

TOWN OF CONCORD  
TOWN HOUSE  
CONCORD, MA 01742

PRESORT STANDARD  
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PERMIT NO. 51

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RESIDENTIAL CUSTOMER  
CONCORD, MA 01742

**WARRANT FOR ANNUAL TOWN MEETING**  
SUNDAY, JUNE 13, 2021, 1PM\*  
CONCORD-CARLISLE REGIONAL HIGH SCHOOL  
DOUG WHITE MEMORIAL FIELD  
500 WALDEN STREET

**PUBLIC HEARINGS**  
All at 7:00 P.M.

SELECT BOARD	Zoom virtual meeting; see meeting agenda	Tuesday, April 27, 2021
FINANCE COMMITTEE Town Budget & Articles including Capital	Zoom virtual meeting; see meeting agenda	Thursday, April 29, 2021
FINANCE COMMITTEE School Budgets & Articles Community Preservation Committee Articles	Zoom virtual meeting; see meeting agenda	Thursday, May 6, 2021
FINANCE COMMITTEE Enterprise Fund Budgets & Articles	Zoom virtual meeting; see meeting agenda	Tuesday, May 11, 2021
PLANNING BOARD	Zoom virtual meeting; see meeting agenda	Thursday, May 13, 2021

*\*Rain date is Monday, June 14, 2021, at 5PM at the same location.*

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OLD NORTH BRIDGE

## TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535  
CONCORD, MASSACHUSETTS 01742

March 31, 2021

Dear Concord Resident:

We encourage you to read these articles carefully and to participate in our Town Meeting process.

Over the next several months, you will have numerous opportunities to participate actively in the democratic process of Town government by attending hearings virtually and taking action at Town Meeting on the wide range of subjects described in the accompanying Warrant. This brief introduction summarizes the activities leading up to Annual Town Meeting.

**TOWN CAUCUS:** Nominations of candidates for election were made at the Town Caucus which was held on Monday, January 25, 2021. Names of Caucus nominees and candidates qualifying through the nomination paper process were on the ballot for the Town Election held on Thursday, March 25, 2021. Election results are posted on the Town's website, [www.concordma.gov](http://www.concordma.gov). Newly elected officials will take office on the day after Annual Town Meeting concludes.

**WARRANT:** The publication of the Warrant is the first event leading up to Town Meeting. The Warrant serves as the agenda for the Meeting. It includes Articles proposed by the Town's committees and professional staff and those brought by petitions signed by at least ten registered voters. Each Article on the Warrant represents a separate agenda item and describes the subject on which the voters at Town Meeting will be asked to take action. Any motion made under an Article at Town Meeting must fit within the scope of that Article as presented in the Warrant as determined by the Moderator. The phrases "**or take any other action relative thereto**" and "**or any other sum**" in Warrant Articles signify that the motion under the Article presented at Town Meeting may vary somewhat in proposed action and dollar amount, so long as the motion remains within the scope of the Article. The motion will omit those phrases and often will be more specific. For example, estimated amounts may be replaced by more precise figures in appropriation Articles, or the details of a zoning Article may be refined as a result of discussion during the public hearing process.

Some Articles provide for various funding methods. The phrase “**raise and appropriate**” means funding through the property tax levy. The phrase “**transfer from available funds**” means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes. Finally, the Treasurer may be authorized “**with the approval of the Select Board, to borrow.**” This means the issuance of debt for which the Town commits its full faith and credit to make future repayment of the loan with interest. The motion made under a financial Article will always specify the financing method from among the possible options. The amount of money in the motion may vary up or down from the amount appearing in the Article text.

**Does the majority always rule?** Some Articles require super-majority votes in accordance with state law. These include most Articles authorizing the issuance of debt and zoning bylaws. You will be informed by the Moderator when a motion is made under an Article whether a 2/3rds or other super-majority vote is required for passage.

**PUBLIC HEARINGS:** Following publication of the Warrant, five public hearings will be held as shown on the schedule at the end of this section. All citizens are urged to attend the hearings, or to watch the recorded versions accessible through the Town website, because there will not be formal presentations on the Articles at Town Meeting due to COVID-19 protocols. The hearings will provide opportunity to gain a better understanding of the background and issues and serve a number of additional purposes:

- to provide fuller information on Warrant Articles to boards and committees charged with making recommendations to Town Meeting;
- to provide information to voters to help them decide how to vote on Warrant Articles;
- to identify needs for further information on Warrant Articles;
- to provide an opportunity for voters to make brief comments about the content of the proposals being made, allowing time for the Warrant Article presenters to make changes in the motions prior to Town Meeting, if needed; and
- to provide Warrant Article presenters with constructive feedback to help them respond to likely questions and objections, clarify ambiguities, remedy potential technical problems, and avoid unintended consequences.

After the hearings, the Finance Committee, which consists of fifteen citizens appointed by the Moderator, will prepare its report to the Town. This report summarizes the Town's financial position, reports on various issues, and includes the Finance Committee recommendations to Town Meeting on each Article with financial impact as well as the recommendations of the Select Board on all Articles.

**SCHEDULE OF PUBLIC HEARINGS**

**Location: VIA ZOOM – SEE HYPERLINK IN THE BOARD/COMMITTEE AGENDA POSTED AT [WWW.CONCORDMA.GOV](http://WWW.CONCORDMA.GOV) FOR EACH MEETING LISTED BELOW**

<b>Committee</b>	<b>Articles</b>	<b>Time</b>	<b>Date</b>
Select Board: SB	1, 2, 7, 31, 33, 40, and 41	7:00 PM	Tuesday, April 27, 2021
Finance Committee: FC Town Budget, related Articles and Town Capital Articles	3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 42, and 43	7:00 PM	Thursday, April 29, 2021
Finance Committee: FC/SC School Budgets & Articles	27, 28, 29, and 30,	7:00 PM	Thursday, May 6, 2021
Community Preservation Committee: FC/CPC	34		
Finance Committee: FC/ENT Enterprise Funds Budgets & Articles	20, 21, 22, 23, 24, 25, and 26	7:00 PM	Thursday, May 11, 2021
Planning Board: PB	32, 35, 36, 37, 38, and 39	7:00 PM	Thursday, May 13, 2021

**TOWN MEETING:** Will be held in one day, June 13, 2021 at 1:00PM outdoors at the Doug White Field located on the Concord-Carlisle Regional High School premises. Rain date is Monday, June 14, 2021, at 5:00PM, same location. COVID-19 protocols, including masks and social distancing, will be in effect. All registered voters are eligible and encouraged to attend and vote. Residents who are not currently registered to vote must register by Monday, May 24, 2021 in order to participate. All attendees must check in with the Town Clerk's staff.

