

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN MEETING 2006**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, as aforesaid, to meet at the Concord-Carlisle Regional High School on Walden Street, in said town, on Monday, the twenty-fourth day of April next, at seven o'clock in the evening, then and there to act upon the following articles:

CHOOSE TOWN OFFICERS

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

HEAR REPORTS

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

MEETING PROCEDURE

ARTICLE 3. To determine whether the Town will adopt a rule of the meeting governing requirements on motions and amendments to motions made at this meeting under articles concerned with expenditures, in order to assure compliance with the requirements of Chapter 59, Section 21C of the Massachusetts General Laws and Acts and amendments thereof or additions thereto (generally referred to as "Proposition 2 ½"), or take any other action relative thereto.

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

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

SECRET BALLOT VOTING PROCEDURE

ARTICLE 4. To determine whether the Town will vote to establish a rule for the 2006 Town Meeting which will permit less than a majority of those present to require that a matter shall be voted on by secret ballot, or take any other action relative thereto.

Board of Selectmen recommends affirmative action, 100 voters

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 5. To determine whether the Town will vote to ratify the Personnel Board's actions to amend the Classification and Compensation Plans as follows:

1. Add the classification title of "COA Program Supervisor" to Grade Number MP-1 of the Compensation Plan for Managerial-Professional employees, effective July 27, 2005.
2. Add the classification title of "Telecommunications Coordinator" to Grade Number MP-7 of the Compensation Plan for Managerial-Professional employees, effective July 27, 2005.
3. Move the classification title of "Water/Sewer Superintendent" from Grade Number MP-10 to Grade Number MP-11 of the Compensation Plan for Managerial-Professional employees, effective December 29, 2005.

4. Move the classification title of "Assistant Town Manager" from Grade Number MP-12 to Grade Number MP-13 of the Compensation Plan for Managerial-Professional employees, effective December 29, 2005.
5. Add the classification title of "Assistant Aquatics Coordinator" to Grade Number MP-1 of the Compensation Plan for Managerial-Professional employees, effective March 15, 2006.
6. Add the classification title of "Aquatics Coordinator" to Grade Number MP-5 of the Compensation Plan for Managerial-Professional employees, effective March 15, 2006.
7. Move the classification title of "Fitness Coordinator" from Grade Number MP-3 to Grade Number MP-5 of the Compensation Plan for Managerial-Professional employees, effective March 15, 2006.
8. Remove the classification title of "Program Coordinator" from Grade Number MP-4 of the Compensation Plan for Managerial-Professional employees, effective March 15, 2006.
9. Move the classification title of "Assistant Recreation Administrator" from Grade Number MP-6 to Grade Number MP-7 of the Compensation Plan for Managerial-Professional employees, effective March 15, 2006.
10. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 3, 2006 and April 24, 2006.

or take any other action relative thereto.

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

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

CLASSIFICATION & COMPENSATION PLAN FOR ADMINISTRATIVE-CLERICAL-LIBRARY AND LABORING EMPLOYEES

ARTICLE 6. To determine whether the Town will vote to amend the Classification and Compensation plans for Administrative-Clerical-Library and Laboring employees by adopting the following schedules to become effective July 1, 2006, or take any other action relative thereto:

Articles 6 & 7 request approval to amend the Classification and Compensation Plans for employees covered by the Personnel Bylaw by adopting the titles groupings and salary ranges printed in the Warrant. Effectively these Plans keep our salaries competitive in the employment market maintain internal equity of salary ranges maintain comparability with salaries of unionized employees and keep pace with changes in the cost of living. To meet these goals it is important to make annual adjustments to the Plans (as recommended this year) and to review the Plans as a whole every five to ten years which is a project that will soon be undertaken again. These Articles do not control the amount of the actual salary increases to be received by employees in FY06. The Town Manager and Personnel Board set actual salary increase amounts after Town Meeting based upon the approved budget.

CLASSIFICATION AND COMPENSATION PLANS

Effective July 1, 2006

ADMINISTRATIVE-CLERICAL-LIBRARY

• hourly rates controlling •

<u>Grade Number & Class Title</u>		Minimum	Mid-Point	Maximum
ACL-1 Clerk	Hourly	12.68	14.71	16.74
ACL-2 Library Assistant	Hourly	13.42	15.57	17.72
ACL-3 Account Clerk Circulation Assistant Department Clerk Registration Coordinator Utility Account Clerk	Hourly	15.05	17.46	19.86
ACL-4 Administrative Aide Collections Assistant Senior Account Clerk Senior Department Clerk Senior Library Assistant Treasury Assistant	Hourly	15.95	18.50	21.05
ACL-5 Administrative Assistant Branch Library Assistant CAD Operator Field Lister Retirement Assistant	Hourly	16.92	19.63	22.33
ACL-6 Administrative Assistant/Sr. Circulation Assistant Assistant Town Clerk Technical Services Assistant	Hourly	17.92	20.79	23.66
ACL-7 Senior Administrative Assistant	Hourly	18.47	21.43	24.38
ACL-8 Executive Assistant to the Town Manager	Hourly	20.13	23.35	26.57

CLASSIFICATION AND COMPENSATION PLANS

Effective July 1, 2006

LABORERS

• hourly rates controlling •

Grade Number & Class Title		Minimum	Mid-Point	Maximum
LA-1 Building Custodian Laborer/Truck Driver	Hourly	13.37	15.51	17.65
LA-2 Meter Reader Building Maintenance Custodian	Hourly	15.45	17.93	20.40
LA-3 Cemetery Specialist Equipment Operator Line Worker, Grade 3 Meter Technician Park & Tree Specialist Water/Sewer System Maintainer	Hourly	16.23	18.83	21.42
LA-4 Mechanic Senior Park & Tree Specialist Treatment Systems Operator	Hourly	17.05	19.78	22.50
LA-5 Crew Leader Master Mechanic	Hourly	18.78	21.79	24.79
LA-6 Cemetery Supervisor Utility Electrician Line Worker, Grade 2	Hourly	20.30	23.55	26.79
LA-7 Fleet Supervisor	Hourly	21.71	25.19	28.66
LA-8 Line Worker, Grade 1 Public Works Supervisor	Hourly	23.54	27.31	31.07
LA-9 Lead Line Worker	Hourly	25.88	30.02	34.16
LA-10 Line Supervisor	Hourly	28.23	32.75	37.26

Finance Committee recommends affirmative action

Board of Selectmen recommends affirmative action

CLASSIFICATION & COMPENSATION PLAN FOR MANAGERIAL AND PROFESSIONAL EMPLOYEES

ARTICLE 7. To determine whether the Town will vote to amend the Classification and Compensation plan for Managerial and Professional employees by adopting the following schedule to become effective July 1, 2006, or take any other action relative thereto:

CLASSIFICATION AND COMPENSATION PLANS
Effective July 1, 2006
MANAGERIAL-PROFESSIONAL
• annual rates controlling -- 40 hour base week •

<u>Grade Number & Class Title</u>		<u>Minimum</u>	<u>Mid-Point</u>	<u>Maximum</u>
MP-1	Annual	34,761	42,583	50,404
Assistant Aquatics Coordinator				
Assistant Local Inspector				
COA Program Supervisor				
Engineering Aide				
Office Accountant				
Recreation Supervisor				
Special Collections Assistant				
Technical Services Associate				
MP-2	Annual	35,832	43,895	51,957
Budget Analyst				
Engineering Technician				
Information Systems Assistant				
Utility Software Coordinator				
MP-3	Annual	38,551	47,225	55,899
Assistant to the Natural Resources Admin.				
Circulation Supervisor				
Environmental Analyst				
Project Planner				
Public Health Inspector				
Staff Librarian				
Water Conservation Coordinator				
MP-4	Annual	40,817	50,001	59,184
Assistant Town Accountant				
Meter Supervisor				
Environmental Health Inspector				
Staff Planner				

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-5	Annual	45,883	56,207	66,530
Asst. to the Water/Sewer Superintendent				
Assistant Public Works Engineer				
Aquatics Coordinator				
Branch Librarian				
Budget & Purchasing Administrator				
Civil Engineer				
Energy Services/Communications Administrator				
Fitness Coordinator				
GIS Program Coordinator				
Management Analyst				
Supervisor of Children's Services				
MP-6	Annual	46,377	56,812	67,247
Curator				
Local Inspector				
Recycling & Disposal Program Administrator				
MP-7	Annual	48,683	59,637	70,590
Assistant CMLP Superintendent				
Assistant Recreation Administrator				
Business Administrator				
Operations Engineer				
Public Services Coordinator				
Technical Services Coordinator				
Telecommunications Coordinator				
MP-8	Annual	49,179	60,244	71,309
Assistant Treasurer/Collector				
Council on Aging Administrator				
Electrical Engineer				
Natural Resources Administrator				
Public Works Engineer				
Technology Administrator				
MP-9	Annual	53,132	65,087	77,041
Highway & Grounds Superintendent				
Police Lieutenant				
Public Health Administrator				
Recreation Administrator				
Town Clerk				

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MP-10	Annual	55,607	68,119	80,630
Building Commissioner				
Deputy Fire Chief				
Deputy Police Chief				
Human Resources Administrator				
Town Accountant				
Town Appraiser				
MP-11	Annual	58,979	72,250	85,520
Engineering & Operations Manager				
Town Engineer				
Water/Sewer Superintendent				
MP-12	Annual	66,002	80,853	95,703
Director of Planning & Land Management				
Library Director				
MP-13	Annual	72,840	89,229	105,618
Assistant Town Manager				
CMLP Superintendent				
Fire Chief				
Police Chief				
Public Works Director				
MP-14	Annual	79,577	97,482	122,508
Finance Director				

Finance Committee recommends affirmative action
Board of Selectmen recommends affirmative action

TOWN BUDGET

ARTICLE 8. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2007, or take any other action relative thereto:

