FITNESS

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
SF-1 Swim/Fitness Specialist	Hourly	13.50	37.35	61.20

### HUMAN SERVICES

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
HS-A Human Services Assistant	Hourly	13.50	22.05	30.60
HS-1 Human Services Specialist	Hourly	15.94	30.92	45.90
HS-2 Child Care/Education Specialist	Hourly	15.94	29.39	42.84

### TELECOMMUNICATIONS TECHNICIANS

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
TT-1 Telecommunications Technician	Hourly	30.70	36.07	41.43
TT-2 Senior Telecommunications Technician	Hourly	35.09	41.25	47.40
TT-3 Lead Telecommunications Technician	Hourly	36.84	43.31	49.78

## 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.*

<b>Grade Number &amp; Class Title</b>		<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
TM-1 Network Administrator	Annual	77,051	90,500	103,949
TM-2 Network Engineer Telecommunications Coordinator	Annual	87,768	103,146	118,523
TM-3 Telecommunications Director	Annual	101,428	119,187	136,946

**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 June 30, 2021 to reduce the tax levy for the fiscal year ending June 30, 2022.

**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 11**

**OPEB TRUST FUND APPROPRIATION**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town raise and appropriate \$1,220,195; and transfer \$44,512 from the Water Fund; \$10,949 from the Sewer Fund; \$166,596 from the Light Fund; \$23,752 from the Broadband fund; and \$1,847 from the Swim & Fitness Fund, for a total appropriation of \$1,467,851 to fund the Town’s FY22 contribution to the Other Post-Employment Benefits Liability Trust Fund (OPEB Trust) established under Mass. Gen. Laws c. 32B, §20.

**Reason:** Routine General Fund appropriation to meet the Town’s OPEB obligations made in prior years as part of the Town’s Budget article, now being appropriated for all funds (General, Enterprise, and Other) in a stand-alone article consistent with best practice as recommended by the Town’s auditors and MA Department of Revenue; non-controversial at hearing.

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**Article 12**

**OPEB TRUST FUND EXPENSE**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town appropriate from the OPEB Fund established under Mass. Gen. Laws c. 32B, § 20 \$200,000 for OPEB Fund expenses.

**Reason:** Non-controversial at hearing; administrative change in method of paying OPEB Fund expenses recommended by the Town’s advisors to be by direct payment from the Fund instead of by deduction from earnings.

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**Article 14**

**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 14 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 at hearing.

[**Warrant Language:** To determine whether the town will vote to authorize the total expenditures for the following revolving funds pursuant to Mass. Gen. Laws c. 44, § 53e ½ for the fiscal year ending June 30, 2022, to be expended in accordance with the town’s Revolving Fund Bylaw, or take any other action relative thereto.]

Revolving Fund	Annual Spending Limit
Regional Housing Services	\$ 325,000
Road Repair	\$ 120,000
Senior Services	\$ 45,000
Tree Preservation	\$ 100,000



**Article 15 ESTABLISHMENT OF PARKING METER FUND AND REPEAL OF PARKING METER REVOLVING FUND BYLAW**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 15 as printed in the Warrant.

**Reason:** Non-controversial at hearing; acceptance of state statute to allow the Town to maintain current practice of segregating parking revenue from other General Fund revenues for funding parking enforcement expenses and transportation initiatives; repeal of existing bylaw made obsolete by adoption of statute.

[**Warrant Language:** To determine whether the Town will vote to accept the second sentence of Mass. Gen. Laws c. 40, § 22C, to allow receipts from parking meters and other devices to be segregated in a special revenue fund, such funds to be expended for the purposes of purchase or lease of additional parking lots, the care and maintenance of parking lots, the purchase or lease of a commuter shuttle or commuter shuttle services between the parking lots and available public transportation, the care and maintenance of public transportation station accessibility improvements and in general for traffic control or traffic safety purposes, including payment for public liability coverage in connection with the purchase, lease and use of the municipally owned or leased parking lots and commuter shuttles or commuter shuttle services or any of the purposes and uses listed in Mass. Gen. Laws c. 40, § 22A, and further to determine whether the Town will vote to repeal in its entirety the Parking Meter Revolving Fund Bylaw that was adopted under Article 65 of the 1975 Annual Town Meeting, or take any other action relative thereto.]

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**Article 16 APPROPRIATION OF PARKING METER RECEIPTS**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town appropriate the sum of \$400,000 from Parking Meter Receipts to fund expenses related to parking enforcement or public transportation initiatives for the fiscal year ending June 30, 2022.

**Reason:** Non-controversial at hearing; appropriation to allow expenditure of grant received by the Town.

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**Article 19 APPROPRIATION FOR SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION**

**Affirmative Action Recommended by:** Finance Committee, Select Board, Tax Fairness Committee

**Motion:** That the Town transfer the sum of \$150,000 from the Overlay Surplus to fund the Senior Means-Tested Property Tax Exemption program for the Fiscal Year ending June 30, 2022.

**Reason:** Non-controversial at hearing; appropriation to provide continuity during Fiscal Year 2022 of the Senior Means-Tested Property Tax Exemption that has been in place for three years and expires June 30, 2021 in the event that the state legislature has not yet reauthorized the program.

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**Article 20 LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town authorize the income from sales of electricity and from servicing and jobbing during the fiscal year ending June 30, 2022, 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 extensions, enlargements, additions, renewals, and reconstruction; and further to authorize a transfer of \$451,500 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, 2022.

**Reason:** Routine annual action; non-controversial at hearing. Authorizes the Light Plant to expend its income for operations and provides for the transfer of \$451,500 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, 2022.

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**Article 21      SOLID WASTE DISPOSAL FUND 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 authorization; non-controversial at hearing. Authorizes the Town Manager to expend user fee revenue from the fiscal year ending June 30, 2022 and cash on hand in the Solid Waste Disposal Fund to operate the Town's curbside solid waste and recycling collection and disposal program.

[**Warrant Language:** To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting; or take any other action relative thereto.]

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**Article 22      SEWER SYSTEM EXPENDITURES**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 22 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, 2022 and cash on hand in the Sewer Fund for the operation, maintenance, and improvement of the Town's sewer system.

[**Warrant Language:** To determine whether the Town will vote that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting; or take any other action relative thereto.]

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**Article 23      SEWER IMPROVEMENT FUND EXPENDITURES**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 23 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.

[**Warrant Language:** To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.]

**Article 24 WATER SYSTEM EXPENDITURES**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 24 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, 2022 and cash on hand in the Water Fund for the operation, maintenance, and improvement of the Town's water system.

[**Warrant Language:** To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting; or take any other action relative thereto.]

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**Article 25 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 \$431,108 to be expended under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the Comcast licensing agreement during the fiscal year ending June 30, 2022.

**Reason:** Routine transfer; non-controversial at hearing.

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**Article 26 BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Motion:** That the Town take affirmative action on Article 26 as printed in the Town Meeting Materials booklet.

**Reason:** Routine annual enterprise fund authorization; non-controversial at hearing.

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**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

**Affirmative Action Recommended by:** Finance Committee, Select Board

**Article 27 Motion:** That the Town raise and appropriate the sum of \$1,289,284 for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2022.

**Reason:** Non-controversial at hearing; routine ratification of assessment of Concord's share of the annual budget for the Minuteman Regional Technical High School District, pursuant to formula set forth in governing regional agreement.

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**Article 32 HISTORIC DISTRICTS MAP AMENDMENT – MAIN STREET HISTORIC DISTRICT**

**Affirmative Action Recommended by:** Select Board, Historic Districts Commission

**Motion:** That the Town take affirmative action on Article 32 as printed in the Warrant.

**Reason:** Non-controversial at hearing; expansion of the Main Street Historic District to include two additional properties at the request of the property owners.

