

**TOWN OF CONCORD  
SELECT BOARD  
AGENDA  
October 17, 2016**

<b>7PM – Select Board Room – Town House</b>				
1.	Call to Order			
2.	Consent Agenda:			
	<ul style="list-style-type: none"> <li>• Town Accountant's Warrants</li> <li>• One Day Special Licenses</li> </ul>			
	A-B United Way	11/19/16	7PM-11PM	246 Old Road to Nine Acre Corner (All Alcohol)
	Thoreau PTG	11/19/16	6PM-11PM	37 Lexington Road (All Alcohol)
	Saltbox Farm	10/28/16	6PM-10PM	40 Westford Road (Wine & Malt)
	Saltbox Farm	11/05/16	5PM-9PM	40 Westford Road (Wine & Malt)
	Saltbox Farm	11/12/16	4PM-9PM	40 Westford Road (Wine & Malt)
	<ul style="list-style-type: none"> <li>• Sunday Entertainment Licenses</li> </ul>			
	Concord Players	11/13/16	2PM-5PM	51 Walden Street
	Concord Players	02/19/17	2PM-5PM	51 Walden Street
	Concord Players	04/30/17	2PM-5PM	51 Walden Street
	Concord Players	05/07/17	2PM-5PM	51 Walden Street
3.	Town Manager's Report			
4.	Request to Remove Seasonal Seating Restriction – Colonial Inn, 48 Monument Square			
5.	Request to Increase Hours – Michael's Restaurant, 208 Fitchburg Turnpike			
6.	Emerson Umbrella Building Project & Lease – Jerry Wedge			
7.	Consider Request from owner of Black Birch land on Forest Ridge Road to waive the town's first right of refusal to purchase the property under MGL c.61 – Attorney Tom Falwell			
8.	Finalize December Special Town Meeting Warrant			
9.	6th Farm Based Education National Gathering – Brooke Redmond			
10.	Sign Bylaw – Consider revised regulations governing private signs on public property including the public right-of-way of town streets			
11.	Discuss scheduling Special Town Meeting to allow town to consider approving/disapproving the request of the Town of Belmont to withdraw from the Minuteman Regional Science and Technology School District			
12.	Bruce Freeman Rail Trail – Rescind Order of Taking re: 4B Commonwealth Ave			
13.	Discuss purchase of land on Ball's Hill Road including MGL c.30B procurement requirements			
14.	Town Manager's annual performance evaluation and salary adjustment			
15.	Public Comments			
16.	Committee Liaison Reports			
17.	Miscellaneous / Correspondence			
18.	Committee Appointments: Nancy Kerr of 25 Upland Road to the Polystyrene Education and Outreach Committee for a term to expire January 2017; Christopher Buck of 31 Damon Street to the Polystyrene Education and Outreach Committee for a term to expire January 2017			
19.	Committee Reappointments: Susan Bates of 160 Arena Terrace to the Personnel Board for a term to expire May 31, 2019			
20.	Executive Session to consider matters of Land Acquisition			

**PENDING**

Monday	October 31	7 PM	Select Board Meeting	Town House
Friday	November 11	<b>All Day</b>	<b>Veterans Day</b>	<b>Town Offices Closed</b>
Monday	November 14	7 PM	Select Board Meeting	Town House
Thursday	November 24	<b>All Day</b>	<b>Thanksgiving</b>	<b>Town Offices Closed</b>
Friday	November 25	<b>All Day</b>	<b>Thanksgiving Observed</b>	<b>Town Offices Closed</b>
Monday	November 28	7 PM	Select Board Meeting	Town House
Thursday	November 29	7 PM	Joint Public Hearing Select Board/Finance Committee/Planning Board	Town House
Thursday	December 8	7 PM	Special Town Meeting	High School
Monday	December 12	7 PM	Special Town Meeting Adjourned Session/Snow Date	High School

Sunday Entertainment Log – October 17, 2016

<b>Applicant Name</b>	<b>Phone Number</b>	<b>Date of Event</b>	<b>Location of Event</b>	<b>Type of Entertainment</b>
Concord Players	781-354-7022	November 13, 2016	51 Walden Street	Theater
Concord Players	781-354-7022	February 19, 2017	51 Walden Street	Theater
Concord Players	781-354-7022	April 30, 2017	51 Walden Street	Theater
Concord Players	781-354-7022	May 7, 2017	51 Walden Street	Theater

Weekly One Day License Log – October 17, 2016

Applicant Name & Number	Phone Number	Date of Event	Location of Event	Type of Alcohol	
16-116 Acton Boxborough United Way	978-263-1777	November 19	246 ORNAC Concord Country Club	AA	Event Coordinator: Jeannie Meijer Bartenders: Liza Leach, Taryn O'Neill, Sara Killelea, Carlee Magliozzi Under 21: No First license in Concord: No
16-117 Thoreau PTG	781-710-9198	November 19	37 Lexington Road, Concord Art Association	AA	Event Coordinator: Kristine Millet Bartenders: Leo LaFarge Under 21: No First license in Concord: No
16-118 Saltbox Farm	617-877-3859	October 28	40 Westford Road, Saltbox Farm	W&M	Event Coordinator: Ben Elliott Bartenders: Ben Elliott Under 21: No First license in Concord: No
16-119 Saltbox Farm	617-877-3859	November 5	40 Westford Road, Saltbox Farm	W&M	Event Coordinator: Ben Elliott Bartenders: Ben Elliott Under 21: No First license in Concord: No
16-120 Saltbox Farm	617-877-3859	November 12	40 Westford Road, Saltbox Farm	W&M	Event Coordinator: Ben Elliott Bartenders: Ben Elliott Under 21: No First license in Concord: No