SCHEDULE A OPERATING BUDGET				
Item No.	Department	Fiscal 2005 Expenditures	Fiscal 2006 Appropriation	Fiscal 2007 Proposal
GENERAL GOVERNMENT \$1,677,267 is 6.2% of Total				
1	A. Town Manager	241,491	257,523	255,478
	B. Town Wide Building Maintenance	40,000	90,000	110,000
	Total	281,491	347,523	365,478
2	Legal Services	206,700	250,000	250,000
3	A. Elections	34,569	23,113	38,208
	B. Registrars	7,960	9,530	9,450
	Total	42,529	32,643	47,658
4	Town Meeting and Reports	45,629	66,415	62,390
5	Planning & Land Mgmt.			
	A. Planning	198,493	209,279	210,293
	B. Board of Appeals	43,696	45,233	45,259
	C. Natural Resources	140,821	150,405	164,790
	D. Inspections	268,792	295,200	274,369
	E. Health	175,237	185,031	195,091
	Total Planning & Land Mgmt.	827,039	885,148	889,802
6	141 Keyes Road	57,178	58,935	61,939
	TOTAL GENERAL GOVERNMENT	\$1,460,566	\$1,640,664	\$1,677,267
FINANCE AND ADMINISTRATION \$1,534,539 is 5.7% of Total				
7	Finance Committee	1,225	1,225	1,275
8	Personnel Admin.	121,683	131,647	132,461
9	Finance Department			
	A. Administration	152,839	172,315	176,269
	B. Treasurer-Collector	202,481	210,101	206,445

Item No.	Department	Fiscal 2005 Expenditures	Fiscal 2006 Appropriation	Fiscal 2007 Proposal
	C. Town Accountant	87,004	113,873	113,885
	D. Assessors	341,666	237,388	335,435
	E. Town Clerk	163,081	172,673	173,788
	Total Finance Dept.	947,071	906,350	1,005,822
10	Information Systems	263,006	295,853	303,353
11	Town House	87,326	90,615	91,628
	TOTAL FINANCE AND ADMINISTRATION	\$1,420,311	\$1,425,690	\$1,534,539
PUBLIC SAFETY \$6,399,169 is 23.6% of Total				
12	Police Department	3,046,765	3,180,947	3,210,725
13	Fire Department	2,743,539	2,835,293	2,921,280
14	W. Concord Fire Station	81,797	36,058	60,043
15	Police/Fire Station	132,788	184,858	181,645
16	Emergency Management	7,497	8,360	8,360
17	Animal Control	15,970	16,306	17,116
	TOTAL PUBLIC SAFETY	\$6,028,356	\$6,261,822	\$6,399,169
PUBLIC WORKS AND FACILITIES \$3,054,267 is 11.3% of Total				
18	CPW Administration	125,994	139,409	133,019
19	Engineering	231,235	301,625	290,850
20	Highway Maintenance	965,548	975,947	983,337
21	Snow & Ice Removal	743,937	405,000	430,000
22	Parks & Trees	441,980	470,125	472,049
23	Cemetery	53,099	55,870	57,336
24	Street Lighting	66,367	64,780	66,700
25	CPW Equipment	230,000	249,000	258,000

Item No.	Department	Fiscal 2005 Expenditures	Fiscal 2006 Appropriation	Fiscal 2007 Proposal
26	Drainage Program	80,000	140,000	155,000
27	Sidewalk Management	80,000	80,000	90,000
28	133/135 Keyes Road	67,905	72,607	117,976
	TOTAL PUBLIC WORKS AND FACILITIES	\$3,086,065	\$2,954,363	\$3,054,267
HUMAN SERVICES \$2,091,172 is 7.7% of Total				
29	Library	1,401,457	1,490,638	1,528,540
30	Recreation Admin.	74,233	76,779	76,779
31	Hunt Recreation Center	68,612	71,391	81,838
32	The Swim & Fitness Center	0	100,000	0
33	Harvey Wheeler Community Center	80,331	99,085	118,111
34	Council on Aging	147,897	190,299	194,513
35	Transportation	-	-	-
36	Veterans	24,961	28,032	38,989
37	Ceremonies and Celebrations	20,377	22,725	22,650
38	Visitors Center Restroom	27,821	29,319	29,752
	TOTAL HUMAN SERVICES	\$1,845,671	\$2,108,268	\$2,091,172
UNCLASSIFIED \$892,000 is 3.3% of Total				
39	Town Employee Benefits			
	Unused Sick Leave at retirement	19,873	50,000	50,000
	Public Safety	2,385	4,000	4,000
	Medical Disability			
	Employee Assistance Program	6,960	8,000	8,000
	Total	29,218	62,000	62,000

Item No.	Department	Fiscal 2005 Expenditures	Fiscal 2006 Appropriation	Fiscal 2007 Proposal
40	Reserve Fund*	0	200,000	200,000
*Transfers totaling \$72,618 were made to other accounts in fiscal year 2005.				
41	Salary Reserve**	0	98,193	550,000
** Transfers totaling \$285,000 and \$301,807 were made to other accounts in Fiscal Years 2005 and 2006 (to date) respectively.				
42	Land Fund	0	0	0
43	Road Improvements	80,000	80,000	80,000
	TOTAL UNCLASSIFIED	\$109,218	\$440,193	\$892,000
JOINT (TOWN – CPS) \$11,407,677 (rev.) is 42.1% of Total				
44	Insurance			
	A. Group Insurance	2,541,368	2,820,000	<i>Revised</i> 3,195,000
	B. Property/Liability	208,504	225,000	<i>Revised</i> 225,000
	Total	2,749,872	3,045,000	3,420,000
45	Unemployment Comp.	83,348	75,000	100,000
	Workers' Compensation	55,125	100,000	100,000
	Total	138,473	175,000	200,000
46	Retirement			
	Contributory	2,164,250	2,240,000	2,307,750
	Non-Contributory	2,217	2,250	2,250
	Total	2,166,467	2,242,250	2,310,000
47	Social Security/Medicare	444,522	475,000	508,000
48	Debt Service			
	Long Term Debt:			
	Town Prin. & Int.	1,495,615	1,765,998	1,797,070
	School Prin. & Int.	889,359	771,361	795,356
	Subtotal	2,384,974	2,537,359	2,592,426
	Other Debt Expense	92,423	112,641	157,574
	Subtotal within Levy Limit	2,477,397	2,650,000	2,750,000
	Excluded Debt			
	Town	283,352	290,143	380,170
	School	1,181,478	1,818,231	<i>Revised</i> 1,839,507
	Subtotal	1,464,830	2,108,374	2,219,677
	Total Debt Service	3,942,227	4,758,374	4,969,677

TOTAL JOINT (TOWN-CPS)	\$9,441,561	\$10,695,624	\$11,407,677
TOTAL APPROPRIATION	\$23,391,748	\$25,526,624	<i>Revised</i> \$27,056,091

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

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

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

That the appropriation for salary reserve under line item 41 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2006 and thereafter pursuant to the salary schedules adopted under Articles 6 and 7, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town Manager is authorized to enter into inter-municipal agreements for joint provision of public services with one or more cities, towns, or districts pursuant to Chapter 40, Section 4A of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; and report such agreements to the Board of Selectmen and Finance Committee:

That the Town authorize the sum of \$10,852.24 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2007, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999; and

That the Town authorize the sum of \$174,755.86 to be expended from the Wastewater Management Phase 1 Betterment reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #CW-04-01 due and payable during FY07, pursuant to Article 48 of 2004 and the loan totaling \$4,190,000 executed on November 15, 2005.

The Town Budget Article provides for all General Fund (tax-supported) town operations and activities organized by Town Charter under the direction of the Town Manager. The appropriations to be presented for Town Meeting approval conform to the spending guideline set by the Finance Committee in November 2005 (revised in March 2006). The amount that will be moved is lower than the original Warrant total. Account 44A has been increased by \$145,000. Account 44B has been reduced by \$25,000. Account 48, Excluded debt service, School, has been reduced \$242,822. The net change from the original Warrant total is a reduction of \$122,822.

Finance Committee recommends affirmative action in the amount of \$27,056,091 with \$213,051 contingent on an override vote.

Board of Selectmen recommends affirmative action, in concurrence with the Finance Committee.

PUBLIC SCHOOL BUDGET

ARTICLE 9. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2007, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET				
Item No.	Department	Fiscal 2005 Adopted	Fiscal 2006 Adopted	Fiscal 2007 School Committee 12/13/05
1	Concord Public Schools Budget/Appropriation	\$23,049,709	\$24,285,000	\$25,460,285

This article provides the annual operating budget for the Concord Public Schools (K-8).

Finance Committee recommends affirmative action in the amount of \$25,460,285 with \$240,468 contingent on an override vote.

Board of Selectmen recommendation will be made at Town Meeting.

REGIONAL SCHOOL BUDGETS

ARTICLE 10. To determine whether the Town will vote to raise and appropriate money for the following necessary and expedient purposes of the Concord-Carlisle Regional School District and for the Minuteman Vocational Technical Regional School District for the fiscal year ending June 30, 2007, or take any other action relative thereto:

SCHEDULE A - CONCORD-CARLISLE REGIONAL HIGH SCHOOL AND MINUTEMAN REGIONAL HIGH SCHOOL OPERATING BUDGETS				
Item No.	Department	Fiscal 2005 Adopted	Fiscal 2006 Adopted	Fiscal 2007 School Committee 12/13/05
1	Concord-Carlisle Regional High School Budget Assessment	\$16,844,079 \$10,747,515	\$17,953,830 \$11,196,047	\$19,189,282 \$12,336,746*
*(includes \$11,858,857 assessment for operating budget and \$477,889 assessment for debt exclusion)				
Item No.	Department	Fiscal 2005 Adopted	Fiscal 2006 Adopted	Superintendent's Proposed Budget & Fiscal 2007 Assessment
2	Minuteman Regional High School Budget Assessment	15,344,339 369,890	15,699,156 431,529	16,134,497 469,277

This article provides Concord's share of the annual operating budgets for the Concord-Carlisle Regional High School and the Minuteman Regional High School. The Minuteman assessment number has been revised to \$502,317.

Item #1:

Finance Committee recommends affirmative action on an assessment of \$12,336,746 with \$204,019 contingent on an override vote.

Board of Selectmen recommendation will be made at Town Meeting.

Item #2:

Finance Committee recommends affirmative action on an assessment of \$502,317.

Board of Selectmen recommends affirmative action in concurrence with the Finance Committee.