[**Warrant Language:** To determine whether the Town will vote to extend the Main Street Historic District southward to add two properties comprised of 19,578 square feet, more or less, and the buildings located at 21 Thoreau St. (known as Assessor Parcel #0783) and 29-31 Thoreau Street (known as Assessor Parcel #0782), and to amend the map on file in the office of the Town Clerk entitled "Historic Districts, Town of Concord" accordingly, effective July 1, 2021, or take any other action thereto.



**Article 34 COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

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

**Motion:** That the Town appropriate the sum of \$1,769,891 from the Concord Community Preservation Fund, of which up to \$44,172 shall be appropriated from the Undesignated Fund Balance as of July 1, 2020 and up to \$1,725,719 shall be appropriated from the projected Fiscal Year 2022 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager on projects A through O, as printed in Article 34 of the Warrant.

**Reason:** History of community support and non-controversial at hearing. 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 \$288,880 for Community Housing, \$576,511 for Historic Preservation, \$559,750 for Open Space, \$304,750 for Recreation, and \$40,000 for Administration.

Item	Project/Description	Category	Sources		
			Prior Year Undesignated Fund Balance	FY22 CPA Fund Revenues	Total Amount Recommended
A	Town of Concord- Housing Production Plan Update	Community Housing		\$30,000	\$30,000
B	Town of Concord -Regional Housing Services Program	Community Housing		\$25,000	\$25,000
C	Concord Housing Development Corporation – Affordable Housing Buydown	Community Housing	\$33,880	\$200,000	\$233,880
D	Saalfield/Town of Concord – Emerson Field Flagpole	Historic Preservation		\$14,250	\$14,250
E	Concord Home for the Aged – 110 Walden St. Preservation Phase 3	Historic Preservation		\$185,000	\$185,000
F	Concord Masonic Corporation – 58 Monument Sq. Roof Replacement and Historic Structures Report	Historic Preservation	\$10,292	\$96,969	\$107,261
G	Trustees of Parish Donations, First Parish Church – Repair, Stabilize and Renovate Wright Tavern	Historic Preservation		\$260,000	\$260,000
H	Town of Concord NRC – Chamberlin Park Bridge Survey and Permitting	Open Space		\$35,000	\$35,000
I	Town of Concord NRC – Emerson Conservation Restriction	Open Space		\$210,000	\$210,000
J	Town of Concord – Wheeler Harrington House and Land	Historic Preservation		\$10,000	\$20,000
		Open Space		\$10,000	
K	Town of Concord – White Pond Beach Improvements	Open Space		\$150,000	\$300,000
		Recreation		\$150,000	
L	Town of Concord – Bruce Freeman Rail Trail	Open Space		\$12,500	\$25,000
		Recreation		\$12,500	
M	Town of Concord NRC – Warner’s Pond Dredging	Open Space		\$125,000	\$250,000
		Recreation		\$125,000	



N	Town of Concord NRC – Old Rifle Range Survey and Permitting	Open Space		\$17,250	\$34,500
		Recreation		\$17,250	
O	Staff and Technical Support	Administration		\$40,000	\$40,000
	<b>Total All Projects</b>		<b>\$44,172</b>	<b>\$1,725,719</b>	<b>\$1,769,891</b>

**Article 35 GENERAL BYLAW AMENDMENT – TREE PRESERVATION BYLAW**

**Affirmative Action Recommended by:** Select Board

**Motion:** That the Town take affirmative action on Article 35 as printed in the Warrant with the deletion of the words, “and to avoid further infestation of the invasive species” at the end of Section 5.5(a.)

**Reason:** Non-controversial at hearing; amends tree preservation bylaw as recommended by consultant retained by the Town to address application to lengthy construction projects, protection measures for invasive trees that property owners wish to preserve, and compliance with American National Standards Institute (ANSI) standards for tree planting and transplanting.

**[Warrant Language:** To determine whether the Town will vote to amend the Tree Preservation Bylaw Section 5.4(c), Section 5.5(a) and Section 5.5(b) so that the Sections read as follows (changes are shown in bold italics for emphasis only), or take any other action relative thereto:

5.4 Plan Review and Permit Issuance:

(c) Re-Submittal: If demolition or construction has not commenced within twelve (12) months of the date that a Tree Protection & Mitigation Plan was submitted for a property, or if removal of a previously unidentified Protected Tree is necessary during the course of construction, an amended Tree Protection & Mitigation Plan shall be submitted identifying any changes from the previous plan and associated mitigation measures. If demolition and/or construction is not completed within 12 months from the Reviewing Agent’s initial inspection date, an application for a permit extension and re-inspection fee shall be submitted. Additional permit extension applications and re-inspection fees shall be submitted every 12 months thereafter until demolition and construction is completed.

5.5 Maintenance of Protected and Replanted Trees:

(a) Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such tree die or significantly decline in the opinion of the Reviewing Agent within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from said determination. If an invasive tree is to remain on the property within setback areas, it must be protected to the same degree as a Protected Tree to avoid damage to the tree so that it does not become a hazard to persons or property, and to avoid further infestation of the invasive species.

(b) Replanted Trees: All new trees planted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of

the original Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree. Tree planting and transplanting shall adhere to the most current American National Standards Institute (ANSI) A300 (Part 6) Tree, Shrub, and Other Woody Plant Management - Standard Practices (Planting and Transplanting).]

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## ZONING BYLAW AMENDMENT- DEFINITIONS, ZONING MAP & FLOOD PLAIN CONSERVANCY DISTRICT

**Affirmative Action Recommended by:** Select Board

**Motion:** That the Town take affirmative action on Article 36 as printed in the Warrant.

**Reason:** Non-controversial at hearing; adoption of Model Floodplain Bylaw as required by the State for all communities in the National Flood Insurance Program.

[**Warrant Language:** To determine whether the Town will vote to amend the **Zoning Bylaw Section 1.3 Definitions, Section 2.2 Zoning Map Flood Plain Conservancy District and Section 7.2 Flood Plain Conservancy District** so that the following Sections read as follows (changes are shown in strikeout, bold italics and bold underline for emphasis only), or take any other action relative thereto:

### 1.3 Definitions

*1.3.25 Structure:* A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna, ***a gas or liquid storage tank that is principally above ground, manufactured home***, or the like. The word “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof.”

### 2.2 Zoning Map

***Floodplain*** Conservancy District, Town of Concord, April 2019 (Scale 1”=1000’ consisting of a single sheet). The general boundaries of the Flood Plain Conservancy District includes all special flood hazard areas within the Town of Concord designated as Zone A, AE and AH, on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Concord are panel numbers 25017C0244F, 25017C0263F, 25017C0264F, 25017C0356F, 25017C0357F, 25017C0358F, 25017C0359F, 25017C0366F, 25017C0367F, 25017C0376F, 25017C0377F, 25017C0378F, 25017C0379F, 25017C0381F, 25017C0383F, 25017C0386F and 25017C0387F dated July 7, 2014, with panels 25017C0378F and 25017C0379F revised by Letter of Map Revision dated August 14, 2015 and panels 25017C0264F, 25017C0376F, 25017C0377F, 25017C0378F, and 25017C0379F revised by Letter of Map Revision dated February 9, 2018. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRMs and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014 and Letters of Map Revision dated August 14, 2015 and February 9, 2018. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

***The Floodplain Conservancy District is an overlay district that includes all special flood hazard areas within the Town of Concord designated as Zone A, AE, or AH on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 6, 2016 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.***



*The exact boundaries of the District is defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning & Land Management and Public Works Engineering Division.*

## **7.2 Floodplain Conservancy District**

**7.2.1 Definitions. For the purpose of this Section, the following definitions shall apply:**

**7.2.1.1 Floodplain:** All flood storage areas along the Concord, Sudbury and Assabet Rivers and their tributaries as designated on the “*Floodplain* Conservancy District” Map *as approved by the Town* and all special flood hazard areas designated on the Middlesex County Flood Insurance Rate Maps as Zone A, AE, AH.