J. Raymond Miyares  
Thomas J. Harrington  
Christopher H. Heep  
Donna M. Brewer  
Jennie M. Merrill

Rebekah Lacey  
Ivria Glass Fried  
Eric Reustle  
Blake M. Mensing

October 7, 2016

Select Board  
Town of Concord  
22 Monument Square  
Concord, MA 01742

***Re: Colonial Inn, Section 12 Liquor License Amendment***

Dear Members of the Select Board:

The Colonial Inn One Corp, d/b/a The Colonial Inn respectfully requests that the Select Board amend its Section 12 Innholder liquor license. Specifically, the Inn asks the Board to remove a restriction prohibiting the service of all kinds of alcoholic beverages on the front porch between November 1 and March 31, from its license.<sup>1</sup> The service restriction originates from the Inn's Special Permit, which prohibited outdoor food service during these months.<sup>2</sup> On September 15, 2016, the Zoning Board of Appeal removed this restriction from the Special Permit. The Inn now seeks to have the conditions in its liquor license parallel those contained in its Special Permit.

In 1992, the ZBA granted a Special Permit to the Inn that allowed 24 seats to be placed on the Inn's front porch for outdoor dining. On December 6, 2012, the ZBA amended the Special Permit to increase the number of outdoor seats to 64 that could be placed on the front porch between April 1 and October 31. It is our understanding that the ZBA incorporated the seasonal restriction primarily because that was the Inn's existing practice.

On July 19, 2016, the Inn requested that the ZBA remove the seasonal outdoor dining restriction from the Special Permit. The Inn has operated in accordance with the Special Permit since it was issued, however, due to New England's variable weather, the Inn experienced significant demand for outdoor

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<sup>1</sup> See Colonial Inn Liquor License, attached as Exhibit A.

<sup>2</sup> See Record of Special Permit Decision, December 6, 2012, attached as Exhibit B.

Select Board  
October 7, 2016  
Page 2 of 2

dining last November during a very mild start to winter. Recognizing the changing climate, the ZBA approved the requested amendment.<sup>3</sup>

The Inn is not proposing any structural changes to the licensed premises and only seeks to remove the seasonal restriction on outdoor sale from its license. The hours of permitted sale will remain unchanged and the Inn will continue to operate in compliance with the Alcoholic Beverages Control Commission's guidance on outdoor service. Accordingly, the Select Board is authorized to consider this matter without the licensee submitting a formal ABCC amendment application.

The Inn respectfully requests that the Select Board consider this matter at its next meeting on October 17. We would be happy to provide the Select Board with any additional documentation its feels is necessary to make this decision.

Please feel free to contact me if you have any questions.

Sincerely,



Thomas J. Harrington

cc: A. Mara  
M. Harrington  
S. Smith

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<sup>3</sup>The ZBA informed our office that the written permit decision would be available on October 18.

Exhibit A

# ALCOHOLIC BEVERAGES

*Alcoholic Beverages Control Commission License # 024400007*

THE LICENSING BOARD OF  
THE TOWN OF CONCORD  
MASSACHUSETTS  
HEREBY GRANTS A

## INNHOLDER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To CONCORD'S COLONIAL INN ONE CORP, d/b/a The Colonial Inn, Wendy DiMambro, Mgr., 48 Monument Square on the following described premises: inn consisting of 5 buildings 2, 3 and 4 floors of public and private hotel rooms. Three cocktail rooms on main floor, 56 rooms on various floors. **SEATING CAPACITY: Maximum of 304 seats** in Merchants Row, Middlesex, Alcott, Thoreau, Prescott, Café, Forge, and Tap rooms of which 64 may be on the front porch between April 1 and October 31.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires **December 31, 2016** unless earlier suspended, canceled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 14<sup>th</sup> day of December, 2015.

The hours during which Alcoholic Beverages may be sold are from:

Weekdays: 9:00 AM - 1:00 AM

Sundays: 10:00 AM - 1:00 AM



*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
LICENSING BOARD

Exhibit B

**TOWN OF CONCORD**

**BOARD OF APPEALS**

**TOWN HOUSE**

Please take notice that in the matter of the APPLICATION OF JURGEN DEMISCH ON BEHALF OF THE MERRY HILL CORP INC. D/B/A THE COLONIAL INN for an Amendment to a 1992 Special Permit under Sections 7.7.2.12 and 11.6, to codify and make effective proposed winter and summer seating plans at 48 Monument Square, Concord, Massachusetts, the Board of Appeals has this day rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town House, Concord, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.