ANNUAL SCHOOLS OPERATING OVERVIEW – (By Petition)

ARTICLE 11. To determine whether the Town will vote to request the Concord Public School Committee and the Concord-Carlisle Regional School Committee to provide the taxpayers, on an annual basis and at least 30 days prior to the annual town meeting, with an operating overview containing comprehensive information that will help the Town's voters decide how they will vote on upcoming Concord schools' operating budgets and major capital funding items. This information should include:

1) A brief statement of the Concord Schools' high-level long-term educational and cost goals, cast in terms of an ongoing set of values (metrics) that can be evaluated on a yearly basis. These metrics should be numeric indications of educational achievement and operating efficiency of the Public and Regional schools. The metrics should include comparisons with other high-achievement school systems. One metric should be Concord's cost-per-student in comparison with neighboring towns' schools of similar quality. Some other examples of possible metrics: a) SAT test results, b) percentage of students accepted by 'most-competitive' colleges or universities, c) results of MCAS testing.

2) An evaluation, using the metrics, of how well Concord's schools are currently meeting their goals for education and cost. And if there are deviations then what steps will be taken to achieve the goals. Additional comments and information may be included.

3) Projections of the long-term cost of each currently-proposed warrant article, expressed in terms of dollars added to a typical taxpayer's annual tax bill.

or take any other action relative thereto.

Article 11 (Annual Schools Operating Overview) asks the School Committee to provide Concord voters with a concise Annual Operating Summary prior to the spring cycle of Town meeting and Elections. The purpose of this information is to give voters the facts that they need to be fully-informed voters. The requested information is in two parts: Part 1 asks for condensed operating information on Educational Performance and Operating Cost. This will include comparative information with peer schools. Part 2 requests information on the expense items that will be voted on. The information should include each item's annual cost to the average taxpayer and the number of years that the item will appear on the tax bill.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommends no action.

FREE CASH USE

ARTICLE 12. To determine whether the Town will vote to authorize and direct the Assessors to take \$500,000, or any other sum, from free cash to reduce the tax levy for the fiscal year ending June 30, 2007, or take any other action relative thereto.

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

Finance Committee recommends affirmative action in the amount of \$500,000.

Board of Selectmen recommends affirmative action, in concurrence with the Finance Committee.

UNPAID BILLS

ARTICLE 13. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, monies to pay the unpaid bills of prior years, or take any other action relative thereto.

No motion is expected under this Article. If there were an unpaid bill of a prior year, state law requires that it be presented to the Town Meeting and that 90% approval be obtained to authorize payment.

PROPERTY TAX EXEMPTION

ARTICLE 14. To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, or take any other action relative thereto.

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

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

PROPERTY TAX DEFERRAL INTEREST RATE

ARTICLE 15. To determine whether the town will vote to reduce the interest rate charged on property taxes deferred by eligible seniors under General Laws Chapter 59 Section 5 as amended by chapter 136 Section 1 of the Acts of 2005, or take any other action relative thereto.

A new state law gives the Town Meeting the option to set the interest rate applicable to property tax deferral agreements at a rate lower than the present statutory 8% rate

Finance Committee recommends affirmative action at a rate of 4%.

Board of Selectmen recommends affirmative action at a rate of 4%.

TAX RELIEF OPTIONS

ARTICLE 16. To determine whether the Town will vote to authorize the Board of Selectmen to file a home rule petition to enact legislation that would provide property tax relief for Concord's senior citizens, or take other action to mitigate the impact of rising property taxes on the Town's older residents, or take any other action relative thereto.

This Article enables the Board of Selectmen to offer consideration of any legislative action on the subject of senior citizen property tax relief. The Town does not have the legal authority to make its own determinations in this matter, but can submit a petition to the state legislature. No specific action was under consideration at the public hearings.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

TAX RELIEF FOR SENIOR CITIZENS – By Petition

ARTICLE 17. To determine whether the Town will vote to accept or apply any general or special law enacted by the Great and General Court of the Commonwealth of Massachusetts since January 1, 2006 for the purpose of providing tax relief for senior citizens, or take any other action relative thereto.

Many older citizens with limited incomes in Concord and across Massachusetts are struggling under an oppressive tax burden. This article would allow the Town to vote on any tax relief measures for senior citizens passed by the State Legislature before our Town Meeting convenes, thus avoiding the expense and delay entailed in calling a special Town Meeting for the same purpose or waiting for Town Meeting in 2007.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

**RETIREMENT BOARD, LOCAL OPTION ACCEPTANCE, CHAPTER 157 OF THE ACTS OF 2005,
DISABILITY RETIREMENT BENEFITS FOR VETERANS**

ARTICLE 18. To determine whether the Town will vote to accept the provisions of Massachusetts General Laws and Acts, Chapter 32, Section 7, subdivision (2), as enacted by Chapter 157 of the Acts of 2005, and amendments thereof or additions thereto, which grants an additional yearly retirement allowance of \$15 for each year of creditable service or fraction thereof, subject to a yearly allowance maximum of \$300, to eligible veterans who retired under said section 7 on accidental disability, and to make such acceptance retroactively applied to the date of retirement for any living retiree, or take any other action relative thereto.

A new state law permits the Retirement Board and the Town Meeting to provide a benefit to certain eligible veterans who are retired due to accidental disability. The Concord Retirement Board has voted to accept this statutory provision and is recommending this action to the Town Meeting.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

LIGHT PLANT PAYMENT IN LIEU OF TAXES

ARTICLE 19. To determine whether the Town will vote to authorize a transfer of \$340,000, or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2007, or take any other action relative thereto.

This article authorizes the transfer of \$340,000 from the Operating Fund of the Light Plant to the Town as a Payment In Lieu Of Taxes or PILOT. The PILOT is equivalent to the amount an investor-owned utility with the same physical plant would pay in property taxes. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

LIGHT PLANT EXPENDITURES

ARTICLE 20. To determine whether the Town will vote that the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year together with the balance of operating cash in the Light Plant Fund, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant for said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; and/or for other plant extensions, enlargements, additions, renewals and reconstruction, or take any other action relative thereto.

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

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

ROAD REPAIR REVOLVING FUND EXPENDITURES

ARTICLE 21. To determine whether the Town will vote that the income from fees paid by applicants to the Town for permits to dig up, alter, or disturb a public way in accordance with Article 47 of the 1992 Annual Town Meeting, in an amount not to exceed \$100,000, or any other sum, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways, to be managed and expended by the Town Manager in accordance with Chapter 44, Section 53 E ½ of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, or take any other action relative thereto.

Consistent with Article 47 of the 1992 Annual Town Meeting, this Article authorizes the use up to \$100,000 of fees collected through the Town's Right-of-Way Street Permit Program to be used in FY 2006 for repairing, restoring, maintaining and inspecting the Town's public ways. This is a routine annual action, with the amount of the authorization dependent upon the available unreserved balance of the Fund at the time of the vote.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 22. 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 Article 27 of the 1989 Annual Town Meeting, as subsequently amended, or take any other action relative thereto.

Consistent with Article 27 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Solid Waste Disposal Fund and user fee revenue in fiscal year 2006 to be used to operate the Town's "pay-as-you-throw" curbside solid waste and recycling collection and disposal program. The Program consists of two major components—Curbside collection and disposal including recycling and Drop-Off Days; and the operation and maintenance of the Town's Composting Site including the former landfill. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SEWER SYSTEM EXPENDITURES

ARTICLE 23. 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 Article 37 of the 1976 Annual Town Meeting as amended, or take any other action relative thereto.

Consistent with Article 37 of the 1976 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Fund and fiscal year 2006 revenue for the operation and maintenance and improvement of the Town's sewer system. Similar to the Town's Water and Electric Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. At the present time approximately one-third of Concord's residences and many businesses/institutions are connected to the Town's municipal sewer system. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SEWER IMPROVEMENT FUND EXPENDITURES

ARTICLE 24. 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 Article 25 of the 1989 Annual Town Meeting as amended and applicable state enabling statutes, or take any other action relative thereto.

Consistent with Article 25 of the 1989 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund and fiscal year 2006 fees for constructing and expanding the Town's sewer lines and treatment facility capacities. Sewer improvement fees are charged to certain properties connecting to the sewer system or for expansion. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

WATER SYSTEM EXPENDITURES

ARTICLE 25. 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 Article 38 of the 1974 Annual Town Meeting, as subsequently amended, or take any other action relative thereto.

Consistent with Article 38 of the 1974 Annual Town Meeting, this Article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2006 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Electric Funds, the Water Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. Almost all of Concord's residences and businesses/institutions are connected to the Town's municipal water system. This is a routine annual action.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

2006 ROAD PROGRAM

ARTICLE 26. To determine whether the Town will vote to appropriate the sum of \$700,000, or any other sum, for the reconstruction or renovation of roads and streets within the town and for traffic signals, and that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen be authorized to borrow the sum of \$700,000, or any other sum, under the provisions of Chapter 44, Sections 7(5), 7(6), and/or 7(14) of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; said funds to be expended under the direction of the Town Manager; and further that the Town Manager be authorized to accept and expend state and/or county grants as may be available

for the same purpose, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow up to the amount stipulated in such grant or grants under the provisions of Chapter 44, Section 6A, of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, in anticipation of reimbursement of this amount, or take any other action relative thereto.

This Article authorizes the Treasurer to borrow \$700,000 for the repair, reconstruction or renovation of Concord's roads. Combined with expected state road aid and \$80,000 requested under Article 8, funds will be used to protect and replace Concord's 103 miles of public roads. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the levy limit.

Finance Committee recommends affirmative action in the sum of \$700,000 from borrowing.
Board of Selectmen recommends affirmative action in the sum of \$700,000 from borrowing.

COMMUNITY POOL ENTERPRISE FUND – FY2007 BUDGET ENACTMENT

ARTICLE 27. To determine whether the Town will vote to appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2006 (FY2007) for the operation of the Community Pool, in accordance with Chapter 44, section 53F ½ of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, and providing further that such revenues derived, less the expenses incurred for the operation of the pool from its opening to and including June 30, 2006 and recorded in the Recreation Revolving Fund are hereby authorized to be transferred to the Community Pool Enterprise Fund as of June 30, 2006, or take any other action with relative thereto.