**7.2.1.2 Floodway:** The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the base flood. *The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.*

**7.2.1.3 Floodway data:** In Zone A, AE, AH, and along watercourses that have not had a regulatory floodway designated the best available Federal, State, local and other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**7.2.1.4 Base flood:** A flood known to have occurred in the Town with a frequency of once in one hundred (100) years and reasonably characteristic of what can be expected to occur on a particular stream.

**7.2.1.5 Base flood elevation data:** Base flood elevation data is required for subdivision proposals or other developments on parcels greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

**7.2.1.6 Lowest floor:** The lowest floor of the lowest enclosed area of a building.

**7.2.1.7 Water surface elevation:** The height in relation to the North American Vertical Datum (NAVD) of 1988 of floods of various magnitudes and frequencies in the flood plains of riverine areas.

**7.2.1.3 Compensatory Storage:** *A new, excavated storage volume not previously used for flood storage compensating for the amount of storage, up to and including the 100-year flood elevation, which would be displaced by the proposed project.*

**7.2.1.4 Development:** *Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.*

**7.2.1.5 Functionally Dependent Use:** *A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking*

*facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.*

*7.2.1.6 Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.*

*7.2.1.7 Historic Structure: Any structure that is:*

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;*
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or*
  - (2) Directly by the Secretary of the Interior in states without approved programs.**

*7.2.1.8 New Construction: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.*

*7.2.1.9 Recreational Vehicle: A vehicle that is:*

- (a) Built on a single chassis;*
- (b) 400 square feet or less when measured at the largest horizontal projection;*
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and*
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

*7.2.1.10: Special Flood Hazard Area: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, or AH.*

*7.2.1.11 Start of Construction: The date of issuance of the permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.*

*Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, or the erection of temporary forms. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building*

**7.2.1.12 Substantial Repair of a Foundation:** *When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the Building Commissioner shall determine it to be substantial repair of a foundation. Applications determined by the Building Commissioner to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.*

**7.2.1.13 Variance:** *A grant of relief from the terms of a floodplain management regulation.*

**7.2.1.14 Violation:** *The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b) (5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.*

## **7.2.2 Purpose.**

**7.2.2.1** To protect persons and property against the hazards of flood water inundation by assuring the continuation of the natural flow pattern of the rivers and those portions of their tributaries located within the *Floodplain* Conservancy District within the Town and by preserving natural floodwater storage areas;

**7.2.2.2** To maintain the quality and level of the groundwater table and water recharge areas for existing or potential water supplies; and

**7.2.2.3** To protect the Town against unsuitable use or development of areas subject to flooding;

**7.2.2.4** *To prevent new hazards to emergency response officials;*

**7.2.2.5** *To prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;*

**7.2.2.6** *To avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; and*

**7.2.2.7** *To eliminate costs associated with the response to and cleanup of flooding conditions.*

## **7.2.3 Standards.**

**7.2.3.1** Within Zone AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**7.2.3.2** In Zone AE, along watercourses that have a regulatory floodway within the Town of Concord designated on the Middlesex County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. *In Zone A, AE, AH, and along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local and other floodway data shall be used to prohibit encroachments in floodways, which would result*

*in any increase in flood levels within the community during the occurrence of the base flood discharge.*

7.2.3.3 All site plan, *special permit and subdivision* proposals shall be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and, c) adequate drainage is provided to reduce exposure to flood hazards.

7.2.3.4 *In Zone AE, along watercourses that have a regulatory floodway designated on the Town's FIRM Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

7.2.3.5 *All recreational vehicles to be placed on a site must be elevated and anchored in accordance with the Zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.*

7.2.4 *Uses permitted without a Special Permit from review by the Board.* The following uses are permitted within the *Floodplain* Conservancy District:

7.2.4.1 Wildlife management, boating, fishing and hunting where otherwise legally permitted;

7.2.4.2 Construction and maintenance of at-grade sidewalks, duckwalks, bicycle, equestrian and foot paths or bridges, and unpaved recreation areas which do not alter the existing topography;

7.2.4.3 Flower and vegetable gardens, lawns, pastures, soil conservation, forestry, grazing and farming, including nurseries, truck gardening and harvesting of crops;

7.2.4.4 Construction and maintenance of public and private water supplies, and maintenance or improvement of ponds, ditches, and other water bodies;

7.2.4.5 Construction and maintenance of at-grade roads, driveways, utilities and other associated roadway facilities when access to land which is not situated in the *Floodplain* Conservancy District is not possible because of ownership patterns or the provisions of the Subdivision Rules and Regulations of the Planning Board;

7.2.4.6 Construction and improvements of public sewers, including accessory facilities used for their operation and maintenance, and improvements to existing roads and systems used in the service of the public, including drainage, electric power (including conversion to underground facilities), gas, telephone, telegraph and other telecommunication devices; and

7.2.4.7 Repairs to septic disposal systems (SDS), including leaching facilities, but excluding any expansion of SDS capacity beyond the minimum design flow for the existing use of the property as required by applicable Board of Health regulations, *and*;

7.2.4.8 Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the *Floodplain* Conservancy District is found to be not, in

fact, subject to flooding through a Letter of Map Amendment, Letter of Map Revision or physical map revision submitted to and approved by the Federal Emergency Management Agency.

7.2.5 *Uses permitted subject to review by the Board.* The following uses may be permitted by the Board after notice and a public hearing:

7.2.5.1 Any use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, whether by right or by special permit, provided that all development, *including structural and non-structural activities, are in compliance with this bylaw and with other State regulations., including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds or storage facilities, drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.*

7.2.6 *Procedure for review by the Board.*

7.2.6.1 Any person who desires to use land within the *Floodplain* Conservancy District for a use permitted subject to review by the Board shall submit a written application for a special permit to the Board, with copies to the Planning Board and Natural Resources Commission. Each such application shall be accompanied by the following submissions:

(a) A written statement detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced prepared by a registered professional engineer or a registered land surveyor;

(b) Development plans, including specific topographic details within the *floodplain*, meeting, to the extent applicable, the requirements set forth for a definitive plan in the Subdivision Rules and Regulations of the Planning Board, and;. *For subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), technical data to determine base flood elevations shall be provided for each developable parcel shown on the design plans;*

**(c) Plans showing compensatory storage at a 1.5:1 ratio for floodplain displaced by the proposed project, prepared by a registered professional engineer, detailed in tabular format, in 1-foot incremental elevations of fill and storage volumes in cubic feet, with cut and fill areas shown on a plan. The 1.5:1 Compensatory storage ratio does not need to be obtained at each 1-foot increment and may be obtained as a total over the floodplain area, but a minimum of 1:1 ratio shall be maintained at all 1-foot increments;**

(d) *In A Zones, in the absence of FEMA BFE data and floodway data, the Board will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to be built to or above base flood level, and for prohibiting encroachments in floodways, and;*

(ec) In the case of any proposed alteration or relocation of a watercourse, *copies of the submission shall be provided to* the following agencies shall also be notified:

- Town of Sudbury; Town Manager, 278 Old Sudbury Road, Sudbury, MA 01776
- Town of Acton; Town Manager, 472 Main Street, Acton, MA 01720
- Town of Maynard; Town Administrator, 195 Main Street, Maynard, MA 01754
- Town of Bedford; Town Manager, 10 Mudge Way, Bedford, MA 01730
- Town of Lincoln; Town Administrator, 16 Lincoln Road, Lincoln, MA 01773
- Town of Wayland; Town Administrator, 41 Cochituate Road, Wayland, MA 01778
- *The Town Manager or Administrator in the Towns of Sudbury, Acton, Maynard, Bedford, Lincoln and Wayland.*



- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
  - NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110; and,
- (fd) Such additional information as the Board may require.