The Moderator, who presides at the Meeting, is elected annually in the Town Election. The Moderator will be on the stage with the Town Clerk. The Finance Committee and Select Board, along with the Town Manager, Deputy Town Manager and Chief Financial Officer, will be seated at the front of the field.

All speakers must address remarks to the Moderator. Concord Town Meeting has a long tradition of vigorous, civil and respectful debate. This means that we stick strictly to the issue, avoid impugning the motives of any person or group, and avoid any personal attacks or references to other speakers by name. Any speaker who fails to honor this tradition will be ruled out of order.

Civility enables all participants to speak and be heard without interruptions or demonstrations, such as hissing, booing, clapping or cheering. All participants are expected to listen to all speakers carefully. The Moderator has the obligation to ensure that the meeting proceeds in an orderly and respectful manner, so that thoughtful deliberation and decision-making may occur.

All speakers must abide by the announced time limits. This year, due to Meeting streamlining for public health protection from COVID risk, there will be no presentations on main motions or proposed amendments that are included in Meeting Materials distributed at check-in. Narrative summaries of main motions will be included in Meeting Materials and it is hoped that voters have reviewed on [www.concordma.gov](http://www.concordma.gov) hearing video and materials on all the articles moved. Movers of amendments from the floor will have *three minutes* to present their motions and article sponsors will have *two minutes* to speak to the amendment. Voters will be allowed *one minute* for speaking on a motion. Any extra time must have the Moderator's advance permission.

Article 3, "Meeting Procedure," has been submitted by the Finance Committee to address the special constraints placed on Town Meeting by "Proposition 2½." Additional information on the Town's status relative to Proposition 2½ will be presented in the "Report and Recommendations of the Concord Finance Committee" to be published and mailed to all residents in early June.

Town Meeting is an important democratic institution open to all Concord registered voters and is Concord's legislative body. The procedures are simple, and all have a right to attend and participate. By this process, the decisions made are based on the collective will and wisdom of the Meeting. We encourage your active participation, particularly for those Articles that are of greatest importance to you. Town Meeting proceedings are broadcast live by MMN on cable through channel 9 and on WIQH Radio 88.3 FM, for those who cannot attend but wish to follow along from home.

If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term assignment, bring yourself to the attention of the appointing authorities by filling out a "Green Card" and submitting it to the Town Manager's Office in the Town House. Green Cards can be filled out online. Follow the "Volunteer" choice from the home page [www.concordma.gov/greencard](http://www.concordma.gov/greencard).

Respectfully,

Linda Escobedo, Chair

Carmin C. Reiss

Susan Bates, Clerk

MODERATOR

Terri Ackerman

Jane Hotchkiss

Matthew Johnson

SELECT BOARD

## **A Word About COVID-19 Precautions for 2021 Annual Town Meeting**

In view of the consensus among public health experts that COVID-19 transmission risk is substantially less outdoors than indoors, Annual Town Meeting again will be held outdoors this year, on the Doug White Fields located at the Concord-Carlisle Regional High School. The Meeting is scheduled to begin during daylight hours, to maximize both safety of attendees and the likelihood of completing the Meeting in one session. There will be a small “pop-up” tented area(s) for rest and medical emergencies, but seating will otherwise be uncovered. Umbrellas, hats, sunscreen, insect repellent, and water are recommended.

Voters will be required to wear cloth or paper facial coverings over their noses and mouths, to observe a 6-foot physical distance at all times from persons not part of their own households, and to refrain from attending the Meeting if they have a confirmed or suspected case of COVID-19, or have had a known exposure within the preceding two weeks to a person infected with COVID-19. While seated in their physically/socially distanced areas of the field, voters will be permitted to remove facial coverings to drink water. Voters should bring sunscreen, hats, umbrellas, sunglasses, insect repellent, and water. Early arrival is recommended, as walking distances will be longer than usual, and check-in likely slower.

**In the interests of shortening the Meeting and reducing the risk to public health, there will be no presentations on articles at this year’s Annual Town Meeting.** As we reach each article, the Moderator will refer voters to the motion under the article included in the Meeting Materials to be distributed, and open the floor for questions and comments. A one-page narrative on each article written by its sponsor will be included in the Meeting Materials. **In preparation to attend Annual Town Meeting, voters are urged to watch the Pre-Meeting Hearing presentations on the articles live, or as recorded and available on the town website, [www.concordma.gov](http://www.concordma.gov), under the Town Meeting tab.**

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR THE ANNUAL TOWN MEETING 2021**

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, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Doug White Memorial Field at Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Sunday, the thirteenth day of June, 2021, at 1:00 o'clock in the afternoon, by posting a printed copy of this Warrant by you attested, at the Town House. Further a copy thereof shall be posted on the Town's website and mailed to every household at least seven days before the Town Meeting, 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 Mass. Gen. Laws c. 59, § 21C (generally referred to as "Proposition 2½"), 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. Town Meeting has adopted this meeting procedure for a number of years.*