This Article enacts the first operating budget for the Community Swim and Fitness Center. The facility will be self-supporting from its revenues. Because the facility is temporarily operating through the Recreation Fund, this Article also ask the Town Meeting to transfer all financial transactions to the new enterprise fund as of June 30. State law applicable to this enterprise fund, adopted by the 2005 Town Meeting, requires that a budget be enacted before the new fund could be used to account for the facility's revenues and expenditures.

Finance Committee recommends affirmative action on a budget of \$2,218,210 for FY2007 operations.
Board of Selectmen recommends affirmative action.

COMMUNITY PRESERVATION COMMITTEE – EXPENDITURE RECOMMENDATIONS

ARTICLE 28. To determine whether the Town will vote to appropriate all or a portion of expected fiscal year 2007 Community Preservation Fund revenues, and further appropriate the Community Preservation Fund account balance as of June 30, 2005, in accordance with the provisions of Chapter 44B of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, to be expended under the direction of the Town Manager as follows:

ITEM	DESCRIPTION	AMOUNT	CATEGORY
A.	Affordable Housing Committee	\$ 65,000	Housing
B.	CHA Ammendolia Housing	350,000	Housing
C.	Concord Housing Trust	236,000	Housing
D.	Emerson Umbrella	200,000	Historic Preservation
E.	Town House Sprinklers	114,000	Historic Preservation
F.	FOPAC	60,000	Historic Preservation
G.	Save Our Heritage	200,000	Historic Preservation

	Barrett's Farm House		
H.	Warner's Pond Dam	250,000	Open Space 80% Recreation 20%
I.	Emerson Playground	150,000	Recreation
J.	Bruce Freeman Rail Trail	160,000	Recreation 50% Open Space 50%
K.	Administration	30,000	
TOTAL		\$1,815,000	

or take any other action related thereto.

This article presents recommendations for Town Meeting approval to expend funds from Concord's Community Preservation Fund for community housing, historic preservation, open space and recreation. The funds raised by Concord are currently matched on a one for one basis by revenues from the state Community Preservation Trust Fund.

Finance Committee recommends affirmative action on the motion as printed in the Warrant, subject to review based on the actual motion to be made by the Community Preservation Committee.

Board of Selectmen recommends affirmative action.

WARNER'S POND DAM REHABILITATION

ARTICLE 29. To determine whether the Town will vote to raise and appropriate the sum of \$500,000 or any other sum or transfer said sum from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow money by the issuance of bonds or notes under the provisions of Chapter 44, Section 7 (7) of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; and that the sum, appropriated hereunder, which amount shall be in addition to any amount appropriated for the same project from the Community Preservation Fund pursuant to the vote of the Town passed under Article 28 by the 2006 Annual Town Meeting, shall be expended under the direction of the Town Manager for the reconstruction of the Warner's Pond Dam including embankments, spillways, piping, hydraulic controls and associated appurtenances and structures, and for other associated costs including construction oversight, engineering, permitting, testing, hydrogeologic/environmental services, mitigation enhancements, legal and other associated costs thereof, or take any other action relative thereto.

This Article provides for the funding of a project to repair the dam. It is anticipated that funds will be allocated from the Community Preservation Fund and that this article will provide the remainder of the project financing through a borrowing authorization, with debt service paid within the levy limit.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action in the amount of \$500,000 less any CPA funding.

TOWN HOUSE SPRINKLER SYSTEM

ARTICLE 30. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$230,000 , or any other sum, to be expended under the direction of the Town Manager, for the installation

of a fire protection sprinkler system in the Town House, said sum to be in addition to any amount, appropriated for the same project from the Community Preservation Fund pursuant to the vote of the Town passed under Article 28 by the 2006 Annual Town Meeting, or take any other action relative thereto.

This Article provides for the funding of a project at the Town House. It is anticipated that funds will be allocated from the Community Preservation Fund and that this article will provide the remainder of the project financing through a borrowing authorization, with debt service paid within the levy limit.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action in the amount of \$230,000 less any CPA funding.

SLEEPY HOLLOW CEMETERY LOT SALES TO FORMER CONCORD RESIDENTS

ARTICLE 31. To determine whether the Town will vote to rescind the vote of the 1883 Town Meeting restricting the sale of cemetery lots to Town residents, so as to permit the Concord Cemetery Committee to establish a regulation permitting the sale of cemetery lots to non-residents, according to rules established by the Cemetery Committee, or take any other action relative thereto.

Please note that the term, "non-residents" used in the second line of the text, should read "former residents".

This Article would rescind the Town by-law that restricts the sale of cemetery lots to current residents only. In its place, the Concord Cemetery Committee would enact a rule allowing the sale of lots to former residents of the Town under the following conditions: 1) the former resident must have resided in Concord for at least one year, 2) the former resident must be able to satisfactorily prove that residence and 3) the former resident would pay a rate for the lot sale and for perpetual care that is 50% higher than that charged current residents.

Board of Selectmen recommends affirmative action.

BURKE LAND FINANCING PLAN/SALE OF SCHOOL LAND ON STRAWBERRY HILL ROAD

ARTICLE 32. To determine whether the Town will vote to complete the transfer of the control of the parcel of land at 14A Strawberry Hill Road, assessors parcel #1986-6, said land comprised of approximately 19.3 acres, which land has been declared surplus by Concord Public Schools, to the Board of Selectmen for the purpose of sale, and to authorize the Board of Selectmen to sell said land under terms and conditions agreeable to the Board, and further, to see if the Town will vote to authorize the Town Treasurer to apply the net proceeds of such sale to retire any outstanding bonds or notes issued by the Town for the purchase of the land at 11A Old Bedford Road, up to a maximum of \$2.5 million, and to transfer any funds above that amount to a School Capital Needs Stabilization Fund, and further to see if the Town will vote to transfer the 14.5 acres of land at 11A Old Bedford Road to the care and custody of the School Committee, or take any other action relative thereto.

At the 2005 Town Meeting, the purchase of the land at 11A Old Bedford Road was authorized (Article 32 of 2005) and the Treasurer issued a one-year short-term note to finance the acquisition. The Town Meeting had requested that a plan to permanently finance this land purchase be brought to the 2006 Town Meeting, including the possible sale of other town assets.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

EASEMENT AT 11A OLD BEDFORD ROAD FOR CONCORD HOUSING TRUST

ARTICLE 33. To determine whether the Town will vote to authorize the Board of Selectmen to convey a non-exclusive easement on the property at 11A Old Bedford Road, assessors parcel #4185-2, to Concord Housing Trust, Inc. for the purpose of access to, and for utilities serving, housing to be built on the rear portion of the land at 129 Old Bedford Road as shown on the Survey entitled "Plan of Land in Concord, Massachusetts" prepared for Concord Housing Trust dated 12-19-05 - Scale: 1"=40' by Samiotes Consultants, Inc., Civil Engineers & Land Surveyors on terms acceptable to the Board of Selectmen, or take any other action relative thereto.

This Article proposes to grant an easement necessary for the development of affordable housing units.

Board of Selectmen recommendation will be made at Town Meeting.

ZONING BYLAW AMENDMENT – DEFINE AFFORDABLE HOUSING

ARTICLE 34. To determine whether the Town will vote to amend the Zoning Bylaw to add a definition of "affordable housing" to Section 1.3 as follows:

- 1.3.2 *Affordable housing:* A dwelling unit that by deed restriction is and will remain (a) for sale and sold at a selling price that will result in an annual shelter cost (which for this purpose shall include, to the extent required by the applicable federal, state or local program, real estate taxes, insurance and mortgage interest) of not more than thirty percent (30%) of the annual household income of a qualified affordable housing unit purchaser and/or (b) available for rent and rented at an annual rent (which for this purpose shall include, to the extent required by the applicable federal, state or local program, an appropriate allowance for utilities to the extent they are not otherwise included in the rent) that will result in an annual shelter cost of not more than thirty percent (30%) of a qualified affordable housing unit tenant or a dwelling unit that qualifies and that will be included in the Affordable Housing Inventory for the Town of Concord that is maintained by the Massachusetts Department of Housing and Community Development or any successor entity. A qualified affordable housing unit purchaser or a qualified affordable housing unit tenant with respect to a unit is an individual or household with total annual income which qualifies such purchaser or tenant under the appropriate provisions of the federal, state or local program applicable to the unit

And to renumber all subsequent definitions in sequence beginning with 1.3.3 Board.
or take any other action relative thereto.

This article requests Town Meeting approval to amend the Zoning Bylaw by adding a definition of "affordable housing", which is tied to the current State and Federal programs that provide subsidies for affordable housing and includes a reference to the Affordable Housing Inventory maintained by the Department of Housing and Community Development. Such a definition is needed at this time because the Planning Board is also proposing to add an affordable housing requirement to mixed-use developments that are located in the Business District and the Industrial District. Mixed-use developments have been identified as one of many "smart growth" principals that can benefit communities. Two-thirds vote of Town Meeting is required.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – REQUIRE AFFORDABLE HOUSING IN COMBINED BUSINESS/RESIDENCE USE

ARTICLE 35. To determine whether the Town will vote to amend the Zoning Bylaw to add a requirement for the provision of affordable housing in all combined business/residence uses by deleting Section 4.2.3 in its entirety and adding a new Section 4.2.3 as follows:

4.2.3 *Combined business/residence:* A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

- 4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;
- 4.2.3.2 At least ten percent of the dwelling units (and no less than one unit) are available as affordable housing;
- 4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet.
- 4.2.3.4 In a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

or take any other action relative thereto.

This article proposes to amend the Zoning Bylaw Section 4.2.3, which currently allows mixed use (commercial and residential) "as of right" in the areas of Town that are zoned for business use to add an affordable housing requirement in any future mixed use development. There are three significant areas in Town that are zoned for business use; these include Concord Center, the Thoreau St./Depot area, and West Concord. Two smaller business zoned areas are located near Damon Mill and at Nine Acre Corner. Ten percent is proposed to be required. A developer who provides more than ten percent may seek waivers from open space, parking and height requirements by a special permit from the Board of Appeals. Two-thirds vote of Town Meeting is required.

Board of Selectmen recommends affirmative action.