7.2.6.2 The Planning Board and Natural Resources Commission shall submit to the Board written recommendations including at least:

- (a) An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of watercourses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and
- (b) A recommendation as to whether the special permit should be granted and whether any restrictions should be imposed upon the proposed use as a condition of such permit.

*7.2.6.3 Compensatory storage shall be provided as specified in Section 7.2.6.1(c) for all flood storage volume that will be displaced by the proposed project within the 100 year floodplain. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek.*

*Work within the 100-year floodplain, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity. **The Board may allow a decrease in the required compensatory flood storage to a ratio of 1:1 based upon a recommendation of the Natural Resources Commission and a finding that the reduction in the compensatory flood storage allows for an overall improvement to the site, such as reducing the volume of structure in the floodplain, improving stormwater management, or improving the natural environment.***

If a special permit is granted, the Board shall impose such conditions and safeguards as public safety, welfare and convenience may require. 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 either, the reasons therefor shall be stated in writing.

*7.2.7 Disclaimer of liability. The degree of flood protection required by this Bylaw is considered reasonable, but does not imply total flood protection.*

*7.2.8 Designation of Community Floodplain Administrator. The Building Commissioner is hereby designated as the official Floodplain Administrator for the Town.*

*7.2.9 Requirement to submit new technical data*

*If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:*

- *FEMA Region I Risk Analysis Branch Chief, 99 High St., 6th floor, Boston, MA 02110*
- *Massachusetts NFIP State Coordinator, MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114*

*7.2.10 Variances to building code floodplain standards*

*The Building Commissioner will request from the State Building Code Appeals Board a written*

or audible copy of the portion of the hearing related to the variance, and will maintain this record in the Town's files.

The Building Commissioner shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development.

**7.2.11 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)**

**7.2.11.1 A variance from Section 7.2 must meet the requirements set out by State law, and may only be granted if:**

- (a) *Good and sufficient cause and exceptional non-financial hardship exist;*
- (b) *The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and*
- (c) *The variance is the minimum action necessary to afford relief.*

**7.2.11.2 Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.**

**7.2.11.3 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.**

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Article 37

**ZONING BYLAW AMENDMENT – TABLE IV MINIMUM PARKING**

**Affirmative Action Recommended by:** Select Board

**Motion:** That the Town take affirmative action on Article 37 as printed in the Warrant.

**Reason:** Non-controversial at hearing; amends the zoning bylaw to permit continuation of parking waiver that has been extended during the pandemic to restaurants adding seasonal outdoor seating for dining.

[**Warrant Language:** To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.7.2.1 Table IV Minimum Parking Business Uses – Restaurant** to add the following sentence at the end so that it reads as follows (*changes are shown in bold italics for emphasis only*) or take any other action relative thereto:

**Business Uses:**

Restaurant     One (1) space per three (3) seats rated capacity (*excluding seasonal outdoor seating*), plus one (1) space per employee on the largest shift.]



**ARTICLE 9.**

Upon a MOTION made by Ms. Escobedo and duly seconded, the following was VOTED by a clear majority that the Town transfer from the following line items the sums of:

- \$40,000 from Line 1, General Government;
- \$150,000 from Line 3, Finance;
- \$545,286 from Line 6, Public Safety;
- \$225,000 from Line 9, Reserve Fund;
- \$85,000 from Line 12, Group Insurance;

To the following line items:

- \$190,000 to Line 2, Legal Services;
- \$770,286 to Line 7, Public Works; and
- \$85,000 to Line 13, Unemployment and Workers Compensation

All appropriated under Article 10 of the 2020 Annual Town Meeting, FY21 Town Budget.

A MOTION was made by Brooks Read and duly seconded to reduce the amount to be transferred from Line 6, Public Safety, by \$190,000, and to eliminate the transfer of \$190,000 to Line 2, Legal Services. The motion FAILED for lack of majority.

**ARTICLE 10.**

Upon a MOTION made by Ms. Escobedo and duly seconded, it was VOTED by a near unanimous and well more than two-thirds vote to raise and appropriate or transfer from available funds, the sum of \$48,779,887, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2022:

<b>Town Government Operating Budget</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2020 Expenses</b>	<b>Fiscal 2021 Appropriation</b>	<b>Fiscal 2022 Proposal</b>
<b>General Government</b>				
<b>\$4,574,682 is 9.4% of Total</b>				
1	A. Town Manager's Office	\$ 657,439	\$ 734,348	\$ 729,196
	B. Human Resources	430,831	478,622	556,099
	C. Information Systems	959,700	1,090,576	1,238,301
	D. Town Meeting and Reports	120,250	101,225	123,096
	E. Economic Vitality & Tourism	86,181	112,400	183,097
	F. Facilities Administration	897,712	890,179	974,548
	G. Parks & Playgrounds	110,360	130,657	148,054
	H. Resource Sustainability	144,749	162,280	162,949
	I. Visitor's Center and Restroom	22,687	29,765	34,342
	<b>Subtotal</b>	3,429,908	3,730,052	4,149,682
2	A. Legal Services	537,452	344,585	425,000
	<b>Department Subtotal</b>	<b>3,967,361</b>	<b>4,074,637</b>	<b>4,574,682</b>

<b>Finance</b>				
<b>\$2,271,859 is 4.7% of Total</b>				
3	A. Finance Administration	\$ 579,606	\$ 619,860	\$ 544,908
	B. Treasurer-Collector	460,165	528,371	499,231
	C. Town Accountant	269,671	352,437	329,509
	D. Assessors	424,356	456,387	449,647
	E. Town Clerk	333,195	379,147	389,276
	F. Elections	44,753	76,176	53,068
	G. Registrars	29,374	7,971	6,220
	<b>Department Subtotal</b>		<b>2,141,120</b>	<b>2,420,349</b>

<b>Planning and Land Management</b>				
<b>\$1,932,080 is 4.0% of Total</b>				
4	A. Planning Administration	\$ 504,278	\$ 568,129	\$ 550,439
	B. Natural Resources	248,768	348,162	411,729
	C. Inspections	430,691	465,056	466,146
	D. Health	437,049	448,669	453,771
	E. 141 Keyes Road	42,802	48,199	49,995
	<b>Department Subtotal</b>		<b>1,663,588</b>	<b>1,878,215</b>

<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2020 Expenses</b>	<b>Fiscal 2021 Appropriation</b>	<b>Fiscal 2022 Proposal</b>
<b>Human Services</b>				
<b>\$3,424,346 is 7.0% of Total</b>				
5	A. Library	\$ 1,960,747	\$ 2,330,702	\$ 2,330,034
	B. Senior Services			
	B1. Senior Services	458,618	667,605	597,658
	B2. Harvey Wheeler Community Ctr.	87,042	94,209	97,767
	C. Recreation Services			
	C1. Recreation Services	129,973	118,882	110,000
	C2. Hunt Recreation Center	97,301	104,375	100,312
	D. Human Services	57,639	71,934	71,799
	E. Veterans Services	77,687	75,134	77,149
	F. Ceremonies and Celebrations	3,813	29,631	39,628
<b>Department Subtotal</b>		<b>\$ 2,872,821</b>	<b>\$ 3,492,472</b>	<b>\$ 3,424,346</b>