**FINANCE COMMITTEE GUIDELINES PUBLICATION**

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

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

*Town Meeting voted in 1976 to adopt a policy establishing budget guidelines. It is recommended that this policy be updated to reflect the following changes: (i) connect the publication date of the guideline to the closure of the warrant instead of a fixed date on the calendar, especially given recent experience with shifting Town Meeting dates, (ii) change guideline to guidelines since, in practice, separate guidelines are given to each entity based on their budget drivers, (iii) post the guidelines on the town website instead of the local paper to reflect how residents get their information, and (iv) change "Selectman" to "Select Board" to reflect the current name of the Town's board.*

### **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 Plan as follows, or take any other action relative thereto:

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

*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. Actions already taken appear in the Warrant; if additional actions are taken by the Personnel Board after the close of the Warrant, notice will be filed with the Town Clerk and details will be presented at Town Meeting.*

### **CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS**

**ARTICLE 6.** To determine whether the Town will vote to amend the Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective July 1, 2021, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN**  
Effective July 1, 2021

**ADMINISTRATIVE-CLERICAL**

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

**TRADES-CRAFTS-LABOR**

<u>Grade Number &amp; Class Title</u>		Minimum	Mid-Point	Maximum
<b>TCL-1</b>	Hourly	17.94	21.69	25.43
Building Custodian				

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

## MANAGERIAL-PROFESSIONAL

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>MP-1</b>	Annual	49,387	61,943	74,499
Associate Engineer Engineering Technician Library Innovation & Communications Specialist Media Technician Recreation Supervisor Station Manager Tourism & Visitor Services Manager				
<b>MP-2</b>	Annual	55,735	69,902	84,068
Administrative & Special Projects Coordinator Administrative Manager				

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

<b>MP-3</b>	<b>Annual</b>	<b>65,763</b>	<b>82,483</b>	<b>99,202</b>
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Assistant Assessor  
 Assistant Human Resources Director  
 Assistant Public Health Director  
 Assistant Public Works Engineer  
 Assistant Senior Services Director  
 Assistant Town Accountant  
 Assistant Town Clerk  
 Assistant Treasurer  
 Associate Financial Manager  
 Childcare Services Manager  
 Customer Service Supervisor  
 Energy Conservation Coordinator  
 Local Inspector  
 Management Analyst  
 Municipal Archivist/Records Manager  
 Operations Manager  
 Recreation Programs & Events Manager  
 Retirement System Administrator  
 Senior Budget & Operations Analyst  
 Senior Environmental & Regulatory Coordinator  
 Senior Information Systems Technician  
 Senior Planner

<b>MP-4</b>	<b>Annual</b>	<b>70,307</b>	<b>88,182</b>	<b>106,056</b>
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Assistant Highway & Ground Superintendent  
 Assistant Recreation Director  
 Customer Service Administrator  
 Environmental Services Program Administrator  
 GIS & Application Integration Program Manager  
 Operations Engineer  
 Public Information & Communications Manager  
 Public Works Engineer

<b>MP-5</b>	<b>Annual</b>	<b>75,625</b>	<b>94,850</b>	<b>114,075</b>
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Assistant Library Director  
Assistant Town Engineer  
Budget & Purchasing Director  
Deputy Treasurer/Collector  
Director of Sustainability  
IT Services Manager  
Financial Manager/Accountant  
Natural Resources Director  
Police Lieutenant  
Public Health Director  
Senior Services Director  
Town Clerk  
Town Planner

<b>MP-6</b>	<b>Annual</b>	<b>87,814</b>	<b>110,136</b>	<b>132,458</b>
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Assistant Fire Chief  
Building Commissioner  
Facilities Director  
Highway & Grounds Superintendent  
Police Captain  
Recreation Director  
Town Accountant  
Town Assessor  
Town Engineer  
Water/Sewer Superintendent

<b>MP-7</b>	<b>Annual</b>	<b>95,430</b>	<b>119,690</b>	<b>143,950</b>
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Director of Planning & Land Management  
Human Resources Director  
Library Director

<b>MP-8</b>	<b>Annual</b>	<b>106,319</b>	<b>133,348</b>	<b>160,376</b>
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Assistant Town Manager  
Chief Information Officer  
Fire Chief  
Police Chief  
Public Works Director

<b>MP-9</b>	<b>Annual</b>	<b>116,520</b>	<b>146,144</b>	<b>175,767</b>
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Deputy Town Manager  
Chief Financial Officer

## ELECTRICAL LABOR

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

## ELECTRICAL MANAGEMENT

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

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>EM-1</b>	Annual	67,513	81,030	94,547
Meter Supervisor Senior Engineering Technician				
<b>EM-2</b>	Annual	86,285	103,521	120,756
Electrical Engineer				
<b>EM-3</b>	Annual	92,703	111,277	129,851
Lead Electrical Engineer				
<b>EM-4</b>	Annual	108,314	129,956	151,598
Power Supply & Rates Administrator				
<b>EM-5</b>	Annual	113,730	136,454	159,177
Assistant CMLP Director				

<b>EM-6</b>	Annual	131,165	157,443	183,720
CMLP Director				

## MEDIA SPECIALISTS

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

## SWIM & FITNESS

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

## HUMAN SERVICES

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

## TELECOMMUNICATIONS TECHNICIANS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
<b>TT-1</b>	Hourly	30.70	36.07	41.43
Telecommunications Technician				
<b>TT-2</b>	Hourly	35.09	41.25	47.40
Senior Telecommunications Technician				

<b>TT-3</b>	<b>Hourly</b>	<b>36.84</b>	<b>43.31</b>	<b>49.78</b>
Lead Telecommunications Technician				

## **TELECOMMUNICATIONS MANAGEMENT**

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

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

*With annual adjustments and periodic comprehensive reviews, the Classification & Compensation Plan keeps Town salaries competitive in the employment market, maintains internal equity of salary ranges, maintains comparability with salaries of unionized employees, and keeps pace with changes in the cost of living. This article does not control the amount of the actual salary increases to be received by employees in FY22. Actual salary increases are made after Town Meeting, based upon the approved budget.*