*Michael King*  
CLERK, BOARD OF APPEALS

12/16/12  
DATE

App file closed 12/20/12

**TOWN OF CONCORD**

**BOARD OF APPEALS**

The Application of JURGEN DEMISCH ON BEHALF OF THE MERRY HILL CORP INC. D/B/A THE COLONIAL INN, for an Amendment to a 1992 Special Permit under Sections 7.7.2.12 and 11.6, to codify and make effective proposed winter and summer seating plans at 48 Monument Square, Concord, Massachusetts.

**RECORD OF PROCEEDINGS**

The Applicant, JURGEN DEMISCH ON BEHALF OF THE MERRY HILL CORP INC. D/B/A THE COLONIAL INN, filed with the Board of Appeals on July 31, 2012 an application.

The Board determined that the following constituted the parties interested in the application and the owners of all property affected thereby, as they appear upon the most recent tax list, viz:

The Merry Hill Corp Inc  
H Larue Renfroe Tr  
Waterford Realty Trust  
Robert K. Jr & Elizabeth W Morrison  
John Everitt & Susan J Ward  
Forrest Berkley & Marcie Tyre  
Senkler Real Estate Inc  
Concord Churchill LLC  
Thirty Two Monument Concord LLC  
Roham Tony & Diane H Saleh  
Thomas Martin & Alice Hoffman  
Bruce M & Jane W Blumberg  
Jon R & Madeline S Kathe  
Patricia K Caulfield Tr  
David L & Sara D Wiener  
Town of Concord  
William J & Mary H Burtis  
Christian Science Church  
Masonic Corp

The Board set the 13th day of September, 2012 at 8:10 P.M. as the time, and the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, as the place of the public hearing upon said application. The hearing was opened on September 13, 2012 and after discussion and public comment was continued to the November 8, 2012 meeting at the request of the Applicant.

The following notice was published in *THE CONCORD JOURNAL* in the issues of August 30, 2012 and September 6, 2012, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

48 MONUMENT SQUARE  
LEGAL NOTICE  
Board of Appeals  
Public Hearing

A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, September 13, 2012, in the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, at 8:10 P.M. on an application by Jurgen Demisch on behalf of The Merry Hill Corp Inc. d/b/a the Colonial Inn for a Special Permit under Sections 7.7.2.12 and 11.6, for relief from parking requirements to allow the placement of 44 additional seats on the front porch at 48 Monument Square.

AD#12804572  
Concord Journal 8/30, 9/6/12

The following persons appeared in support of the Application:

George Senkler

The following persons appeared in opposition thereto:

NONE

The Planning Board reported its action of the matter as follows:

See Planning Board Recommendation dated September 12, 2012.

The Board thereupon took the following action:

**VOTED:** To grant to the Applicant, Jurgen Demisch on behalf of The Merry Hill Corp Inc. d/b/a The Colonial Inn, for an Amendment to a 1992 Special Permit under Sections 7.7.2.12 and 11.6, to codify and make effective proposed winter and summer seating plans at 48 Monument Square, acknowledging receipt of a letter of support from Brigitte I. Senkler, President of Senkler Real Estate, Inc. dated November 8, 2012, noting that the submitted plans no longer require additional relief from parking, amending and adopting the conditions of the Planning Board Recommendation dated September 12, 2012, and finding that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site, with the following conditions:

- 1) Approval is based on the following plans and documents prepared for a Special Permit for 48 Monument Square:
  - a. Sheet 1A: Winter Seating Plan, Colonial Inn, 48 Monument Square, Concord MA, prepared by Hospitality Solutions Inc, 4 Morgan Road, Beverly, MA, Dated 10/21/12.
  - b. Sheet 1B: Summer Seating Plan, Colonial Inn, 48 Monument Square, Concord MA, prepared by Hospitality Solutions Inc, 4 Morgan Road, Beverly, MA, Dated 10/21/12.
  - c. Letter dated October 23, 2012 from Attorney Alex Parra of D'Agostine, Levine, Parra & Netburn, P.C., addressed to John Ross Minty, Building Commissioner.
  - d. Letter dated November 1, 2012 from Attorney Alex Parra of D'Agostine, Levine, Parra & Netburn, P.C., addressed to the Zoning Board of Appeals, with the following statements:
    - i. Reduce the number of seats seasonally proposed for the front porch from the previously requested 68 seats to 64 seats;

- ii. Proposed porch seating between April 1 and October 31 (summer seating plan) during which time inside restaurant seating will be physically reduced to 240 seats in accordance with the summer seating plan, so as to maintain a total of 304 restaurant seats, the currently permitted amount;
  - iii. Remove all porch seating between November 1 and March 31; and
  - iv. Propose bi-annual inspections by the Building Commissioner to ensure compliance with the seating plans.
- 2) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall apply to and receive approval from the Historic Districts Commission for the proposed outdoor seating and any proposed signage, and if applicable, any work done to the exterior of the structure and to the site that has not yet been approved.