Public Safety				
\$10,982,707 is 22.6% of Total				
6	A. Police Department	\$ 4,590,032	\$ 4,828,191	\$ 5,206,646
	B. Animal Control Officer	25,973	27,500	27,500
	C. Police-Fire Station	231,194	231,869	252,057
	D. Fire Department	5,284,523	5,499,333	5,460,446
	E. Emergency Management	7,328	16,000	16,000
	F. West Concord Fire Station	15,071	20,738	20,059
	<b>Department Subtotal</b>	<b>\$ 10,154,120</b>	<b>\$ 10,623,630</b>	<b>\$ 10,982,707</b>
Public Works				
\$4,297,220 is 8.8% of Total				
7	A. Public Works Administration	\$ 469,134	\$ 449,200	\$ 404,565
	B. Engineering	572,595	691,413	485,647
	C. Highway Maintenance	1,381,466	1,545,047	1,514,206
	D. Winter Maintenance	540,005	640,000	640,000
	E. Parks and Trees	668,081	787,628	795,573
	F. Cemetery	211,414	259,031	304,806
	G. 133/135 Keyes Road	104,890	124,923	124,923
	H. Capital Assets			
	H1. Road Improvements	-	-	-
	H2. Drainage Program	-	-	-
	H3. Sidewalk Management	-	-	-
	H4. Heavy Equipment	-	-	-
	I. Street Lighting	28,630	27,500	27,500
	<b>Department Subtotal</b>	<b>\$ 3,976,215</b>	<b>\$ 4,524,742</b>	<b>\$ 4,297,220</b>
Item No.	Department	Fiscal 2020 Expenses	Fiscal 2021 Appropriation	Fiscal 2022 Proposal
Unclassified				
\$1,010,000 is 2.1% of Total				
8	Employee Wellness			
	A. Unused Sick Leave	\$ 92,122	\$ 65,000	\$ 65,000
	B. Public Safety Disability	-	2,500	2,500
	C. Employee Assistance Program	7,878	7,500	7,500
	<b>Subtotal</b>	<b>100,000</b>	<b>75,000</b>	<b>75,000</b>
9	Reserve Fund*	-	225,000	225,000
* Transfers totaling \$0.00 were made to other accounts in Fiscal Year 2019.				
10	Salary Reserve**	307,262	(374,236)	700,000
** Transfers totaling \$861,726 in Fiscal Year 2020 and \$624,236 in Fiscal Year 2021 were made to other accounts. The \$624,236 transfer utilized \$250,000 in appropriated funding plus \$374,236 in encumbered monies.				
11	Land Fund	10,000	10,000	10,000
	<b>Total Unclassified</b>	<b>\$ 417,262</b>	<b>\$ (64,236)</b>	<b>\$ 1,010,000</b>
<b>TOWN GOVERNMENT SUBTOTAL</b>				
<b>Account 1-10</b>		<b>\$ 25,192,487</b>	<b>\$ 26,949,809</b>	<b>\$ 28,492,894</b>

<b>Joint (Town - CPS)</b>				
<b>\$20,168,372 is 41.4% of Total</b>				
12	A. Group Insurance	\$ 5,966,069	\$ 6,383,694	\$ 6,639,042
	B. OPEB	1,697,850	1,500,000	\$0
	C. Property/Liability	288,750	300,000	315,000
	<b>Insurance Subtotal</b>	<b>7,952,669</b>	<b>8,183,694</b>	<b>6,954,042</b>
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	91,283	110,000	120,000
	B. Workers' Comp.	118,717	110,500	133,575
	<b>Subtotal</b>	<b>210,000</b>	<b>220,500</b>	<b>253,575</b>
14A	Retirement	3,965,861	4,064,734	3,412,844
14B	Retirement, Pension Reserve			\$1,338,816
15	Social Security and Medicare	837,819	866,864	910,207
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,432,575	3,187,205	3,424,300
	CPS Principal and Interest	747,151	811,807	743,070
	<b>Subtotal</b>	<b>4,179,726</b>	<b>3,999,012</b>	<b>4,167,370</b>
	Interest on Notes			
	Other Debt Expense	9,581		
	<b>Subtotal Within Levy Limit</b>	<b>4,189,307</b>	<b>3,999,012</b>	<b>4,167,370</b>
	B. Excluded Debt			
	Town Principal and Interest	99,794	343,794	335,044
	CPS Principal and Interest	3,128,228	3,032,073	2,915,095
	Less: Use of Stabilization Funds			
	<b>Subtotal Excluded Debt</b>	<b>3,228,021</b>	<b>3,375,867</b>	<b>3,250,139</b>
	<b>Total Debt Service</b>	<b>7,417,328</b>	<b>7,374,879</b>	<b>7,417,509</b>
	<b>Total Joint (Town - CPS)</b>	<b>\$ 20,383,677</b>	<b>\$ 20,710,671</b>	<b>\$ 20,286,993</b>
	<b>Total Appropriation</b>	<b>\$ 45,576,164</b>	<b>\$ 47,660,480</b>	<b>\$ 48,779,887</b>

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;

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;

That the appropriation for Salary Reserve under Line Item 10 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established effective July 1, 2021 and thereafter pursuant to the salary schedules adopted under Article 6, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfer shall be reported periodically by the Town Manager to the Select Board and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year; and

That the Town authorize the funds to be expended from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust due and payable during FY2022:

<b>Amount</b>	<b>Loan Number</b>	<b>Original Loan</b>	<b>Date of Issue</b>	<b>Final Maturity</b>	<b>Town Authorization</b>
\$ 33,275.00	T5-05-1243-D	\$ 665,490	10/24/19	FY40	Art. 42 (2009)
\$ 29,839.00	T5-05-1243-A	\$ 296,830	06/13/12	FY23	Art. 50 (2004)
\$ 32,471.00	T5-05-1243-B	\$ 324,715	05/22/13	FY23	Art. 42 (2009)
\$ 19,745.70	T5-05-1243-C	\$ 197,457	01/07/15	FY25	Art. 42 (2009)

or take any other action relative thereto.

Upon a MOTION made by Ms. Escobedo and duly seconded, the following was VOTED:

that:

- the Town raise and appropriate the sum of \$44,537,571,
- transfer \$229,038 from the Cemetery Fund,
- transfer \$257,606 from the Sewer Fund,
- transfer \$710,034 from the Water Fund,
- transfer \$582,347 from the Light Fund,
- transfer \$137,908 from the Solid Waste Fund,
- transfer \$28,875 from the Telecom Fund,
- transfer \$88,150 from the Emergency Services Stabilization Fund,
- transfer \$1,978 from PEG Access Fund,
- transfer \$1,338,816 from the Pension Reserve Fund, and
- transfer \$867,564 from Article 10 of the 2020 Annual Town Meeting (FY21 Budget),

for a total appropriation under Article 10 of \$48,779,887, as printed in the Warrant, as Fiscal 2022 Budget, Items 1 – 16, for the necessary and expedient purposes of the Town for the Fiscal Year ending June 30, 2022, 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;
- transfer \$3,500 from Transportation Network Fees for public transportation related projects; and
- appropriate \$115,331 from the Title 5 Septic Loan Betterment Reserve Account to meet the loan payments to the Massachusetts Clean Water Trust as detailed in the chart due and payable during the fiscal year ending June 30, 2022;

<b>Amount</b>	<b>Loan Number</b>	<b>Original Loan</b>	<b>Date of Issue</b>	<b>Final Maturity</b>	<b>Town Authorization</b>
\$ 33,275.00	T5-05-1243-D	\$ 665,490	10/24/19	FY40	Art. 42 (2009)
\$ 29,839.00	T5-05-1243-A	\$ 296,830	06/13/12	FY23	Art. 50 (2004)
\$ 32,471.00	T5-05-1243-B	\$ 324,715	05/22/13	FY23	Art. 42 (2009)
\$ 19,745.70	T5-05-1243-C	\$ 197,457	01/07/15	FY25	Art. 42 (2009)

and, that the appropriation for Salary Reserve under Line Item 10 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established effective July 1, 2021 and thereafter pursuant to the salary schedules adopted under Article 6, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfer shall be reported periodically by the Town Manager to the Select Board and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year.

and 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.