### **PERSONNEL BYLAW AMENDMENT**

**ARTICLE 7.** To determine whether the Town will vote to strike the text of the Personnel Bylaw in its entirety and replace it with the following, or take any other action relative thereto:

#### The Town of Concord Personnel Bylaw

1. The Town Manager shall be entrusted with the administration of the Town's personnel system.
2. The Town Manager shall adopt and may amend rules and regulations establishing a lawful, equitable, and efficient system of personnel administration for Town employees. The personnel system shall make use of modern concepts of personnel management and shall include, but not be limited to, the following elements: (i) personnel policies indicating the rights, obligations and benefits of employees; (ii) a classification plan; (iii) a compensation plan; (iv) a method for appointing employees based on merit principles; (v) a record keeping system; and (vi) other elements deemed necessary by the Town Manager. All Town agencies and positions shall be subject to the rules and regulations adopted under this section, except elected officers, employees of the school department, and as otherwise provided under

chapter 150E of the General Laws. Furthermore, all compensation and benefit programs shall not exceed the limits established by appropriation.

3. The Personnel Board shall be composed of three members appointed by the Select Board for three (3) year terms.
4. The Personnel Board shall, at the request of the Town Manager, advise the Town Manager regarding the Manager's obligations under this Bylaw.

*This proposed comprehensive amendment to the Personnel Bylaw would give the Town Manager authority for establishment of the Town's personnel administration system, including the classification and compensation plan. Currently, the Personnel Board oversees and Town Meeting approves the system for non-union employees, and the Town Manager has authority for union and personal contracts. Given the constantly shifting landscape of employment law and trends, the Personnel Board recommends that the Town Manager be given full authority for the Town's personnel systems. The classification and compensation plan has been addressed via the Consent Calendar for many years now, and amendments to the Bylaw have consistently been approved by Town Meeting as proposed. The proposed reassignment of authority will support a personnel system that is: (1) efficient, (2) responsive to changing operational needs, employment laws and workforce trends, (3) effective for recruitment and retention of employees, and (4) consistent with a strong Town Manager form of government.*

### **USE OF FREE CASH**

**ARTICLE 8.** To determine whether the Town will vote to transfer from free cash the sum of \$1,000,000, or any other sum, to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2022, 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 FY22 budget. The proposed amount is consistent with the Finance Committee's FY22 Guideline Budget Plan.*

### **FY21 TOWN BUDGET LINE ITEM ADJUSTMENTS**

**ARTICLE 9.** To determine whether the Town will vote to amend appropriations made under Article 10 of the 2020 Annual Town Meeting, Town Budget, or take any other action relative thereto.

*The Town's budget is appropriated in 16 line items. Adjustments to these line item totals may only be made through subsequent Town Meeting action or at the end of the fiscal year with the approval of the Select Board and Finance Committee, under the authority granted in Mass. Gen. Laws ch. 44, §33B. This article seeks approval to make certain line item adjustment to rebalance the budget to account for actual spending, while maintaining the total appropriation of \$47,660,480. This article does **not** seek a supplemental appropriation and approval of this article will **not** increase total FY21 spending.*

### **TOWN BUDGET**

**ARTICLE 10.** To determine whether the Town will vote to raise and appropriate or transfer from available funds, the sum of \$48,779,887, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2022:

<b>Town Government Operating Budget</b>				
<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2020 Expenses</b>	<b>Fiscal 2021 Appropriation</b>	<b>Fiscal 2022 Proposal</b>
<b>General Government</b>				
<b>\$4,574,682 is 9.4% of Total</b>				
1	A. Town Manager's Office	\$ 657,439	\$ 734,348	\$ 729,196
	B. Human Resources	430,831	478,622	556,099
	C. Information Systems	959,700	1,090,576	1,238,301
	D. Town Meeting and Reports	120,250	101,225	123,096
	E. Economic Vitality & Tourism	86,181	112,400	183,097
	F. Facilities Administration	897,712	890,179	974,548
	G. Parks & Playgrounds	110,360	130,657	148,054
	H. Resource Sustainability	144,749	162,280	162,949
	I. Visitor's Center and Restroom	22,687	29,765	34,342
	<b>Subtotal</b>	3,429,908	3,730,052	4,149,682
2	A. Legal Services	537,452	344,585	425,000
	<b>Department Subtotal</b>	<b>3,967,361</b>	<b>4,074,637</b>	<b>4,574,682</b>
<b>Finance</b>				
<b>\$2,271,859 is 4.7% of Total</b>				
3	A. Finance Administration	\$ 579,606	\$ 619,860	\$ 544,908
	B. Treasurer-Collector	460,165	528,371	499,231
	C. Town Accountant	269,671	352,437	329,509
	D. Assessors	424,356	456,387	449,647
	E. Town Clerk	333,195	379,147	389,276
	F. Elections	44,753	76,176	53,068
	G. Registrars	29,374	7,971	6,220
	<b>Department Subtotal</b>	<b>2,141,120</b>	<b>2,420,349</b>	<b>2,271,859</b>
<b>Planning and Land Management</b>				