ZONING BYLAW AMENDMENT – REQUIRE AFFORDABLE HOUSING IN COMBINED INDUSTRIAL/BUSINESS/RESIDENCE USE

ARTICLE 36. To determine whether the Town will vote to amend the Zoning Bylaw to add a requirement for the provision of affordable housing in all combined industrial/business/residence uses by deleting Section 4.2.4 in its entirety and adding a new Section 4.2.4 as follows:

- 4.2.4 *Combined industrial/business/residence:* A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and business uses are conducted provided that:
- 4.2.4.1 Each such unit and retail store is structurally part of the industrial/business building, having common walls, foundation, roof and floor;
 - 4.2.4.2 At least ten percent of the dwelling units (and no less than one unit) are available as affordable housing;
 - 4.2.4.3 Significant open space available principally for use by the residents shall be provided on the lot (apart from any paved area), such open space to be at least twenty-five percent (25%) of the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet.
 - 4.2.4.4 In a combined industrial/business/residence building, one or more retail stores may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five percent (25%) of the gross floor area of the building.
 - 4.2.4.5 In a combined industrial/business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined industrial/business/residence development is in

harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

or take any other action relative thereto.

This article proposes to amend the Zoning Bylaw Section 4.2.4, which currently allows mixed use development (combined industrial, commercial and residential) by special permit in the areas of Town that are zoned for industrial use to add an affordable housing requirement in any future mixed use development. There are four areas in West Concord that are zoned for industrial use: Beharrell & Winthrop Streets; Bradford St.; Domino Drive/Conant St. and Pond Lane/Water Street near the Damon Mill. Ten percent of all residences developed are proposed to be required. A developer who provides more than ten percent may seek waivers from open space, parking and height requirements from the Board of Appeals through the special permit process. Two-thirds vote of Town Meeting is required.

Board of Selectmen recommends affirmative action.

ALCOTT SCHOOL CONVERSION – By Petition

ARTICLE 37. The Town Manager and Selectmen are instructed to negotiate with the School Committee and Walden Woods to convert the original Alcott School building to Senior Citizens' housing to be administered by the Concord Housing Authority.

Finance Committee recommends no action.

Board of Selectmen recommends no action.

ZONING BYLAW AMENDMENT – LAND BETWEEN OLD STOW ROAD AND POND LANE - By Petition

ARTICLE 38. To determine whether the Town will vote to amend the zoning bylaw, Section 2.2 entitled "The Zoning Map" by changing the zoning district of portions of three abutting land parcels hereinafter described from Industrial to Residence C.

The parcels of land are located between Old Stow Road and Pond Lane, Concord, Middlesex County, Massachusetts and are shown on a plan entitled "Plan of Land in Concord, Massachusetts, Middlesex County, Dated November 7, 2002, 1" = 40' by Meridian Engineering Inc. The Parcels affected are:

1. The southwesterly portion of Lot 5A shown on said plan now owned today by Peter and Tracey Belden consisting of approximately 10,475 sq. ft. of land.
2. A northeasterly portion of Lot 5B shown on said plan now owned by Millwright Corporation consisting of approximately 1, 275 sq. ft. of land.
3. A southerly portion of the railroad right of way shown on plan now or formerly owned by the Massachusetts Bay Transportation Authority consisting of approximately 3,969 sq. ft. of land.

Total land area of the aforementioned portions of land parcels is approximately 15,719 sq. ft., or take any other action relative thereto.

This article proposed to change a portion of industrial zoned land to residence C zoned land.

Board of Selectmen recommends affirmative action.

MILL DAM CULVERT REHABILITATION

ARTICLE 39. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 of the

Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$300,000, or any other sum, to be expended under the direction of the Town Manager, for the reconstruction of the Mill Dam culvert and associated appurtenances and structures located around and over the Mill Brook at Main Street in Concord Center, including construction oversight, engineering, permitting, testing, hydrogeologic/environmental services, legal and other associated costs thereof, or take any other action relative thereto.

This Article provides for the funding of a project to reconstruct the culvert under Main Street in Concord Center. This borrowing authorization is part of the Town Manager's Capital Plan and the debt service will be funded within the levy limit.

Finance Committee recommends affirmative action, \$300,000 from borrowing.

Board of Selectmen recommends affirmative action, \$300,000 from borrowing.

ADDITIONAL DEBT AUTHORIZATION FOR AIR CONDITIONING AT THOREAU SCHOOL

ARTICLE 40. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, or authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 or Chapter 70B of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$250,000, or any other sum, to be expended in addition to the \$16,800,000 appropriated therefor pursuant to the vote under Article 27 of the 2004 Town Meeting, for the purposes of capital construction, reconstruction and equipping all or portions of the new Thoreau School building, or take any other action relative thereto.

This Article proposes to make certain additional expenditures in connection with the new Thoreau School building, and seeks additional borrowing authorization for the purpose.

Finance Committee recommends affirmative action, \$350,000 from borrowing.

Board of Selectmen recommends affirmative action, \$350,000 from borrowing.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 41. To determine whether the Town will vote to raise and appropriate or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$800,000, or any other sum, for renovations, repairs, equipment, and related work at various Concord Public School facilities, or take any other action relative thereto.

This article authorized the Treasurer to borrow \$800,000 for repairs, renovations and equipment at various Concord Public School buildings. This borrowing is part of the Town Manager's Capital Plan, with the debt service cost to be funded within the Levy Limit.

Finance Committee recommends affirmative action, \$800,000 from borrowing.

Board of Selectmen recommends affirmative action, \$800,000 from borrowing

DESIGN FUNDS FOR NEW WILLARD SCHOOL

ARTICLE 42. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws as amended or any other enabling authority, the sum of \$1,840,000, or any other sum, to be expended under the direction of the Town Manager for the cost of architectural and engineering services for plans and specifications for the construction of a new Willard School; provided,

however, that no borrowing may be authorized under this article unless the Town has voted at the March 28, 2006 annual town election to exempt the amounts required to pay debt service on such borrowing from the limitations of Proposition 2 ½, or take any other action relative thereto.

This article authorizes the design of a new Willard School building. If a borrowing authorization is approved by Town Meeting (two-thirds vote required), the debt service will be exempt from the property tax levy limit, in accordance with the ballot vote of March 28, 2006.

Finance Committee recommends affirmative action, \$1,840,000 from borrowing.
Board of Selectmen recommends affirmative action, \$1,840,000 from borrowing

WILLARD SCHOOL RENOVATIONS

ARTICLE 43. To determine whether the Town will vote to raise and appropriate or transfer available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen to borrow money by the issuance of bonds or notes under provisions of Chapter 44 of the Massachusetts General Laws and Acts in amendment thereof or in addition thereto, the sum of \$1,357,500 or any other sum, for renovations, extraordinary repairs, equipment, and related work at the Willard School facility; provided that no debt hereunder shall be issued unless the amounts required to pay for the principal of and interest on the bonds and notes are voted by the Town to be exempt from the limitation of total taxes imposed by Massachusetts General Laws Ch. 59, §21C (Proposition 2-1/2), in accordance with clause (k) of said section; or take any other action relative thereto.

This article authorizes repairs and renovations to the Willard School building should Article 42 fail. If a borrowing authorization is approved by Town Meeting (two-thirds vote required), then approval will also be contingent upon majority approval at a town-wide ballot to exempt the debt service from the property tax levy limit.

Finance Committee recommends affirmative action, if there is no action on Article 42.
Board of Selectmen recommendation will be made at Town Meeting.

FY06 SUPPLEMENTAL APPROPRIATION

ARTICLE 44. To determine whether the Town will vote to transfer from available funds in the treasury, or transfer from the current year appropriations the sum of \$150,000 or any other sum, to be added to the appropriation voted under Item No. 40 Reserve Fund of Article 9 of the Warrant of the 2005 Town Meeting, for the purposes of meeting extraordinary or unforeseen expenditures in the Concord Public Schools Budget resulting from extraordinary increases in energy costs identified after development of the FY06 budget, for the fiscal year ending June 30, 2006, or take any other action relative thereto.

This article authorizes the transfer of available funds in the treasury, or transfer from the current year appropriations to be added to Article 10 of the previous year making a FY2006 amendment to the appropriation of the Concord Public Schools for extraordinary and unforeseen energy costs.

Finance Committee recommendation will be made at Town Meeting.
Board of Selectmen recommendation will be made at Town Meeting.

CCHS BUILDING IMPROVEMENTS

ARTICLE 45. To determine whether the Town will vote to approve \$1,200,000, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for the purposes of financing replacement of the intercom system(s), fire doors and associated hardware, asbestos abatement and improvements to safety systems in science laboratories, ventilation and emergency generator, lighting and other repairs and renovations to the Concord-Carlisle High School facility, provided that the amounts required to pay the town's assessable share of the bonds to be issued by the Concord-Carlisle Regional

School District are voted by the Town to be exempt from the limitation of taxes imposed by Chapter 59, Section 21C (Proposition 2 ½) of the Massachusetts General Laws and Acts and amendments thereof and additions thereto, in accordance with clause (k) of said section, or take any other action relative thereto.

This article seeks approval of the vote of the Regional School Committee to borrow funds for repairs, renovation and replacement of equipment at the high school. A simple majority vote of Town Meeting is required, as this is not the Town of Concord's debt. However, approval would be contingent upon majority approval at a town-wide ballot to exempt Concord's resulting assessment share (expected to commence in the fiscal year beginning July 1, 2007) from the property tax levy limit.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

SUPPLEMENTAL ASSESSMENT CCRSD FY06

ARTICLE 46. To determine whether the Town will vote to transfer from available funds in the treasury or from current year appropriations \$106,035, or any other sum, as a supplemental assessment for FY2006 by the Concord-Carlisle Regional School Committee for the purposes of meeting extraordinary or unforeseen costs resulting from special education and/or extraordinary increases in energy costs, or take any other action relative thereto.

This article authorizes the transfer of available funds in the treasury, or transfer from the current year appropriations to be added to the assessments of Article 11 of the previous year amending the FY2006 assessment payable to the Concord- Carlisle High School to cover extraordinary and unforeseen energy costs, and/or special education costs.