**ARTICLE 13. CAPITAL IMPROVEMENT AND DEBT PLAN**

Upon a MOTION made by Ms. Escobedo and duly seconded, it was VOTED unanimously that the Town raise and appropriate the sum of \$800,000, transfer the sums of \$182,000 from Article 31 of the 2014 Annual Town Meeting, \$39,744 from Article 27 of the 2012 Annual Town Meeting, and \$52,135 from Article 34 of the 2014 Annual Town Meeting, all representing unexpended bond proceeds remaining in these authorizations, 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 Mass. Gen. Laws c. 44, § 7 or § 8, or any other enabling authority, the sum of \$5,100,000 for a total appropriation of \$6,173,879 to fund the FY22 Capital Improvement and Debt Plan, as shown in the table below, said funds to be expended under the direction of the Town Manager,



## FY22 Capital Improvement and Debt Plan

Item No.	Item Description	Department	Division	Cash	Debt	Transfer	Total
1C	Technology Upgrades	Gen. Govt	Information Technology	\$ 300,000	\$ -	\$ -	\$ 300,000
1F	ADA Compliance	Gen. Govt	Facilities	\$ 50,000	\$ -	\$ -	\$ 50,000
1H	Town Electric Vehicle Infrastructure	Gen. Govt	Resource Sustainability	\$ 100,000	\$ -	\$ -	\$ 100,000
4A	Vehicle Replacement	D/LPM	Planning	\$ 25,000	\$ -	\$ -	\$ 25,000
6A	Vehicles & Equipment	Public Safety	Police	\$ 140,000	\$ -	\$ -	\$ 140,000
6D	Vehicles & Equipment	Public Safety	Fire	\$ 80,000	\$ -	\$ -	\$ 80,000
7B	System Improvements	CPW	Engineering	\$ 55,000	\$ -	\$ -	\$ 55,000
7C	Highway Improvements	CPW	Highway Maintenance	\$ 7,500	\$ -	\$ -	\$ 7,500
7E	Park Improvements	CPW	Park & Trees	\$ 42,500	\$ -	\$ -	\$ 42,500
1	Municipal Building Improvements	Gen. Govt	Facilities	\$ -	\$ 195,000	\$ -	\$ 195,000
3	Municipal Building Improvements, HWCC	Gen. Govt	Facilities	\$ -	\$ -	\$ 182,000	\$ 182,000
4	Park Improvements, Emerson Pool	Gen. Govt	Parks & Playgrounds	\$ -	\$ -	\$ 91,879	\$ 91,879
6	Park Improvements, White Pond	Gen. Govt	Parks & Playgrounds	\$ -	\$ 500,000	\$ -	\$ 500,000
9	Ralph Waldo Emerson Historic Home/ Museum	DP/LM	Planning	\$ -	\$ 325,000	\$ -	\$ 325,000
10	Park Improvements, Warner's Pond	DP/LM	Conservation	\$ -	\$ 1,250,000	\$ -	\$ 1,250,000
11	Ladder #1 Refurbishment (2012)	Public Safety	Fire	\$ -	\$ 250,000	\$ -	\$ 250,000
12	Self Contained Breathing Apparatus	Public Safety	Fire	\$ -	\$ 350,000	\$ -	\$ 350,000
13	Road and Parking Lot Reconstruction, inc. drainage & sidewalks	CPW	Engineering	\$ -	\$ 1,750,000	\$ -	\$ 1,750,000
14/15	Heavy Equipment	CPW	Highway	\$ -	\$ 480,000	\$ -	\$ 480,000
<b>totals:</b>				<b>\$ 800,000</b>	<b>\$ 5,100,000</b>	<b>\$ 273,879</b>	<b>\$ 6,173,879</b>

### ARTICLE 17. APPROPRIATE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT

Upon a MOTION made by Ms. Escobedo and duly seconded, it was VOTED by a clear majority that the Town transfer from the Certified Free Cash Balance as of June 30, 2021 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.

### ARTICLE 28. CONCORD PUBLIC SCHOOLS BUDGET

Upon a MOTION made by Mr. Booth and duly seconded, it was VOTED unanimously that the that the Town raise and appropriate the sum of \$41,708,424 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2022 and that the same be expended only for such purposes and under the direction of the Concord School Committee.

### ARTICLE 29. CONCORD PUBLIC SCHOOLS CAPITAL BUDGET

Upon a MOTION made by Mr. Booth and duly seconded, it was VOTED by a near unanimous and more than two-thirds majority that the Town appropriate the sum of \$900,000 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 \$900,000 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 29 shall be reduced by the amount of any such premium so applied.

**ARTICLE 30. CONCORD-CARLISLE  
REGIONAL HIGH SCHOOL**

Upon a MOTION made by Ms. Bout and duly seconded, it was VOTED by a clear majority that the Town raise and appropriate a sum of \$24,376,779 as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2022, and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

**ARTICLE 31. HOME RULE LEGISLATION AND  
BYLAW AMENDMENT REGULATION OF  
FOSSIL FUEL INFRASTRUCTURE**

Upon a MOTION made by Ms. Escobedo and duly seconded, it was VOTED by well more than a majority that the Town take affirmative action on Article 31 as printed in the Warrant.

ARTICLE 31. To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below to establish the Town's authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions approved by Concord voters in Article 51 of the 2017 Town Meeting, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that are within the scope of the general objectives of the petition:

**AN ACT AUTHORIZING THE  
TOWN OF CONCORD  
TO ADOPT AND ENFORCE LOCAL  
REGULATIONS RESTRICTING  
NEW FOSSIL FUEL INFRASTRUCTURE IN  
CERTAIN CONSTRUCTION**

SECTION 1. Notwithstanding chapter 40A, section 13 of chapter 142 of the General Laws, chapter 164 of the General Laws, the State Building Code, the Fuel or Gas Code, or any other general or special law or regulation to the contrary, the Town of Concord is hereby authorized to adopt and further amend general or zoning by-laws that restrict new construction projects that do not qualify as fossil-fuel-free.

SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other general or special law or regulation to the contrary, the Building Inspector of the Town of Concord, or their designee, shall be authorized to enforce restrictions on new building construction and major renovation projects that do not qualify as fossil-fuel-free, including through the withholding of building permits.

SECTION 3. As used in this act, the term "fossil-fuel-free" shall refer to construction that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of its operation after construction.

SECTION 4. This act shall take effect upon its passage. Any bylaw approved by Concord Town Meeting that is consistent with Sections 1 through 3 of this act, including, without limitation, a bylaw adopted by the 2021 Concord Annual Town Meeting by affirmative vote on Article 31 thereof, is hereby ratified.

SECTION 5. If any provision or section of this act is invalidated, the remainder shall survive in full force and effect.

And further, to determine whether the Town will vote to establish a new general bylaw prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new construction projects in Concord, and to set forth the terms and scope of such prohibition, including exemptions or waivers thereto, as set forth below:

**PROHIBITION ON THE EXPANSION OF  
FOSSIL FUEL INFRASTRUCTURE FOR NEW  
CONSTRUCTION**

**1. Purpose**

This Bylaw is adopted by the Town of Concord to protect the health, safety and welfare of the inhabitants of the Town from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change, and from fuel leaks and explosions that threaten the Town and its inhabitants.