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

<b>Item No.</b>	<b>Department</b>	<b>Fiscal 2020 Expenses</b>	<b>Fiscal 2021 Appropriation</b>	<b>Fiscal 2022 Proposal</b>
<b>Human Services</b>				
<b>\$3,424,346 is 7.0% of Total</b>				
5	A. Library	\$ 1,960,747	\$ 2,330,702	\$ 2,330,034
	B. Senior Services			
	B1. Senior Services	458,618	667,605	597,658
	B2. Harvey Wheeler Community Ctr.	87,042	94,209	97,767
	C. Recreation Services			
	C1. Recreation Services	129,973	118,882	110,000
	C2. Hunt Recreation Center	97,301	104,375	100,312
	D. Human Services	57,639	71,934	71,799
	E. Veterans Services	77,687	75,134	77,149
	F. Ceremonies and Celebrations	3,813	29,631	39,628
<b>Department Subtotal</b>		<b>\$ 2,872,821</b>	<b>\$ 3,492,472</b>	<b>\$ 3,424,346</b>
<b>Public Safety</b>				
<b>\$10,982,707 is 22.6% of Total</b>				
6	A. Police Department	\$ 4,590,032	\$ 4,828,191	\$ 5,206,646
	B. Animal Control Officer	25,973	27,500	27,500
	C. Police-Fire Station	231,194	231,869	252,057
	D. Fire Department	5,284,523	5,499,333	5,460,446
	E. Emergency Management	7,328	16,000	16,000
	F. West Concord Fire Station	15,071	20,738	20,059
	<b>Department Subtotal</b>		<b>\$ 10,154,120</b>	<b>\$ 10,623,630</b>
<b>Public Works</b>				
<b>\$4,297,220 is 8.8% of Total</b>				
7	A. Public Works Administration	\$ 469,134	\$ 449,200	\$ 404,565
	B. Engineering	572,595	691,413	485,647
	C. Highway Maintenance	1,381,466	1,545,047	1,514,206
	D. Winter Maintenance	540,005	640,000	640,000

	E. Parks and Trees	668,081	787,628	795,573
	F. Cemetery	211,414	259,031	304,806
	G. 133/135 Keyes Road	104,890	124,923	124,923
	H. Capital Assets			
	H1. Road Improvements	-	-	-
	H2. Drainage Program	-	-	-
	H3. Sidewalk Management	-	-	-
	H4. Heavy Equipment	-	-	-
	I. Street Lighting	28,630	27,500	27,500
	<b>Department Subtotal</b>	<b>\$ 3,976,215</b>	<b>\$ 4,524,742</b>	<b>\$ 4,297,220</b>
Item No.	Department	Fiscal 2020 Expenses	Fiscal 2021 Appropriation	Fiscal 2022 Proposal
<b>Unclassified</b>				
<b>\$1,010,000 is 2.1% of Total</b>				
8	Employee Wellness			
	A. Unused Sick Leave	\$ 92,122	\$ 65,000	\$ 65,000
	B. Public Safety Disability	-	2,500	2,500
	C. Employee Assistance Program	7,878	7,500	7,500
	<b>Subtotal</b>	<b>100,000</b>	<b>75,000</b>	<b>75,000</b>
9	Reserve Fund*	-	225,000	225,000
* Transfers totaling \$0.00 were made to other accounts in Fiscal Year 2019.				
10	Salary Reserve**	307,262	(374,236)	700,000
** Transfers totaling \$861,726 in Fiscal Year 2020 and \$624,236 in Fiscal Year 2021 were made to other accounts. The \$624,236 transfer utilized \$250,000 in appropriated funding plus \$374,236 in encumbered monies.				
11	Land Fund	10,000	10,000	10,000
	<b>Total Unclassified</b>	<b>\$ 417,262</b>	<b>\$ (64,236)</b>	<b>\$ 1,010,000</b>
<b>TOWN GOVERNMENT SUBTOTAL</b>				
<b>Account 1-10</b>		<b>\$ 25,192,487</b>	<b>\$ 26,949,809</b>	<b>\$ 28,492,894</b>

<b>Joint (Town - CPS)</b>				
<b>\$20,168,372 is 41.4% of Total</b>				
12	A. Group Insurance	\$ 5,966,069	\$ 6,383,694	\$ 6,639,042
	B. OPEB	1,697,850	1,500,000	\$0
	C. Property/Liability	288,750	300,000	315,000
	<b>Insurance Subtotal</b>	<b>7,952,669</b>	<b>8,183,694</b>	<b>6,954,042</b>
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	91,283	110,000	120,000
	B. Workers' Comp.	118,717	110,500	133,575
	<b>Subtotal</b>	<b>210,000</b>	<b>220,500</b>	<b>253,575</b>
14A	Retirement	3,965,861	4,064,734	3,412,844
14B	Retirement, Pension Reserve			\$1,338,816

15	Social Security and Medicare	837,819	866,864	910,207
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,432,575	3,187,205	3,424,300
	CPS Principal and Interest	747,151	811,807	743,070
	<b>Subtotal</b>	<b>4,179,726</b>	<b>3,999,012</b>	<b>4,167,370</b>
	Interest on Notes			
	Other Debt Expense	9,581		
	<b>Subtotal Within Levy Limit</b>	<b>4,189,307</b>	<b>3,999,012</b>	<b>4,167,370</b>
	B. Excluded Debt			
	Town Principal and Interest	99,794	343,794	335,044
	CPS Principal and Interest	3,128,228	3,032,073	2,915,095
	Less: Use of Stabilization Funds			
	<b>Subtotal Excluded Debt</b>	<b>3,228,021</b>	<b>3,375,867</b>	<b>3,250,139</b>
	<b>Total Debt Service</b>	<b>7,417,328</b>	<b>7,374,879</b>	<b>7,417,509</b>
	<b>Total Joint (Town - CPS)</b>	<b>\$ 20,383,677</b>	<b>\$ 20,710,671</b>	<b>\$ 20,286,993</b>
	<b>Total Appropriation</b>	<b>\$ 45,576,164</b>	<b>\$ 47,660,480</b>	<b>\$ 48,779,887</b>

That the Town Manager is authorized to turn in or sell at public auction surplus equipment, the amount allowed or received therefore to be applied against the purchase of new equipment;

That the Town appropriate and transfer the sum of \$1,000 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's Rabies Clinic;

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

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

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

or take any other action relative thereto.