Finance Committee recommendation will be made at Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

FY06 SUPPLEMENTAL APPROPRIATION FROM LAND FUND

ARTICLE 47. To determine whether the Town will vote to appropriate the sum of \$190,000, or any other sum, to be transferred from available funds in the Land Fund, to be expended prior to June 30, 2006 for the purpose of paying all or a portion of the bond anticipation notes issued June 23, 2005, and maturing June 22, 2006, said notes issued pursuant to Article 2 of the Special Town Meeting of March 22, 2004 (Ammendolia Land acquisition), or take any other action relative thereto.

No motion will be made under this Article as Town Counsel has advised that authority to make the necessary transfer of funds is already in place by reason of the Town Meeting's actions taken at the March 2004 special town meeting.

MORATORIUM ON INSTALLATION OF SURVEILLANCE CAMERAS BY SCHOOL, REGIONAL AND TOWN DEPARTMENTS – By Petition

ARTICLE 48. To determine whether the Town will vote to adopt:

A moratorium on the installation and operation of surveillance cameras in and around Concord public schools, the Concord Carlisle Regional High School and Town owned buildings and grounds. The moratorium could be lifted for any Town, School or Regional School Department by action of a future Town Meeting when a satisfactory policy establishing standards regarding the use of such cameras is presented to and approved by Town Meeting. In approving such policies and standards, Town Meeting may retain the power to approve or disapprove specific future proposals for installations.

or take any other steps relevant thereto.

Town, School and Regional School Departments lack suitable standards, guidelines and policies for the use of surveillance cameras. This article places a moratorium on the installation of such cameras until a satisfactory policy that establishes standards for their use is presented to and approved by Town Meeting.

Board of Selectmen recommendation will be made at Town Meeting.

REMOVAL OF SURVEILLANCE CAMERAS AND EQUIPMENT AT THE CONCORD CARLISLE REGIONAL HIGH SCHOOL – By Petition

ARTICLE 49. To determine whether the Town will vote to adopt:

An order that any surveillance cameras and equipment installed at the Concord Carlisle Regional High School be removed pending action of a future Town Meeting at which a satisfactory policy establishing standards regarding the use of such cameras is submitted by the Concord Carlisle Regional School Committee and approved by Town Meeting.

or take any other steps relevant thereto.

Five surveillance cameras were installed at the Concord Carlisle Regional High School at the end of 2005 which needlessly infringe on the privacy of students and staff. The policy that authorizes their use was adopted after the decision to install these cameras had been made, presents no guidelines for the use of such cameras, and does not adequately protect the privacy rights of students and staff.

Board of Selectmen recommendation will be made at Town Meeting.

TELEVISIONING ALL CONCORD SCHOOL COMMITTEE MEETINGS – By Petition

ARTICLE 50. To determine whether the Town of Concord will vote to require all scheduled Concord Public School and Concord Carlisle Regional School District committee meetings be televised live or taped for airing on the local cable network, and further that all meeting agendas will be posted on Concord and Carlisle town web sites no later than 48 hrs. prior to a scheduled meeting, or take any other action relative thereto.

This article requires all School Committee meetings to be televised live or on tape to be on CCTV, and all agenda's to be on the Concord & Carlisle town web site 48 hours prior to all school committee meetings.

No motion is expected

WALDEN STREET POLICE/FIRE STATION RENOVATIONS DESIGN

ARTICLE 51. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$200,000, or any other sum, to be expended under the direction of the Town Manager, for the design of various renovations at the Walden Street Police/Fire Station, including HVAC, roof repairs and renovations to the Fire Department facilities, or take any other action relative thereto.

This project is to provide renovation to Fire Headquarters located at 209 Walden Street. This facility is part of a joint Public Safety Headquarters, shared with the Concord Police Department. Fire Headquarters was last renovated in 1987 for the sum of \$300,000. Since that time, there has been no large investment made other than responding to mechanical failures and minimal maintenance of the physical plant. The FY 06 Budget funded \$30,000 for architectural services to evaluate Fire Headquarters and the West Concord Fire Station and the report is pending. This request, part of the Town Manager's

capital plan, will undertake the next step in making necessary improvements to the Fire side of the Walden Street headquarters building. This is part of the Town Manager's Capital Plan and funding will be within the levy limit.

Finance Committee recommends affirmative action, \$200,000 from borrowing.
Board of Selectmen recommends affirmative action, \$200,000 from borrowing

FIRE ENGINE #8 REPLACEMENT

ARTICLE 52. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$420,000, or any other sum, to be expended under the direction of the Town Manager, for the purchase of Fire Department equipment - replacement of Engine #8, or take any other action relative thereto.

This Article will allow the fire department to purchase a new rescue style fire engine to replace Engine 8, a 1987 Fire Engine purchased with an expectation of providing 20 years of service. The new engine will be of a rescue style design, similar to Engine 4 in West Concord, which allows for expanded storage of emergency medical, technical rescue, and fire suppression equipment. This is part of the Town Manager's Capital Plan and funding will be within the levy limit.

Finance Committee recommends affirmative action, \$420,000 from borrowing.
Board of Selectmen recommends affirmative action, \$420,000 from borrowing

HUNT GYMNASIUM ROOF REPLACEMENT

ARTICLE 53. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$75,000, or any other sum, to be expended under the direction of the Town Manager, for extraordinary repairs to the Hunt Gymnasium Roof, or take any other action relative thereto.

This Article will provide funding for replacement of the existing slate roof. This is part of the Town Manager's Capital Plan and funding will be within the levy limit.

Finance Committee recommends affirmative action, \$75,000 from borrowing.
Board of Selectmen recommends affirmative action, \$75,000 from borrowing

COUSINS FIELD IMPROVEMENTS - DESIGN

ARTICLE 54. To determine whether the Town will vote to raise and appropriate, or transfer from available funds in the treasury, or authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$75,000, or any other sum, to be expended under the direction of the Town Manager, for the design of improvements at the Cousins Field, or take any other action relative thereto.

This Article will provide funding for the planning and design of improvements necessary at the field. This is part of the Town Manager's Capital Plan and funding will be within the levy limit.

Finance Committee recommends affirmative action, \$75,000 from borrowing.
Board of Selectmen recommends affirmative action, \$75,000 from borrowing

RAILROAD GRADE CROSSING IMPROVEMENTS

ARTICLE 55. To determine whether the Town will vote to raise and appropriate; or transfer from available funds in the treasury, or authorize the Treasurer with the approval of the Board of Selectmen, to borrow by the issuance of bonds, or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, the sum of \$250,000 or any other sum, to be expended under the direction of the Town Manager, for the purposes of improving safety conditions at any of the town's five railroad at-grade crossings, including design, engineering and related services, as well as roadway improvements, equipment installation and all related work, provided that no debt hereunder shall be issued unless the amounts required to pay for the bonds or notes issued hereunder are voted by the Town to be exempt from the limitation on total taxes imposed by Chapter 59, Section 21C (Proposition 2 1/2) of the Massachusetts General Laws and Acts and amendments thereof and additions thereto, in accordance with clause (k) of said section, or take any other action relative thereto.

No motion is expected.

RAILROAD CROSSING IMPROVEMENTS – By Petition

ARTICLE 56. To determine whether the Town will vote to appropriate the sum of \$1,200,000, or any other sum, to be expended under the direction of the Town Manager, for the purpose of upgrading the Commonwealth Avenue and/or Sudbury Road railroad crossings; and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$1, 200,000 under the provisions of Massachusetts General Laws Ch. 44, §7; provided that no debt hereunder shall be issued unless the amounts required to pay for the principal of and interest on the bonds and notes are voted by the Town to be exempt from the limitation of total taxes imposed by Massachusetts General Laws Ch. 59, §21C (Proposition 2-1/2), in accordance with clause (k) of said section; or take any other action relative thereto.

Finance Committee recommends no action.

Board of Selectmen recommends no action.

DIVISION OF THE ANNE B. CHAMBERLIN PARK TRUST FUND

ARTICLE 57. To determine whether the Town will vote to amend the vote under Article 15 of the 1970 Annual Town Meeting and direct the Trustees of Town Donations to divide the Trust Fund therein established into two equal parts, according to the market value of assets held as of June 30, 2006, such that one-half of said Trust Fund shall remain held by the Trustees for the original purposes to which the Trust Fund had been established and the other half shall be held by the Trustees in a new designated sub-account, the income from which shall be transferred at the end of each fiscal year to the Town Treasurer to be held as a separate fund on the Town's books under the direction of the Town Manager to be used for expenses of the care and maintenance of such small public park areas, sometimes referred to as "pocket parks", as may be identified by said Town Manager, or take any other action relative thereto.

This Article is proposed and recommended by the Trustees of Town Donations for the purpose of providing more effective utilization of certain accumulated Trust Fund assets.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

DEBT RESCISSION

ARTICLE 58. To determine whether the Town will vote to rescind the following unused balance of a borrowing authorized under:

Article 58 of the 2003 Town Meeting for Ripley Building roof replacement \$55,000

or take any other action relative thereto.

This Article will remove from the Town's accounting records certain authorized debt that was not required to accomplish the purpose of the project and that thus was not issued as bonds or notes. This is routine proper fiscal practice.

Finance Committee recommends affirmative action.

Board of Selectmen recommends affirmative action.

NEIGHBORHOOD CONSERVATION DISTRICT BYLAW FOR CONCORD – By Petition

ARTICLE 59. To determine whether the Town will vote to accept the following:

The Town of Concord hereby establishes this Concord Neighborhood Conservation District Bylaw, to be administered by a Neighborhood Conservation District Commission. A neighborhood conservation district is initiated by residents of the neighborhood who prepare a detailed study of their findings re: boundaries, history of the neighborhood, review of the assessor's data base, neighborhood consensus, bylaw review, and design guidelines. These findings are then to Town Meeting for approval of a neighborhood Conservation district by majority vote.

PURPOSE

This by-law is enacted for the purpose of: preserving and protecting groups of buildings and their settings which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town; and to limit the detrimental effect of alterations, additions, demolitions and new construction on the character of the town. Through this bylaw, alterations, additions, demolition and new construction may be reviewed for compatibility with the existing buildings, setting and neighborhood character. This bylaw seeks to encourage the protection of the built environment through binding regulatory review. This bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work.