The members of the Board voted thereon as follows:

ALICE KAUFMAN	GRANTED
DAVID FISHER	GRANTED
ROBERT SEPUCHA	GRANTED

The Board assigns the following as the reasons for the foregoing finding, ruling and decision:

The Applicant sought an Amendment to an August 28, 1992 Special Permit, under Sections 7.7.2.12 and 11.6, to codify and make effective proposed winter and summer seating plans at 48 Monument Square.

The Planning Board made a favorable recommendation on the application to the Zoning Board after their meeting on September 11, 2012, and the Zoning Board hearing opened on September 13, 2012. At that time, the Applicant's request was for relief from parking requirements to allow the placement of 44 additional seats on the front porch. However, concerns expressed by abutters at the September 13, 2012 hearing regarding the existing parking situation caused the Applicant to reconsider the request.

After meeting with the Building Commissioner, the Applicant submitted proposed winter and summer seating plans showing a reduction in front porch seating from 68 seats to 64 seats. The Applicant also proposed that instead of requesting additional seating, the 64 seats on the front porch would simply be moved from inside to outside between April 1 and October 31, and then moved back inside from November 1 to March 31. The total number of seats in the restaurant would remain constant throughout the year and would not exceed the 304 seats currently permitted.

The Board was advised by the Applicant that restrictive signage will be added to the parking lot, which is shared with abutters, to help control the parking situation. In addition, employees will be reminded to park off-site whenever possible. The Board was also advised by the Applicant that the signs will most likely be placed at the entrances, and not at each parking space and that the proposed Summer Seating Plan is essentially what is occurring on the site presently.

The Board was advised by the Building Commissioner that the Applicant will not be required to submit an application for a Building Permit in order to locate the seating on the porch because the overall number of seats will not change from winter to summer. The Building Commissioner also

cautioned that any proposed signage will have to comply with the Sign Bylaw and, if visible from the public way, will require approval from the Historic Districts Commission.

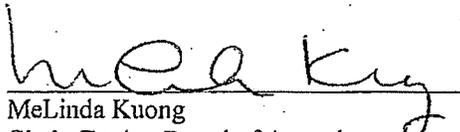
At the Hearing, no one spoke in opposition to the Application. One person spoke in favor of the application.

George Senkler of Senkler Real Estate, 23 Monument Street, noted that there have been positive discussions with the Applicant since the September 13, 2012 hearing, and opined that signage in the parking lot is under consideration and will be important for parking control and essential to the functioning of the site. He submitted a letter, on behalf of his wife, to the Board.

Pursuant to Section 7.7.2.12 of the Bylaw, the Board found that the proposed winter and summer seating plans do not require additional parking relief beyond what is already permitted for the site.

Pursuant to Section 11.6 of the Bylaw, The Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board imposed conditions that adequately address all negative impacts and finds that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site.

TRUE COPY ATTEST

  
MeLinda Kuong  
Clerk, Zoning Board of Appeals

12/6/12  
Date  
Filed with Town Clerk  
48 Monument Square Demisch 2012

Michael's Restaurant

208 Fitchburg Turnpike  
Concord, MA 01742  
(978)371-1114

September 30, 2016

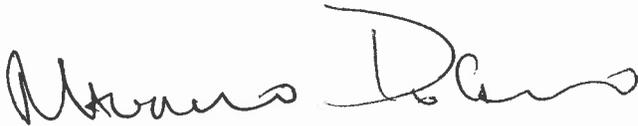
To Whom It May Concern:

We would kindly ask that the following hours be granted for the purpose of selling alcohol.

Monday through Saturday, 8am-12am  
Sunday, 10am-12am

Any questions or concerns, please feel free to contact me at (978)371-1114.

Thank you,

A handwritten signature in black ink, appearing to read "Mauricio DoCarmo". The signature is fluid and cursive, with a large initial "M" and "D".

Mauricio DoCarmo  
Owner  
Michael's Restaurant



## TOWN OF CONCORD

### Planning Board

141 Keyes Road, Concord, MA 01742  
(978) 318-3290

To: Michael Lawson, Chair  
Select Board

From: Brooke Whiting Cash, Chair  
Planning Board

Via: Elizabeth Hughes *EH*  
Town Planner

CC: Christopher Whelan, Town Manager

**Re: Pulis Land Lot 4A & Parcel A on Forest Ridge Road - M.G.L. Ch. 61B**

Date: September 29, 2016

The Planning Board recommends that the Select Board not exercise or transfer the Town's "right of first refusal" as provided under M.G.L. Ch. 61B for the property owned by Todd A. Pulis, Trustee. The properties are identified as Lot 4A and Parcel A Forest Ridge Road as shown on Locus Plan Lot 4A & Parcel A Black Birch Alternative Development Plan dated June 24, 2016 and labeled as Exhibit A in the Certified Notice dated September 1, 2016 from the property owner's attorney Thomas Falwell. The two properties represent a portion of Parcel 2970-1- on Map B12 of the Town of Concord Assessor's Map.

At its September 27<sup>th</sup> meeting, the Planning Board reviewed the Notice under the Provisions of MGL Ch. 61B that included a copy of the Purchase and Sale Agreement and plans of the land. The Locus Plan shows Lot 4A with 5.8± acres and Parcel A with 3.3± acres.