*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 total appropriation presented here for consideration for Town Meeting approval meets the Finance Committee's guideline set on February 25, 2021. The text above also makes certain other appropriations from Stabilization and Enterprise Funds, as well as authorizes certain other transfers. In prior years, funds to cover the cost of services provided by the General Fund to individual Enterprise Funds and other Special Revenue Funds were made through inter-fund transfers; however, best practice is to request specific Town Meeting authorization through appropriation of these funds. As such, the table above has been updated for FY20 to show individual line items, including both appropriation and inter-fund transfer so that a true comparison may be made.*

### **OPEB TRUST FUND APPROPRIATION**

**ARTICLE 11.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,467,851 to the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) established under Mass. Gen. Laws c. 32B, § 20, or take any other action relative thereto.

*While the Town has been contributing to its OPEB Trust Fund on an annual basis since FY09, it has only been appropriating the General Fund contribution and has been doing so as a part of the Town's Budget article. Current best practice, as suggested by the Town's auditor and the MA Department of Revenue, includes making the appropriation for all funds (General, Enterprise and Other) in one stand-alone article. The recommended appropriation of \$1,467,851 includes an appropriation of \$1,220,195 from the General Fund and \$247,656 from Enterprise & Other funds.*

### **OPEB TRUST FUND EXPENSE**

**ARTICLE 12.** To determine whether the Town will vote to appropriate a sum of money from the OPEB Fund established under Mass. Gen. Laws c. 32B, § 20 for OPEB Fund expenses, or take any other action relative thereto.

*Similar to Article 11 above, the Town has been advised of a new best practice relative to OPEB Trust Fund expenses. Since FY09, OPEB expenses, including investment management fees, have been netted from investment earnings. Going forward, the Town has been advised that all Trust Fund expenses should be appropriated and paid directly rather than deducted from earnings. Beginning in FY22, and continuing on an annual bases, all OPEB Trust Fund expenses will be appropriated by Town Meeting.*

### **CAPITAL IMPROVEMENT AND DEBT PLAN**

**ARTICLE 13.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow by the issuance of bonds or notes under the provisions of Mass. Gen. Laws c. 44, § 7, or any other enabling authority, the sums of money specified in the FY22 Capital Improvement and Debt Plan, or any other sum, to be expended under the direction of the Town Manager, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance

with Mass. Gen. Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

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

*This article authorizes the FY22 Capital Improvement and Debt Plan, all of which will be funded within the existing Levy Limit. The FY22 Capital Improvement and Debt Plan is proposed to be funded through cash outlay, the issuance of debt, and transferring remaining balances in previously authorized debt articles where these balances are no longer needed for their original intended purpose.*

**AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER  
MASS. GEN. LAWS c. 44, § 53E ½**

**ARTICLE 14.** To determine whether the Town will vote to authorize the total expenditures for the following revolving funds pursuant to Mass. Gen. Laws c. 44, § 53E ½ for the fiscal year ending June 30, 2022, to be expended in accordance with the Town's Revolving Fund Bylaw, or take any other action relative thereto.

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

*This article authorizes the annual spending limits for each of the Revolving Funds identified above. Spending from these funds may only occur for the stated purposes identified in the Town's Revolving Fund Bylaw, and only with the approval of the Town Manager.*

### **ESTABLISHMENT OF A PARKING METER FUND AND REPEAL OF THE PARKING METER REVOLVING FUND BYLAW**

**ARTICLE 15.** To determine whether the Town will vote to accept the second sentence of Mass. Gen. Laws c. 40, § 22C, to allow receipts from parking meters and other devices to be segregated in a special revenue fund, such funds to be expended for the purposes of purchase or lease of additional parking lots, the care and maintenance of parking lots, the purchase or lease of a commuter shuttle or commuter shuttle services between the parking lots and available public transportation, the care and maintenance of public transportation station accessibility improvements and in general for traffic control or traffic safety purposes, including payment for public liability coverage in connection with the purchase, lease and use of the municipally owned or leased parking lots and commuter shuttles or commuter shuttle services or any of the purposes and uses listed in Mass. Gen. Laws c. 40, § 22A, and further to determine whether the Town will vote to repeal in its entirety the Parking Meter Revolving Fund Bylaw that was adopted under Article 65 of the 1975 Annual Town Meeting, or take any other action relative thereto.

*Acceptance of this statute will allow the Town to continue to segregate parking revenue from other General Fund revenues for the purpose of funding expenses related to parking enforcement and/ or public transportation initiatives. Acceptance of this statute will also render obsolete the Town's Parking Meter Revolving Fund Bylaw, which limits the use of parking meter funds beyond that currently permitted by Mass. Gen. Laws c. 40, § 22C.*

### **ANNUAL APPROPRIATION OF PARKING METER RECEIPTS**

**ARTICLE 16.** To determine whether the Town will vote to appropriate the sum of \$400,000 from Parking Meter Receipts to fund expenses related to parking enforcement or public transportation initiatives for the fiscal year ending June 30, 2022, or take any other action relative thereto.

*This article authorizes the Town Manager to use parking meter receipts to fund any and all expenses related to parking enforcement and/ or public transportation initiatives arising in FY2022.*

### **APPROPRIATE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT**

**ARTICLE 17.** To determine whether the Town will vote to raise and appropriate, or transfer from free cash, the sum of \$500,000, for the purpose of developing or supporting affordable housing within the Town, to be expended under the direction of the Town Manager on such terms and conditions as the Select Board may determine, including transferring the funds to the Municipal Affordable Housing Trust Fund, or take any other action relative thereto.