## 2. Definitions

For the purposes of this bylaw, the following definitions shall apply:

“Building” shall have the same meaning as set forth in Section 1.3.4 of the Concord Zoning Bylaw, provided that the pertinent structure is or will be furnished with a heating or hot water system.

“Effective Date” shall mean December 1, 2022, or six months following the date by which the Town is authorized by the Massachusetts General Court to regulate fossil fuel infrastructure, whichever is later.

“New Building” shall mean any new construction that will require heating or cooling and that is associated with a valid building permit application on or after the effective date of this bylaw, including but not limited to, construction (a) on a vacant lot, (b) to replace a demolished building, or (c) of a new accessory building constructed on an existing residential or commercial property.

“On-Site Fossil Fuel Infrastructure” shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalent that is in a building, in connection with a building, or otherwise within the property lines of premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of gas meter).

## 3. Applicability and Exemptions

3.1. On and after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter.

3.2. The provisions of this bylaw shall not apply to (i) the development of new affordable housing, as defined in Mass. Gen. Laws c. 184, § 26; (ii) to cooking stoves and ovens used in restaurants or commercial kitchens; (iii) any fossil fuel infrastructure the exclusive purpose of which is to fuel backup electrical generators; (iv) public utilities, their operations, or installations other than in the Buildings constructed by others.

3.3. The requirements of this article shall not apply to the piping required to produce potable or domestic hot water from centralized hot water systems in buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil-fuel hot water system.

## 4. Administration

### 4.1. Enforcement

The Building and Inspections Department is hereby authorized to enforce the provisions of this bylaw.

### 5.2 Appeal

Any applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals within 20 days from the date of denial.

## 6. Severability

Each provision of this bylaw shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

or take any other action relative thereto.

## ARTICLE 33. DEMOLITION REVIEW BYLAW AMENDMENT

Upon a MOTION made by Ms. Saalfield and duly seconded, it was VOTED by a clear majority that the Town take affirmative action on Article 33 as printed in the Warrant.

Article 33 Warrant Article

To determine whether the Town will vote to amend Sections 2.7, 2.9, 3.1, 3.2, 3.5, and 6.1 of the **Demolition Review Bylaw** so that the following

Sections read as follows (*changes are shown in bold italics and strikeout for emphasis only*), or take any action relative thereto:

- 2.7 “Historically Significant Building or Structure”: Any building or structure which is in ~~whole or in part built before 1941 and:~~
- (1) is listed on or within an area listed on the National Register of Historic Places, or listed on or is within an area listed on the State Register of Historic Places; **or,**
  - (2) is included in Concord’s Survey of Historical and Architectural Resources.; or,
  - (3) ***has been determined by the CHC or its designee to be a historically significant building after a finding that it is:***
    - a) ***associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Concord, the Commonwealth of Massachusetts or the United States of America; or,***
    - b) ***historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or,***
    - c) ***located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and is similar to the buildings or structures located in such district in its architecture or historic uses or otherwise contributes to the historic landscape of such district.***

2.9 “One Year Delay period” - the 12-month period dating from the ~~submission of an application for demolition review~~ ***determination by the CHC that the building or structure is Preferably Preserved.***

### **Section 3. Procedure**

3.1 No demolition permit for a building or structure which is in whole or in part ~~built before 1941~~ ***fifty (50) years or older*** shall be issued by the Building Commissioner except in conformity with the provisions of this bylaw, as well as with any other applicable law, statute, bylaw or regulation.

3.2 If any applicant, or the owner of the building or structure if different from the applicant, seeks to

demolish a building or structure which is in whole or in part built before 1941 fifty (50) years or older, the owner of the building or structure shall file a Demolition Review Application with the CHC for a determination as to whether the building or structure is Historically Significant. The Application shall include the following information: (1) a plot plan of the property showing the structure(s) proposed to be demolished; (2) photographs of all existing façade elevations of the building or structure to be demolished; and, (3) a description of the proposed plans for demolition and the reason(s) therefore. The date that the CHC receives all of the above information shall be stamped on the information received and shall be considered the submission date.

- 3.5 Upon a determination that the building or structure which is the subject of an application for a demolition permit is Preferably Preserved, the CHC shall give written notice of the determination to the Building Commissioner and to the owner/applicant for the demolition permit. For any property determined to be Preferably Preserved:
- (1) No demolition permit shall be issued for the total demolition of a building or structure found Preferably Preserved until one (1) year after the ~~submission of an application for demolition review~~ ***determination that such building or structure is Preferably Preserved.*** The CHC has the authority to waive all or part of the One Year Delay period if the applicant for the Demolition Permit: (a) has made bona fide, reasonable and unsuccessful efforts to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; and/or, (b) has agreed to accept a demolition permit on conditions specified by the CHC.
  - (2) Once the One Year Delay is waived or expired, the applicant shall have two (2) years from the date of the expiration of the delay in which to act upon a demolition permit. No demolition permit shall be issued for the same building or structure after the expiration of this two (2) year period without a new Demolition Review.

### **Section 6. Enforcement and Remedies**

6.1 The CHC and/or the Building Commissioner are authorized to request that the Town Manager,

with the approval of the Select Board, institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

#### ARTICLE 38. ZONING BYLAW AMENDMENT – TWO-FAMILY OR ADDITIONAL DWELLING UNIT

Upon a MOTION made by Mr. Bosdet and duly seconded, it was VOTED by a two-thirds majority that the Town take affirmative action on Article 38 as printed in the Warrant.

##### Article 38 Warrant Article

To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.2.1 Two-family or additional dwelling unit** to add a new paragraph so that the Section reads as follows (*changes are shown in bold italics for emphasis only*), or take any other action relative thereto:

##### 4.2.2 Two-family or additional dwelling unit:

4.2.2.1 The Board may grant a special permit for the alteration and use of a building existing at the time its lot is placed in a single residence district for not more than two (2) dwelling units, provided the gross floor area, excluding basements, open or screened porches, and decks, of any additions shall not exceed in all one-fifth of the gross floor area, excluding basements, open or screened porches, and decks, of the existing building. Any additions to create an additional dwelling unit pursuant to this section shall be integral to and part of the existing building, without use of a tunnel or pergola, and share a common wall or floor with the existing building.

*In the Residence C Zoning District, the Board may grant a special permit for the construction of a new two-family dwelling or alteration of an existing single-family dwelling into a two-family dwelling. The dwelling units or any additions to create an additional dwelling unit in an existing single-family dwelling shall share a common wall or floor, without use of a tunnel or pergola. The Board may grant a special permit to allow fewer than the required*

*amount of parking spaces if the Board finds that the proposed two-family dwelling is in harmony with the general purpose and intent of this section and that the reduction in the required amount of parking will not be detrimental or injurious to the neighborhood in which it is located.*

#### ARTICLE 39. ZONING BYLAW AMENDMENT – EARTH REMOVAL BYLAW

Upon a MOTION made by Mr. Bosdet and duly seconded, it was VOTED by more than a two-thirds majority that the Town take affirmative action on Article 39 as printed in the Warrant.

##### Article 39 Warrant Article

To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.5 Earth Removal** so that the Section reads as follows (*changes are shown in bold italics and strikeout for emphasis only*), or take any other action relative thereto:

##### 7.5 Earth Removal and Fill

7.5.1 ~~Generally~~ *The purpose of this Section is to protect the health, safety and welfare of the public by regulating the removal from or filling of earth.* The removal *or filling* ~~from any property not in public use of soil, loam, peat, sand, gravel or stone (herein, "earth")~~ *from or into any property not in public use* is prohibited in all districts, except when incidental to and in connection with the construction of a building or street or other activity authorized by this Bylaw. No earth removal *or filling* permit shall be required for moving earth within the limits of a lot or contiguous lots in the same ownership, provided that no such moving shall take place across or within a street.