The Planning Board notes that the total land area subject to the Town's right of first refusal is 9.10± acres. The land is undeveloped and generally forested with an open field in the middle. The topography of the site is gently sloped. The soils are sandy loams; depth to groundwater is very deep. There are no wetlands or floodplain areas on the land. The land is adjacent to the Town's substation and connected by existing sidewalks to other open space parcels owned by the Town of Concord.

The land is zoned as Limited Industrial Park 2 (LIP2), which allows the following uses by right: forestry, agriculture, greenhouse, conservation, private recreation, educational, child care facility, religious, philanthropic, lodge and club, Town of Concord Municipal, underground utility, above-ground utility, indoor amusement, financial and business office, professional office, parking facility, transportation services and warehouse. The following uses are allowed by special permit: earth removal; alternative planned residential development; municipal use not by the Town of Concord; medical center and laboratory; R&D and light manufacturing; and manufacturing, packaging, processing and testing.

The Planning Board is aware that the identified purchaser intends to develop Black Birch Phase II Alternative Planned Residential Development (PRD), which is on the 2016 Special Town Meeting Warrant for consideration. The Planning Board has reviewed a conceptual plan for the proposed Phase II development and is in general support of the project.

While this land may have value to the Town for a variety of municipal purposes such as open space, affordable housing, and other yet to be identified purposes, the Planning Board is concerned that the purchase price of \$2,625,000 for the approximately 9.10 acres of land may be in excess of what the Town can afford at this time. Further, the Planning Board believes the Alternative PRD provides some of these uses/purposes at no cost to the town (continuous open space connectivity and either additional moderate affordable housing or funds to be used for affordable housing purposes), while increasing the tax base.

**TOWN OF CONCORD  
TOWN HOUSE  
CONCORD, MA 01742**

**BULK RATE  
U.S. POSTAGE PAID  
PERMIT No. 51**

**RESIDENTIAL CUSTOMER  
LOCAL 01742**

**WARRANT FOR SPECIAL TOWN MEETING**

**THURSDAY, DECEMBER 8, 2016**

**7:00 PM**

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL  
500 WALDEN STREET**

**ADJOURNED SESSION/SNOW DATE IF NECESSARY  
MONDAY, DECEMBER 12, 2016**

**JOINT PUBLIC HEARING  
FINANCE COMMITTEE, PLANNING & BOARD SELECT BOARD  
NOVEMBER 29, 2016 AT 7:00 PM  
TOWN HOUSE – HEARING ROOM**

**CANCELLATION INFORMATION**

IN CASE OF SNOW VISIT THE TOWN'S WEBSITE AT [www.concordma.gov](http://www.concordma.gov) OR  
CALL 978 318-3006.

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR SPECIAL TOWN MEETING  
Thursday, December 8, 2016**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Thursday, the eighth day of December, 2016, at 7:00 o'clock in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord, and by mailing a copy thereof to every household fourteen days, at least, before said 8<sup>th</sup> of December, 2016, then and there to act upon the following Articles:

**PILOT AGREEMENT – SOLAR PROJECT AT 214Y MAIN STREET**

**ARTICLE 1.** To determine whether the Town will vote to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager with the selected solar project developer for proposed solar energy generating facilities to be located at the 214Y Main Street, the former WR Grace property, and further to authorize the Select Board and Town Manager to take such actions as may be necessary under State law to effectuate said Agreement, or take any action relative thereto.

*Town Meeting voted under Article 37 of the 2012 Annual Town Meeting to authorize the leasing of land for the installation of a utility-scale solar photovoltaic electric generating system on a portion of the property at 214Y Main Street. As municipal property, the land is tax-exempt, but the electric generating equipment will be privately-owned and will therefore be subject to local property taxes. Setting the value of electric generating equipment is not an exact science, and the value of the equipment can vary depending on a number of factors that cannot be known in advance, such as the demand for energy, the regional economy and changes in regulations. MGL chapter 59, section 38 allows electrical generators to negotiate a payment in lieu of taxes "... which shall be the result of good faith negotiations and shall be the equivalent of full and fair cash valuation..." Negotiation of that agreement was authorized under Article 37 of the Annual Town Meeting as well. The agreement must be ratified by the municipal legislative body. Such an agreement provides the opportunity to determine a predictable tax revenue stream for the Town and predictable tax payments for the generating company.*

**BRUCE FREEMAN RAIL TRAIL - EASEMENTS OVER TOWN LAND**

**ARTICLE 2.** To determine whether the Town will vote to authorize the Select Board to grant or deed easements over certain Town property for an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, or take any other action relative thereto.

*This Article authorizes the Select Board to deed easements over town-owned land for the proposed use as a multi-use rail trail for non-motorized transportation, open space and recreation purposes. This Article fulfills a housekeeping requirement of MassDOT to grant an easement over town land.*

**BY PETITION ALTERNATIVE PRD PRELIMINARY SITE DEVELOPMENT AND USE  
PROPOSAL FOR LOT 4A AND PARCEL A FOREST RIDGE ROAD**

**ARTICLE 3.** To determine whether the Town will vote pursuant to Section 10.3.4 of the Zoning Bylaw to approve the Phase II Black Birch Alternative PRD Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016 as filed with the Town Clerk and Planning Board or take any other action relative thereto.