*The Affordable Housing Funding Committee recommended in its 2018 report to the Select Board that the Town appropriate free cash to support affordable housing within Concord when the Town's free cash*

*balance is higher than 5% of the annual operating budget. The Select Board anticipates requesting an annual appropriation from free cash to support affordable housing until such time as other housing revenues are generated. Requests for appropriation from free cash at the 2021 Annual Town Meeting are made from free cash as of July 1, 2020. As of the date of this Warrant, Certified Free Cash is \$6,398,206, representing 5.54% of the Operating Budget. Due to the timing of receipt of grant proceeds, the 7/1/20 Certified Free Cash is \$1,461,265 lower than anticipated. Had these grant proceeds been received on time, the Town's Certified Free Cash would have been \$7,859,471, or 6.8%. Grant proceeds have been received and will be included in the next free cash certification. Should this request for appropriation be approved, the effective free cash would be \$7,353,471, or 6.37%, which is in conformance with the Town's Use of Free Cash policy.*

## **SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION**

**ARTICLE 18.** To determine whether Town Meeting will vote to accept the Special Act passed by the General Court, entitled An Act to Make Permanent a Senior Means Tested Property Tax Exemption in Concord, in substantially the form below, or take any other action relative thereto:

**An Act to Make Permanent a Senior Means Tested Property Tax Exemption in Concord**  
*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

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

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

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

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

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

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

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

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

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the town of Concord, including the levy for the regional high school if not included in the town's tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the select board within a range of 0.5 to 1 per cent of the residential property tax levy for the town. If benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to this act shall be reduced to meet the need.

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

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

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

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

*The Senior Means-Tested Property Tax Exemption authorized by Chapter 374 of the Acts of 2016 went into its third year of implementation in Fiscal Year 2021. Persons age 65 or older who have been residents of the town for at least ten years, who own property that is valued at or below the town's median single-family house value (\$925,200 in FY 2021), whose income would qualify for the state's Circuit Breaker income-tax credit (\$61,000 for an individual and \$92,000 for joint owners for tax year 2020), and whose other assets are below a threshold set by the Board of Assessors were eligible for this exemption. The exemption can reduce the applicant's property tax by as much as 50% or until the net tax burden is 10% of the applicant's income. In FY 2021, 34 applications were approved for exemptions totaling \$123,432, the total amount of exemptions continued to be capped at ½ of one percent of the total residential property tax, and the actual total continued to be well under this cap, enabling the full amount of the exemption to be given to all eligible applicants. The act authorizing this exemption expires three years after its initial implementation. In order to continue the Senior Means-Tested Property Tax Exemption past June 30, 2021,*

*after the authorizing legislation is passed by the General Court, it must be approved by Town Meeting and approved by a majority of voters at a regular or special town election.*

### **APPROPRIATION FOR SENIOR MEANS-TESTED TAX EXEMPTION**

**ARTICLE 19.** To determine whether the Town will vote transfer a sum of money for the purpose of funding the Senior Means Exemption for the fiscal year ending June 30, 2022, or take any other action relative thereto.

*This article provides an appropriation to continue the Senior Means-Tested Tax Exemption in FY22 in the event legislative authority has not been received by the time the Town is required to set its FY22 Tax Rate.*

### **LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES**

**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 that fiscal year, as defined in Mass. Gen. Laws c. 164, § 57; or for other plant extensions, enlargements, additions, renewals and reconstruction; and further, to authorize a transfer of \$451,500 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, 2022; or take any other action relative thereto.

*This article authorizes the Town Manager, as manager of the Light Plant, to expend the income received by the Light Plant from the sale of electricity along with other departmental income to be used for the purposes of operating the department for the fiscal year ending June 30, 2022. This is a routine annual action. Further, this article authorizes the transfer of \$451,500 from the operating fund of the Light Plant to the General Fund, an amount consistent with past years and designed to represent what a private utility would pay in property taxes. The amount is based on the Light Plant's sales revenue.*

### **SOLID WASTE DISPOSAL FUND EXPENDITURES**

**ARTICLE 21.** To determine whether the Town will vote that the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 27 of the 1989 Annual Town Meeting; or take any other action relative thereto.

*Pursuant to 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 from fiscal year ending June 30, 2022 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 has been a routine annual action.*

## **SEWER SYSTEM EXPENDITURES**

**ARTICLE 22.** To determine whether the Town will vote that the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 37 of the 1976 Annual Town Meeting; or take any other action relative thereto.

*Pursuant to 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 2022 revenue for the operation and maintenance and improvement of the Town's sewer system. The Sewer Fund is an enterprise fund similar to the Town's Water and Light Plant Funds. 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 and institutions are connected to the Town's municipal sewer system. This has been a routine annual action.*

## **SEWER IMPROVEMENT FUND EXPENDITURES**

**ARTICLE 23.** To determine whether the Town will vote that the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 25 of the 1989 Annual Town Meeting and applicable state enabling statutes, or take any other action relative thereto.

*Pursuant to Article 25 of the 1989 Annual Town Meeting, this article authorizes the Town Manager to use cash on hand in the Sewer Improvement Fund (a sub-fund within the Sewer Fund) and fiscal year 2022 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. This has been a routine annual action.*

## **WATER SYSTEM EXPENDITURES**

**ARTICLE 24.** To determine whether the Town will vote that the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager in accordance with the Motion passed under Article 38 of the 1974 Annual Town Meeting; or take any other action relative thereto.

*Pursuant to 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 2022 revenue for the operation and maintenance and improvement of the Town's water system. Similar to the Town's Sewer and Light Plant 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 has been a routine annual action.*

**AUTHORIZE EXPENDITURE FROM PEG ACCESS & CABLE-RELATED FUND**

**ARTICLE 25.** To determine whether the Town will vote to raise and appropriate, or transfer from the PEG Access and Cable-Related Fund the sum of \$500,646, or any other sum, to be expended during the fiscal year ending June 30, 2022 under the direction of the Town Manager for necessary and expedient cable-related purposes consistent with the Town’s license agreement with Comcast, or take any other action relative thereto.