DEFINITIONS

As used in this Bylaw the following terms shall have the following meaning:

- **ADDITION** -- A change to a building that includes additional stories, height or floor area.
- **ALTERATION, TO ALTER** -- A change to a building or part thereof such as removal, construction, reconstruction, restoration, replication, rehabilitation, demolition and other similar activities. A change to a building that includes additions and other similar activities. A change to a site that includes constructing, placing, erecting, installing, enlarging and moving a building or other similar activities.
- **APPLICATION** -- The complete document(s) and supporting material(s) to be submitted by an applicant desiring to obtain a Certificate to Alter. A complete application shall include information reasonably deemed necessary by the commission to enable it to make a determination.
- **BUILDING** -- A combination of materials forming a shelter for persons, animals or property.
- **CERTIFICATE TO ALTER** -- A document granted by the Neighborhood Conservation District Commission in order to obtain a building (or demolition) permit.
- **COMMISSION** -- The Neighborhood Conservation District Commission
- **COMPATIBLE** -- A project that meets the design guidelines of the neighborhood conservation district commission.
- **CUTTING OF TREES**-- Removal of whole trees or delimiting of branches over 10 inches in diameter.
- **DEMOLITION**--Any act of pulling down, destroying, removing or razing any building or other structure or any substantial portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same within a five (5) year period. "Substantial" is defined as either half the volume of the building or half its value, as determined by the Building Commissioner.

- **DISTRICT** -- The Neighborhood Conservation District as established in this bylaw.
- **GUIDELINES** -- The document used by the Neighborhood Conservation District Commission to determine whether a proposed project is compatible. The design guidelines are appended to this bylaw.
- **LARGE TREES**- trees that measure 18" in diameter or 56" in circumference, when measured four (4) feet up from the ground.
- **PERSON AGGRIEVED** -- An applicant, an abutter or an owner of property within the district.

DISTRICT

Neighborhood Conservation Districts shall encompass the area shown on the map titled Revolutionary Ridge Neighborhood Conservation District, and any other such neighborhoods as shall subsequently be approved by Town Meeting.

NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION

The Neighborhood Conservation District shall be overseen by a Commission consisting of five members, to be appointed by the Board of Selectmen, two members initially to be appointed for one year, two for two years, and one for three years, and each successive appointment to be made for three years.

The Board of Selectmen may appoint up to five alternate members to the Neighborhood Conservation District. There shall be at least one alternate from each NCD that is voted in by Town Meeting. Said alternate members shall initially be appointed for terms of one, two and three years, and for three year terms thereafter. In the case of absence, inability to act, or recusal from action due to a conflict of interest, a member's place shall be taken by an alternate member designated by the Chairperson, if available, otherwise by the Vice-Chairperson if available, otherwise by a majority vote of the members and alternate members of the Commission present.

The Commission shall initially include, if possible, a member of the local historical commission; two (2) residents of the district; an architect and a building contractor familiar with historic rehabilitation. Members and alternates of a neighborhood conservation district shall by reason of experience or education have demonstrable knowledge and concern for improvement, conservation and enhancement of the district.

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

Meetings of the Commission shall be held at the call of the Chairperson, at the request of two members, or in such other manner as the Commission shall determine in its Rules and Regulations. Three members of the Commission shall constitute a quorum.

NEIGHBORHOOD CONSERVATION DISTRICT COMMISSION POWERS AND DUTIES

The Commission shall exercise its powers in administering and regulating the alteration of buildings within the neighborhood conservation district as set forth under the procedures and criteria established in this bylaw. For the discussion of each permit brought to this Commission at least two members of the affected neighborhood shall be present and voting.

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall, may adopt and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of applications for certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any such Rules and Regulations with the office of the Town Clerk.

The Commission, after a public hearing duly posted and advertised at least 14 days in advance in a conspicuous place in Town Hall, may from time to time amend the guidelines which set forth the designs for certain alterations which are, in general, suitable for the issuance of a Certificate to Alter. No such design guidelines shall limit the right of an applicant for a Certificate to Alter to present other designs to the Commission for approval.

The Commission shall at the beginning of each year hold an organizational meeting and elect a Chairperson, a Vice Chairperson and Secretary, and file notice of such election with the office of the Town Clerk. The Commission shall keep a permanent record of its regulations, transactions, decisions

and determinations and of the vote of each member participating therein. The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a neighborhood conservation district.

ALTERATION PROHIBITED WITHOUT A CERTIFICATE

Except as this Bylaw provides, no building or part thereof within a Neighborhood Conservation District shall be altered unless the commission shall first have issued a Certificate to Alter. Except as this Bylaw provides, no building (or demolition) permit shall be issued by the town or any department thereof until a Certificate to Alter has been issued by the Commission.

ALTERATIONS EXCLUDED FROM COMMISSION REVIEW

It shall be the responsibility of the Commission, or its delegate thereof to determine whether an alteration is exempt from review. The Commission or its delegate thereof shall have seven days to make this determination.

The following projects are excluded from Commission review.

- Projects not requiring a building (or demolition) permit.
- Structures when not defined as buildings or parts of buildings
- Temporary buildings (wedding tents, etc.,) erected for one month or less.
- Interior Alterations
- Storm windows and doors, screen windows and doors.
- Gutters and roofing materials...
- Accessory buildings of less than 100 square feet of floor area.
- Alterations not visible from a public way.
- Alterations of less than 500 square feet of new footprint area, built within five (5) consecutive years.
- Ordinary maintenance and repair of architectural features that match the existing conditions including materials, design and dimensions.
- Reconstruction, substantially similar in exterior design, of a building, damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

PROCEDURES FOR THE REVIEW OF MAJOR ALTERATIONS

The following major alterations require the submittal of an application for a regulatory review by the Commission. The decision of the Commission shall be binding on the applicant.

- Demolition of a building or part of a building.
- New construction, including buildings and additions of over 500 square feet new footprint area within five consecutive years.
- Cutting of large trees within a prescribed perimeter of the lot lines.

Within thirty (30) days of the submittal of an application for a major alteration, the Commission shall hold a public hearing on the application. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall. Such notice shall identify the time, place and purpose of the public hearing. At least twenty-one (21) days before said public hearing, a copy of said public notice shall be mailed by the applicant to the abutters and owners of all other properties within 300 feet as they appear on the most recent applicable tax list. It shall be the responsibility of the applicant to file the legal notice of the hearing with the local paper at least twenty-one (21) days before the hearing. The applicant will deliver 3 copies of the proposed construction or alteration to the Building Commissioner's office at least twenty-one (21) days prior to the public meeting.

Following the public hearing, the Commission shall determine whether the proposed alteration is compatible with the design guidelines and the purpose of this bylaw. If the Commission determines that the alteration is compatible, the Commission shall issue a Certificate to Alter.

The concurring vote of a majority of the members shall be required to issue a Certificate to Alter. If the Commission cannot determine that the alteration is compatible, the Commission shall decline to issue the Certificate to Alter. The Commission shall provide the applicant with the reasoning for their disapproval including how the alteration does not meet the design guidelines or the purpose of this bylaw.

PROCEDURES FOR ISSUANCE AND FILING OF CERTIFICATES

Each Certificate issued by the Commission shall be dated and signed by its chairperson or such other person designated by the Commission to sign such Certificates on its behalf. The Commission shall send a copy of its Certificates and disapprovals to the applicant and shall file a copy of its Certificates and disapprovals with the office of the Town Clerk and the Building Commissioner. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk. All such certificates or disapprovals shall be made within thirty (30) days of the public hearing.

If the Commission should fail to make a determination within thirty-five days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate to Alter due to failure to act.

ENFORCEMENT AND PENALTIES

The Neighborhood Conservation District and/or the Building Commissioner are each specifically authorized to request that the Town Manager institute any and all actions, proceedings in law and in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

The Commission may designate the Building Commissioner to act on its behalf and to enforce this Bylaw under the direction of the Commission.

Any owner of a building subject to this bylaw who alters a building without first obtaining a Certificate to Alter in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until the addition is removed, a faithful restoration of the demolished building is completed, or the trees have been replaced with others of similar size and species, or unless otherwise agreed to by the Commission. If a violation of this bylaw remains outstanding, no building permit for a new building or other structure on the premises shall be issued until the violation is corrected or unless otherwise agreed to by the Commission.

APPEAL PROCEDURE

Any applicant or person aggrieved by a determination of a Neighborhood Conservation District Commission may appeal to the Concord Board of Appeals, the Historical Commission, or a court of competent jurisdiction.

VALIDITY AND SEPARABILITY

The provisions of this Bylaw shall be deemed to be separable. If any of its provisions, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Bylaw shall continue to be in full force and effect.

or take any other action relative thereto.

This article establishes the Neighborhood Conservation District (NCD) Bylaw, to be administered by a Neighborhood Conservation District Commission, appointed by the Selectmen. The purpose of the NCD Bylaw is to preserve diversity of housing in Concord and to preserve the character of neighborhoods. The Bylaw established the Revolutionary Ridge Neighborhood Conservation District. Under this Bylaw, any self-defined neighborhood can petition Town Meeting to become a NCD, establishing its own guidelines for future teardowns, new construction or major additions as the neighborhood determines are appropriate.

Finance Committee recommends no action.

Board of Selectmen recommendation will be made at Town Meeting.