***Petitioner's Explanation: Approval of this Article is conditioned upon: a maximum of 16 units, each occupied by at least one individual who is 55 years or older and the establishment of not less than 4.6 acres of Common Open Space; and either (a) the provision of two affordable units, or in the alternative, (b) the donation by Black Birch II of one million dollars (\$1,000,000.00) to the Town earmarked for affordable housing purposes, subject to the control and management of the Select Board, all as set forth in the Site Development Proposal. With respect to the foregoing alternatives, following the Planning Board's Public Hearing pursuant to this Article, and prior to Town Meeting, the Petitioner will seek Planning Board approval under Section 10.3.4.3(d) of the Zoning Bylaw to amend the Site Development Proposal in order to agree upon one of the alternatives as summarized under (a) and (b) above.***

**BY PETITION RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 4A AND PARCEL A FOREST RIDGE ROAD**

**ARTICLE 4.** To determine whether the Town will vote to authorize the Select Board to enter into an agreement to release Lot 4A Forest Ridge Road containing 5.79 ± acres and Parcel A Forest Ridge Road containing 3.32 ± acres, both as shown on a plan entitled "Plan of Land in Concord, Massachusetts, Owned by: Todd A. Pulis, Trustee of Thoreau Realty Trust" dated August 25, 2016 to be recorded with the Middlesex South District Registry of Deeds as Plan No. \_\_\_\_\_ of \_\_\_\_\_, from a certain Easement and Restrictive Covenant Agreement dated September 19, 1990 and recorded with said Deeds in Book 20781, Page 75 and to agree that said Lot 4A and Parcel A may be used for residential purposes as a primary use, or take any other action relative thereto.

***Petitioner's Explanation: This article requests that the Town vote to authorize the Select Board to enter into an agreement to release Lot 4A and Parcel A from a 1990 covenant and agree that Lot 4A and Parcel A may be used for residential purposes as a primary use.***

**BY PETITION AMENDMENT OF THE ZONING BYLAW TABLE III – DIMENSIONAL REGULATIONS UNDER MAXIMUM FLOOR AREA RATION IN THE LIP#2 DISTRICT**

**ARTICLE 5.** To determine whether the Town will vote to amend **Zoning Bylaw Table III – Dimensional Regulations under Maximum Floor Area Ratio in the Limited Industrial Park #2 District (LIP #2)** by deleting after the word "Educational": the words "in LIP #2," and substituting in place thereof the words "and Residential uses in the LIP #2, provided such Residential uses are located within an Alternative PRD," so that the first part of the provisions under Maximum Floor Area Ratio in the LIP District would read as follows:

6,000 sq. ft.  
gross floor  
area per acre  
for Educational  
and Residential  
uses in the LIP #2,  
provided such  
Residential uses  
are located  
within an  
Alternative PRD,

or take any other action relative thereto.

***Petitioner's Explanation: This article would increase the maximum floor area ratio for residential use within an Alternative PRD in the LIP #2 District from 3,000 square feet to 6,000 square feet per acre.***

**LAND ACQUISITION – BALLS’ HILL ROAD**

**ARTICLE 6:** To determine whether the Town, will vote to appropriate, and authorize the Treasurer with the approval of the Select Board to raise and appropriate, or to transfer from available funds in the Treasury, to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws Chapter 44, Section 8C, the sum of \$400,000 for the purpose of purchasing for conservation and passive recreation purposes, and water supply purposes, by eminent domain or purchase or otherwise, the property or portions thereof at 221 and 265 Ball’s Hill Road, the acquisition of same having been authorized pursuant to Article 23 of the 2016 Annual Town Meeting and as amended hereby,; that the amount borrowed will be reduced by any grant funding received towards the property acquisition; that a portion of said land be conveyed to said Town of Concord to be managed and controlled by the [Department of Public Works Water and Sewer Division]; that a portion of said land be conveyed to said Town of Concord under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as it may hereafter be amended and other Massachusetts statutes relating to conservation, to be managed and controlled by the Concord Natural Resources Commission, acting as its Conservation Commission, and the Natural Resources Commission be authorized to file on behalf of the Town of Concord any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article, and the Town of Concord and the Natural Resources Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Concord to affect said purchase, or take any other action relative thereto.

*The Town has submitted a Local Acquisitions for Natural Diversity (LAND) grant to the Commonwealth of Massachusetts in the amount of \$400,000 to assist in the acquisition of the 80 acres of undeveloped land at 221 and 265 Ball’s Hill Road as approved at 2016 Annual Town Meeting. To be eligible for LAND grant funding, a portion of the land must be dedicated to conservation purposes, to be managed by the Natural Resources Commission. This article also authorizes the NRC to submit the LAND grant application. Finally, the LAND grant is a reimbursement grant, and this article will allow the Town to borrow \$400,000 for the property acquisition if the state awards the grant to the Town, which will be reimbursed to the Town upon payment by the state. LAND grants are awarded in mid-November, so the Town will know by the December 8 Special Town Meeting whether this interim borrowing is needed. LAND grant reimbursements are made by June 30, 2017. If the grant is not received the Select Board does not expect to move this article.*

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

Given under our hands this 17<sup>th</sup> day of October in the year two thousand-sixteen.