*For the purpose of this Section, the following definitions shall apply:*

7.5.1.1 *Dust: Finely divided solid matter.*

7.5.1.2 *Noise: Sound of sufficient intensity and/or duration as to:*

- (a) *cause a nuisance; or*
- (b) *be injurious, or be on the basis of current information, potentially injurious to human or*

*animal life, to vegetation, or to property; or*  
(c) *unreasonably interfere with the quiet enjoyment of life and property or the conduct of business.*

**7.5.1.3 Odor:** *That property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.*

**7.5.1.4 Sound:** *That phenomenon of alternative increases and decreases in the pressure of the atmosphere, caused by radiations having a frequency range of from 20 to 20,000 cycles per second, that elicits a physiologic response by the human sense of hearing.*

**7.5.1.5 Steep Slope:** *Slopes natural and unaltered greater than or equal to twenty percent (20) over a horizontal distance of 100 feet, as measured perpendicular to the contour line as prescribed herein. For lots lacking a horizontal distance of 100 feet, the slope is calculated as an elevation change across a horizontal distance of 50 feet as measured perpendicular to the contour line.*

**7.5.1.6 Washout:** *the washing away of soil, earth, rocks, etc. by a strong flow of water.*

7.5.2 Removal *or filling* of earth permitted without review by the Board. Under the following conditions the removal of *or filling of* not more than one thousand (1,000) cubic yards of earth shall be permitted, provided that the Chief of Police has approved the days of operation, the trucking route and type of vehicle to be used on any street for removal or filling of earth and provided further that, at least forty-eight (48) hours prior to any removal or filling, the Building Inspector has been given written notification of the volume of earth to be removed *from or brought into the property*, the approval of the Chief of Police and a notice of approval by one or more of the following procedures as applicable:

7.5.2.1 Building Permit: Removal *or filling* by building permit when such removal *or filling* is at the site of, incidental to and in connection with the excavation and grading necessary for the construction of a principal or accessory use permitted by this Bylaw;

7.5.2.2 Subdivision: Removal *or filling* by approval of a definitive plan under the Subdivision Control Law when such removal *or filling* is necessary to construct an approved street or definitive subdivision; and

7.5.2.3 Wetlands Protection Act and the Town's Wetlands Bylaw: Removal *or filling* pursuant to an order of conditions issued under the Wetlands Protection Act (G.L. c. 131 sec.40) and the Town's Wetlands Bylaw when such removal *or filling* is incidental to a use permitted without review by the Board in the Flood Plain Conservancy District.

7.5.3 Removal *or filling* of earth subject to Bboard approval. The removal *or filling* of earth in excess of one thousand (1,000) cubic yards may be permitted by the Board after notice and a public hearing if the Board finds that:

7.5.3.1 The volume proposed for removal *or filling* does not exceed the minimum practical removal *or filling* required to accomplish the construction, development, or improvement in accordance with the plans therefor;

7.5.3.2 The plans submitted in connection with the removal *or filling meet the purpose of the Bylaw under Section 7.5.1 and* are designed: ~~to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and:~~

- (a) *To minimize changes to existing contours, the natural landscape, natural drainage patterns, habitats and habitat connections;*
- (b) *To create a sustainable design in accordance with the Town's Climate Action & Resilience Plan;*
- (c) *To prevent excessive dust, odor, washouts, noise and traffic;*
- (d) *To prevent any hazardous conditions;*
- (e) *To protect surface and ground water, and;*
- (f) *To protect and maintain steep slopes.*

7.5.3.3 Effecting the removal *or filling* will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.



#### 7.5.4 Procedure for review by the Board.

7.5.4.1 Any person who desires to remove *or fill* in excess of one thousand (1,000) cubic yards of earth shall submit a written application for a special permit to the Board. Each such application shall be accompanied by plans and specifications prepared by a registered professional engineer or registered land surveyor as follows:

(a) A plan of the area from which removal *or filling* is proposed and a strip one hundred (100) feet wide surrounding said area, showing all manmade features, lot lines, zoning boundaries, vegetative cover, soil characteristics and existing topography;

(b) A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation;

(c) The estimated quantity of materials to be removed and topsoil to be stripped and replaced *or fill to be brought into the property*, together with a detailed statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal *or filling* of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond; and

(d) *An alternatives analysis and site plan describing alternatives to the location and size of the earth removal or filling operation that would:*

- i. Minimize the amount of earth removed or filled;*
- ii. Minimize the area of land disrupted; or*
- iii. Reduce the length of time for the earth removal operation or the number of vehicle trips required for such operation or the number of vehicle trips required for such operation.*

*The alternatives analysis shall also include a discussion of the advantages and disadvantages of the preferred alternative over other alternatives, and should include a cost comparison and list of environmental benefits of each alternative. The Town Engineer or Board's Outside Consultant shall review the analysis, after which the Board shall have the right to require that additional alternatives be considered and evaluated.*

(ed) Such additional information as the Board may determine.

7.5.4.2 If a special permit is granted, the Board shall impose limitations on the time and the extent of the permitted removal *or filling* and such other appropriate conditions, limitations and safeguards as the Board deems necessary for the protection of the neighborhood and of the public health, safety, convenience and welfare of the Town and may condition the continuance of the permit upon compliance with regulations of the Board then in force or thereafter adopted. The Board shall require sufficient security, including necessary covenants, to insure compliance with the terms, conditions, and limitations of the earth removal *or filling* permit.

#### **ARTICLE 40. CITIZEN PETITION: NEONICOTINOIDS PROHIBITION ON NEW LEASES OF TOWN LAND**

Upon a MOTION made by Mr. Hanson and duly seconded, the following was VOTED by a clear majority that the Town take affirmative action on Article 40 as printed in the Warrant.

To determine whether the Town will vote to ensure that any new leases or license agreements (not including renewals) entered into by the Town for agricultural or retail use on Town-owned land will prohibit the use of neonicotinoids, including neonicotinoid-coated seed, or take any other action relative thereto.

#### **ARTICLE 41. CITIZEN PETITION: FIBER/ BROADBAND STUDY COMMITTEE**

Upon a MOTION made by Ms. Hire and duly seconded, it was VOTED by a majority that the Town take affirmative action on Article 41 as printed in the Town Meeting Materials, with changes in the language of the article as printed in the Warrant highlighted:

“To determine whether The Town will vote to urge the Town Manager to increase the availability of municipal fiber optic telecommunications service. To assist in this task, the ~~Town Manager~~ Select Board shall appoint a Fiber Broadband Completion Committee with the following charge: Study and recommend appropriate solutions, including possible funding, for,  
(a) expediting the installation of fiber-optic

telecommunications utility service on the remaining 5% of Town ~~property~~ streets that lacks such service;

(b) exploring barriers to Concord Light Broadband subscription growth; and

(c) investigating opportunities for expanding fiber-to-the-home and to fiber-to-the-business.

The Committee shall write a Report with findings and recommendations to the Town Manager and the Select Board by a date no later than one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting.

The Committee shall be comprised of no fewer than 5 and no more than 7 members, including: one member of the Concord Municipal Light Board, chosen by the Light Board; one member qualified to represent the business consumers of fiber-based utility services; one member qualified to represent the real estate community; and at least two additional at-large members chosen by the ~~Town Manager~~ Select Board. The Committee shall elect its own chair and clerk. The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services via the Town's fiber optic network.

~~Or take any other action relative thereto."~~

Having no further business to take up, a motion it was voted to adjourn and dissolve the 2021 Annual Town Meeting at 3:35 pm on June 13, 2021.