NEIGHBORHOOD CONSERVATION DISTRICT BYLAW – GUIDELINES FOR THE REVOLUTIONARY RIDGE – (By Petition)

ARTICLE 60. To determine whether the town will vote to accept the following:

We the residents of Revolutionary Road, Ridge road, and (Author's Road?) wish to retain the character of our neighborhood while maintaining our property values. Therefore we have agreed to follow the following

guidelines in our own housing and to make these guidelines binding through the review of the Neighborhood Conservation District Commission:

These guidelines shall be in effect whenever a permit to build, demolish or alter a building in the designated neighborhood is requested. All decisions based on these guidelines shall be binding once reviewed and approved or denied by the NCD Commission:

1. There shall be no demolition of a building or major part of a building without NCD commission review and approval, as stated in section x, unit y of the NCD Bylaw.
2. There shall be no new construction of a building or major addition visible from the street to an existing building, without review of the proposed building plans, including all elevations and siting on the lot. "Major addition" is defined here as over 500 square feet of new footprint area, built within five (5) consecutive years.
3. The average height of all elevations of any new building or addition shall be no higher than 32 feet to the ridge. The finished elevation of the first floor shall not be more than 1 foot higher than the previous house first floor level. In the case of a house built on a new site, the finished elevation of the first floor shall not be more that 1 foot higher than that of the adjacent houses.
4. If requested by abutters, the proponent of the addition or new house shall provide shadow impact study indicating the shadow impact at 9:00 am, 12:00n, and 3:00 pm on Oct. 23rd. The shadow impact shall not darken the first floor of the adjacent houses at 9:00 am or 3:00pm.
5. There shall be no cutting of trees larger than 18" in diameter (or 56" in circumference at 4 feet from the present ground level) within 20 feet of the side lot lines or 25 feet of the front lot line. There shall be no clear-cutting of a property prior to erecting a new house. "Clear-cutting" is defined as removal of trees larger than 18" in diameter within 25 feet of the back lot line, as well as the limits listed above.
6. Any new house shall conform to the scale of the majority of houses currently existing on these streets. Scale shall be defined as no more than 15% greater than the average sq. ft. area of all houses on properties within 300 feet of the proposed new house, and shall include the square footage of the prior house on this site, if any.
7. All abutters within 300 feet of the property in question shall be notified in writing by the applicant 21 days prior to any hearing on the proposed demolition or new construction or alteration or take any other action relative thereto.

This article establishes Guidelines – not zoning regulations – for teardowns, new construction and/or major additions, as developed by the Revolutionary Ridge Study Group specifically for the Revolutionary Ridge NCD.

Board of Selectmen recommendation will be made at Town Meeting.

DESIGNATION OF VIRGINIA ROAD, CONCORD, MASSACHUSETTS
AS A SCENIC BYWAY – By Petition

ARTICLE 61. To determine whether the town will vote to approve the following:

The designation of Virginia Road, Concord, Massachusetts as a scenic byway for the purposes of protecting valuable cultural and natural resources for the citizens of Concord and their visitors.

Since Virginia Road is the original route from Boston the Concord and one of the oldest byways in the Commonwealth of Massachusetts, having served as the principal means of passage and commerce between Boston and Concord;

since Virginia Road continues to provide access to important national resources, including the Thoreau Farm and Birthplace, the Wheeler/Merriam House, the Minute Man National Historical Park, and the Battle Road Trail

since Virginia Road passes through wetlands important to the maintenance of the local habitat;

since Virginia Road was designed to carry Colonial traffic and is, therefore, unusually narrow, lacking shoulders, and marked by a series of curves that limit sight lines;

and since the ability to enjoy the culture and natural resources of the area depends on the preservation and maintenance of the roadway, we the undersigned request that this petition be included in the Annual Warrant of Concord, Massachusetts 2006 and that Town Meeting take this action or any other action relative thereto.

The purpose of Article 61 is to protect the natural, rural, and historic nature of Virginia Road. The article is warranted because development in this portion of town and expansion of the local airport threaten these important resources. The article is intended as a first step toward preservation of the original road from Boston to Concord and of the land surrounding the road.

Board of Selectmen recommends no action.

RESCISSION OF BICYCLE AND TOWN AUDIT BYLAWS

ARTICLE 62. To determine whether the Town will vote to rescind the following bylaws:—

1. The Bicycle Bylaw adopted under Article 16 of the 1956 Town Meeting and amended under Article 67 of the 1975 Town Meeting.
2. The Town Audit Bylaw adopted under Article 19 of the 1939 Town Meeting.

or take any other action relative thereto.

This article rescinds two Town bylaws that are obsolete and no longer applicable.

Board of Selectmen recommends affirmative action.

AMENDMENTS TO THE TRASH PICKUP BYLAW – AND THE REGULATION OF VEHICLES BYLAW

ARTICLE 63. To determine whether the Town will vote to amend the following bylaws, provided that each amendment shall be construed as separate, so that if either amendment shall be held invalid for any reason, the amendment of the remaining bylaw(s) shall continue in full force and effect:—

1. To replace Section 2 of the Regulation of Vehicles Bylaw adopted under Article 12 of the 1924 Town Meeting with the following text:

“Section 2.

No person shall stop any vehicle on any street in front of or opposite to and within fifty (50) feet of any fire station.”

2. To replace the entire text of the Trash Pickup Bylaw adopted under Article 45 of the 1984 Town Meeting with the following text:

“No person shall put out trash for pickup within six feet of a traveled way or a Town right-of-way more than twenty-four (24) hours prior to the date of the scheduled or contracted pickup, and all empty containers must be removed within twenty-four (24) hours after said pickup.”

or take any other action relative thereto.

This article updates two Town bylaws to conform to current circumstances.

Board of Selectmen recommends affirmative action.

**AMENDMENTS TO MAKE TOWN BYLAWS CONFORM TO THE
NON-CRIMINAL DISPOSITION OF VIOLATIONS BYLAW**

ARTICLE 64. To determine whether the Town will vote to amend the following bylaws to conform with the Bylaw for Non-Criminal Disposition of Violations of Town Bylaws adopted under Article 47 of the Town Meeting of April 1984 and with §21D of Chapter 40 of the Massachusetts General Laws, provided that each amendment shall be construed as separate, so that if the amendment of any bylaw shall be held invalid for any reason, the amendments of the remaining bylaws shall continue in full force and effect:—

1. In the Horses on Sidewalks Bylaw adopted under Article 22 of the 1924 Town Meeting and amended under Article 22 of the 1973 Town Meeting, replace the text

“a fine not exceeding fifty dollars,”

with the text

“a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended,”

2. In Section 5.2 of the Demolition Delay Bylaw adopted under Article 53 of the 1999 Annual Town Meeting, replace the text

“a fine of not more than \$300.”

with the text

“a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

3. In Section 4 of the Dog Bylaw adopted under Article 40 of the 1980 Town Meeting and amended under Article 44 of the 1998 Town Meeting and further amended under 1999 Article 52 of the Town Meeting, replace the text

“a fine not exceeding fifty dollars (\$50) for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

4. In Section 10, paragraph b of the Groundwater Protection Bylaw adopted under Article 42 of the 1981 Town Meeting, replace the text

“a fine of up to \$200 (two hundred dollars) for each day of violation,”

with the text

“a fine for each day of violation as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

5. In House Numbering Bylaw adopted under Article 46 of the 1995 Annual Town Meeting, in the final paragraph of the section entitled “Enforcement,” replace the text

“with a written warning for the first violation, \$50.00 fine for the second violation, and \$100.00 for the third and subsequent violations.”

with the text

“a warning or fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

6. In Section 3 of the Hunting Bylaw adopted under Article 29 of the 1953 Town Meeting and amended under Article 30 of the 1972 Town Meeting of and under Article 25 of the 1973 Town Meeting, replace the text

“a fine of not more than fifty (\$50.00) dollars for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

7. In the Internal Combustion Engines on White Pond Bylaw adopted under Article 57 of the 1966 Town Meeting and amended under Article 43 of the 1972 Town Meeting, replace the text

“a penalty of not more than fifty dollars.”

with the text

“a penalty as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

8. In the Motor Boat Bylaw adopted under Article 62 of the 1962 Town Meeting, replace the text

“a fine not exceeding \$50 for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

9. In the Outdoor Fires and Camping Bylaw adopted under Article 14 of the 1973 Town Meeting, replace the entire text of paragraph number 3 with the text

“3. Any person violating the provisions of this bylaw shall be subject to a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

10. In Section 2 of the Peeping Bylaw adopted under Article 42 of the 1952 Town Meeting, replace the text

“a fine of not more than fifty dollars (\$50.00) for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

11. In Section 6 of the Permit Parking Bylaw adopted under Article 9 of the 1978 Town Meeting, replace the text

“a fine of not more than twenty dollars for violation of regulations established for a restricted parking zone,”

with the text

“a fine for violation of regulations established for a restricted parking zone as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended,”

12. In Section 9, paragraph 9.2 of the Smoking in Food Establishments Bylaw adopted under Article 48 of the 1995 Town Meeting and amended under Article 68 of the 2003 Town Meeting, replace the sentence

“For the purpose of this provision, the penalty to apply in the event of a violation shall be as follows: \$25.00 for the first offense, \$50.00 for the second offense, \$100.00 for the third offense, \$200.00 for the fourth offense, and \$300.00 for each subsequent offense.”

with the sentence

“For the purpose of this provision, the penalty to apply in the event of a violation shall be as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

13. In Section 3 of the Smoking in Public Places Bylaw adopted under Article 62 of the 1975 Town Meeting, replace the text

“a fine of twenty-five dollars (\$25.00) for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

14. In the Snow and Ice Disposal Bylaw adopted under Article 43 of the 1963 Town Meeting, replace the text

“a fine of not more than \$50.00.”

with the text

“a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

15. In Section 2 of the Snow and Recreational Vehicles Bylaw adopted under Article 20 of the 1971 Town Meeting, replace the text

“a fine of not more than fifty dollars (\$50.00) for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

16. In Section 3 of the Soliciting Bylaw adopted under Article 40 of the 1977 Town Meeting, replace the text

“a fine of not more than fifty dollars for each offense.”

with the text

“a fine for each offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

17. In Section 5, paragraph 5.2, of the Underground Fuel Storage Systems Bylaw adopted under Article 43 of the 1993 Town Meeting, replace the text

“a fine of one hundred dollars for each offense, as allowed under M.G.L. Chapter 40, §21D.”

with the text

“a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

18. In Paragraph 7 of the Unregistered Motor Vehicle Bylaw adopted under Article 52 of the 1966 Town Meeting and amended under Article 21 of the 1971 Town Meeting, replace the text

“a penalty of not more than fifty dollars for each separate offense.”

with the text

“a penalty for each separate offense as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.”

or take any other action relative thereto.

This article removes the dollar amounts of fines or penalties from the texts of eighteen Town bylaws and, instead, modifies those bylaws to refer to the schedule of fines established under the Bylaw for Non-Criminal Disposition of Violations adopted in 1984. The Non-Criminal Disposition Bylaw was adopted in 1984 to centralize the schedules of all fines and penalties in one place, so that it can be updated by the Board of Selectmen from time to time under the rules provided by state statute.

Board of Selectmen recommends affirmative action.