\_\_\_\_\_  
Alice Kaufman

\_\_\_\_\_  
Jane Hotchkiss

\_\_\_\_\_  
Michael Lawson

\_\_\_\_\_  
Thomas McKean

\_\_\_\_\_  
Steven Ng

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord \_\_\_\_\_  
Date

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for the purposes within named as directed.

\_\_\_\_\_  
Constable of Concord

**SPECIAL TOWN MEETING  
THURSDAY, DECEMBER 9, 2016  
7:00 PM  
CONCORD-CARLISLE REGIONAL HIGH SCHOOL**

**PARKING** – Town Meeting attendees should enter the high school parking lot via the Walden Street entrance only. On-site parking is limited. Carpooling is encouraged. Parking for people with disabilities is available at the high school. In the event that the parking lots at the high school are full, attendees will be directed to Alcott School first and, if Alcott fills, then the Concord District Court. Shuttle buses will be available to bring residents to and from the satellite parking.

**CHILDCARE** – Will be provided at the high school in the maroon gym for children 2½ and older. The Concord Recreation Department is offering the service at a cost of \$5 per child per hour or \$25 for two or more children for the evening. In order to guarantee a space, reservations should be made in advance by calling the Concord Recreation Department at 978/369-6460.

**SENIORS** - May arrange transportation with the Council on Aging office at 978/318-3020. Advance reservations are necessary. Rides will be available on a first come first served basis.

**CHECK-IN** – All voters who are registered to vote by **November 28, 2016** are eligible to participate at Town Meeting. Voters should check-in at the tables in the main lobby by last name and pick up a Town Meeting ballot on each night of attendance. Only one ballot per voter per evening of attendance. Ballots are not transferrable.

**SEATING** – Will only be available in the auditorium.

**ASSISTED LISTENING DEVICES** – will be available in the lobby.

**SPECIAL ARRANGEMENTS OR NEEDS** – Anyone with a disability requiring special arrangements for Town Meeting should contact Kate Hodges, Assistant Town Manager/ADA Coordinator before 4:30 p.m. on November 28, 2016 at (978) 318-3000 or e-mail her at [khodges@concordma.gov](mailto:khodges@concordma.gov). The earlier that special arrangement needs are communicated, the more likely that time will allow for special accommodations, if possible, to be met.

**TELLERS** – Voters willing to be a teller at Town Meeting are asked to call Abe Fisher, head teller at (978) 869-9233 or e-mail at [abefisher@misterfisher.com](mailto:abefisher@misterfisher.com)

## SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION

THE DEADLINE FOR UNREGISTERED RESIDENTS TO REGISTER TO VOTE AT THE SPECIAL TOWN MEETING IS:

**MONDAY, NOVEMBER 28, 2016**

IN ADDITION TO REGULAR OFFICE HOURS, A SPECIAL EVENING REGISTRATION SESSION WILL BE HELD ON MONDAY, NOVEMBER 28, 2016 UNTIL 8:00 PM AT THE TOWN CLERK'S OFFICE, 22 MONUMENT SQUARE FOR RESIDENTS WHO ARE CURRENTLY NOT REGISTERED VOTERS IN CONCORD.

Voter registration may be done online, by mail or in person.

For online registration or to download a mail-in registration form, visit the Town's Web Site ([www.concordma.gov](http://www.concordma.gov) – click "Elections & Voting") or call the Town Clerk's office and ask that a form be mailed.

For in-person registration, visit the Town Clerk's office at the Town House  
22 Monument Square – 978-318-3080  
Mondays-Fridays, 8:30 am-4:30 pm

**SPECIAL TOWN MEETING  
THURSDAY, DECEMBER 8, 2016  
7:00 PM**

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL**

**PARKING** – Town Meeting attendees should enter the high school parking lot via the Walden Street entrance only. On-site parking is limited. Carpooling is encouraged. Parking for people with disabilities is available at the flagpole circle at the high school. In the event that the parking lots at the high school are full, attendees will be directed to Alcott School first and, if Alcott fills, then the Concord District Court. Shuttle buses will be available to bring residents to and from the satellite parking.

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**Inquiries:**

Vera Simon-Nobes  
Gathering Director & Network Coordinator  
Farm Based Education Network  
t: 802-985-0382  
vera@farmbasededucation.org

**For Immediate Release**

## **National Gathering Convenes Food, Farm, and Garden Educators for Learning, Skill-Building and Celebration**

**Concord, MA, September 27, 2016:** On November 4-6, 2016, farmers, teachers, public health clinicians, conservationists, food system advocates and others -- from as far away as La Paz, Bolivia and as near as Harvard, MA -- will all convene in Concord, MA for the 6th Farm-Based Education Gathering. The event is designed to strengthen educational experiences on working farms for learners of all kinds. It's being organized by the Farm-Based Education Network (FBEN), now celebrating its 10th year.

"People have an innate ability to connect to farms and food," says Vera Simon-Nobes, Farm-Based Education Network Coordinator and Lead Conference Organizer. "This conference will bring together all the stakeholders to learn how to expand and enrich on-farm experiences so that people can make those connections."

The Gathering occurs at an exciting and challenging time for agriculture and for education. From GMOs to childhood nutrition standards, from greenhouse gases to salmonella outbreaks, agriculture lies at the bull's eye of many complex and interlocked issues. Learning on actual farms can deepen people's understanding of food systems and their roles within them to support more informed decision-making for the health of people and the planet. Within the equally complex world of education, farm-based learning is a promising form of interdisciplinary, experiential, place-based education -- with real-world applications and relevance that make the learning authentic.

"The Gathering will be a time to build skills, share success stories, and foster new collaborations," Simon-Nobes says. "Through the FBEN, we network online through our website and social media, but nothing equals the power of being together in one place." Network Founding Executive Director, Brooke Redmond adds, "At this gathering, you might have a network member who hosts soil science classes sitting next to someone who teaches kids about mushroom inoculation, sitting next to a chef from a school cafeteria, all listening to a teacher share how she teaches math to her students through garden design and planting at a local farm. It's hopeful and inspiring to gather and learn from one another. Ideas can really take hold."

The theme of the Gathering is "Connections that Lead to Change," and organizers promise ample time for partnerships to grow throughout the three day event. Friday offers a full day workshop at The Farm School in Athol, MA, multi-stop field trips to Boston-area sites, and a short course at Drumlin Farm Wildlife Sanctuary in Lincoln that will focus on how to make farms and gardens accessible to people of all abilities. A wood-fired pizza dinner at Verrill Farm will launch the weekend. Saturday will present over 50 workshops on topics ranging from "Making Soap and Salve with Kids", to "Animal Husbandry at Summer Camp" to "Turning Your Idea into an Organization". Saturday will conclude with a showcase of Concord-grown food at a "Taste of Colonial Concord" meal at the historic Colonial Inn. Presenters from around the country will share more successes, challenges and inspiration with attendees on Sunday before the program concludes midday.

Historic Concord, MA, the town where farmers stepped away from their plows to start a revolution in 1775, offers the event many great sites and experts. Stakeholders from health professionals to gardeners to educators have been working together for decades to maintain the town's agrarian roots. In 2012, the town underwent a community food system assessment and volunteers have been working to drive the recommendations forward. Brian Donahue, Historian, Brandeis University Professor, FBEN co-founder and Author of *Reclaiming the Commons: Community Farms and Forests in a New England Town* shares, "Concord is part of global efforts to recreate regional food systems resembling the one we had a century ago, when we at least provided a large part of our own vegetables, fruits, milk and eggs along with some of our meat.

Through farm-based education, we get kids' fingers in the dirt and they learn about where their food comes from. This learning can help inspire a life-long commitment to healthier eating, food justice, and sustainable farming."

Food, Farm, and Garden-based education is a critical part of these efforts." All Concord residents are encouraged to attend and several programs have been developed specifically for this vibrant host community- most notably the family programming on Saturday morning of the Gathering. Complimentary registration is offered to Concord and Carlisle school educators, administrators and food service staff.

The Farm-Based Education Network was the brainchild of representatives from eleven farm-based organizations who, ten years ago, established the association to support educators, farmers, and community leaders who provide access and experiences of all kinds on working farms. It has grown from 18 members in 2006 to over 2,700 today. "Since the Network was founded, the breadth of the programming offered in classrooms, on farms and in kitchens across the globe has widened impressively," Redmond said.

The Network is free to join. It maintains a database of sites and practitioners, celebrates the work of its members through monthly communications, fields questions from around the world, and collaborates with members and partner organizations to host workshops and immersive courses for practitioners. The FBEN Gathering in Concord will be the Network's largest event to date. The FBEN is a project administered by Shelburne Farms of Shelburne, Vermont, and supported by regional groups and network advisers.

Registration for the 6th Farm-Based Education National Gathering, November 4-6, is open now, and scholarships are available to offset the cost of attending. The Gathering is organized by the Farm-Based Education Network in partnership with The Trustees, Massachusetts Farm to School, Concord-Carlisle Community & Adult Education, Shelburne Farms, and the Concord Food Collaborative. Lead Sponsor Partners include Green Mountain Creamery, Emerson Hospital, Whole Foods Market, Concord's Colonial Inn, and Woods Hill Table, Woods Hill Farm and the film *Farmageddon: The Unseen War on American Family Farms*. **Registration is open now. Early Bird Registration Deadline is September 30. Registration will close October 14.**

For more information: [www.farmbasededucation.org](http://www.farmbasededucation.org)

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The Farm-Based Education Network is a free member network established to strengthen and support the work of educators, farmers, and community leaders who provide access and experiences of all kinds on working farms. The FBEN is a project administered by Shelburne Farms and supported by regional groups and network advisers who co-coordinate many of the outreach and program activities.