*The Town currently receives 4.8% of all revenue generated by Comcast from the company’s Concord customers. This article proposes that the revenue from Comcast received during calendar year 2021 be appropriated, to be used only for cable-related purposes in accordance with the Town’s license agreement, and that an additional \$110,023 available in the PEG Access and Cable-Related Fund be appropriated, of which \$102,800 shall be reserved for capital improvements needed to enhance PEG access services. PEG Access services are Public, Educational and Governmental local cable television channels. The fund balance as of July 1, 2020 was \$1,403,037.*

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

**ARTICLE 26.** 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 ending June 30, 2022 for the operation of the Community Pool, in accordance with Mass. Gen. Laws c. 44, § 53F ½, to be expended under the direction of the Town Manager; or take any other action relative thereto.

*The FY22 budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on May 11, 2021.*

**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

**ARTICLE 27.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,289,284, or any other sum, for the following necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2022, or take any other action relative thereto.

<b>MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET</b>			
<b>Department/Description</b>	<b>Fiscal 2020 Adopted</b>	<b>Fiscal 2021 Adopted</b>	<b>Superintendent's Proposed Budget &amp; Fiscal 2022 Assessment*</b>
Minuteman Regional High School Budget	\$ 22,768,830	\$ 25,502,946	\$ 27,640,588
Concord's Assessment	\$ 1,073,368	\$ 1,213,873	\$ 1,289,284

\* Includes \$839,269 for Operations and \$450,015 for shared debt and capital (the shared debt and capital is comprised of \$378,019 for exempt debt and \$71,966 for capital).

*This article provides Concord’s assessed share of the annual operating budget for the Minuteman Regional Technical High School District. Concord’s assessment increase is due to an increased enrollment share, and because of increased debt service due in FY22 for costs associated with the new high school building*

*project and athletic fields. Each of the member town assessments is calculated by a formula established pursuant to the regional agreement. Concord's enrollment at Minuteman was unchanged at 25 regular high school students and 4 post-secondary students. The formula for assessments relies in part upon a rolling 4-year average of enrollment for member communities.*

**CONCORD PUBLIC SCHOOLS BUDGET**

**ARTICLE 28.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$41,708,424, or any other sum, for the following necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2022, or take any other action relative thereto:

<b>SCHEDULE A - PUBLIC SCHOOL BUDGET</b>			
<b>Department</b>	<b>Fiscal 2020 Adopted</b>	<b>Fiscal 2021 Adopted</b>	<b>Fiscal 2022 School Committee</b>
Concord Public Schools Budget/Appropriation	\$39,390,163	\$40,777,193	\$41,708,424

*This article provides the annual operating budget for the Concord Public Schools. The appropriation to be presented for Town Meeting approval of \$41,708,424 is at the Concord School Committee Adopted Budget level voted on March 16, 2021 and meets the Finance Committee budget guideline.*

**CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS**

**ARTICLE 29.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, or authorize the Town Treasurer with the approval of the Select Board to borrow money by the issuance of bonds or notes under the provisions of Mass. Gen. Laws c. 44, § 7 or 8, or any enabling authority, the sum of \$900,000, or any other sum, to be expended under the direction of the School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings and facilities, and further that any premium received by the Town upon the sale of any bonds or notes approved by the vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Mass. Gen. Laws c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

*This article authorizes the Treasurer to borrow \$900,000 for a retrofit and/or replacement of broken Energy Recovery Units at Alcott Elementary School and Thoreau Elementary School, a phased in integrated playground at Thoreau Elementary School, carpet or tile replacement at the elementary schools, paving and sidewalk repairs at Ripley, engineering and partial install of roof top units at Ripley (as part of a Green Communities grant), and related work at various Concord Public School facilities. This borrowing is part of the Town Manager's five-year Capital Plan, with the debt service cost to be funded within the Levy Limit.*

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET**

**ARTICLE 30.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of \$24,608,739, or any other sum, for the following necessary and expedient purposes of the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2022, or take any other action relative thereto.

<b>SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET</b>			
<b>Department</b>	<b>Fiscal 2020 Adopted</b>	<b>Fiscal 2021 Adopted</b>	<b>Fiscal 2022 School Committee</b>
Concord-Carlisle Regional High School Budget	\$34,687,733	\$34,958,922	\$35,759,374
Concord’s Assessment	\$23,344,987	\$23,747,968	24,608,739*

\*includes \$21,367,553 assessment for operating budget and \$3,241,186 assessment for debt.

*This article provides Concord’s share of the annual operating budget for the Concord-Carlisle Regional High School. The appropriation presented for Town Meeting approval is at the revised budget guideline set by the Finance Committee.*

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

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

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

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

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

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

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

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

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

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

**1. Purpose**

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

**2. Definitions**

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

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

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

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

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

### **3. Applicability and Exemptions**

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

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

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

### **4. Administration**

#### **4.1. Enforcement**

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

#### **5.2 Appeal**

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

### **6. Severability**

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

or take any other action relative thereto.

*The purpose of this article is to protect the health, safety and welfare of Town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change. It is also the next step in Concord's strategy to meet the goals of its Climate Action and Resiliency Plan. This article seeks Town Meeting approval to both establish a new Town Bylaw that would require that all new construction be fossil fuel free and further request Home Rule Legislation for the authority to implement the bylaw. The bylaw includes several exemptions; for example, affordable housing and the use of backup generators. It also states that an applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals.*

### **HISTORIC DISTRICTS MAP AMENDMENT – MAIN STREET HISTORIC DISTRICT**

**ARTICLE 32.** To determine whether the Town will vote to extend the Main Street Historic District southward to add two properties comprised of 19,578 square feet, more or less, and the buildings located at 21 Thoreau St. (known as Assessor Parcel #0783) and 29-31 Thoreau Street (known as Assessor Parcel #0782), and to amend the map on file in the office of the Town Clerk entitled “Historic Districts, Town of Concord” accordingly, effective July 1, 2021, or take any other action thereto.



*The current property owners of 21 Thoreau Street and 29-31 Thoreau Street have requested that their properties be added to the Main Street Historic District. The house at 21 Thoreau Street was constructed around 1862 on the property of 252 Main Street, and was moved in 1891 or 1892 to its current location. The house at 29-31 Thoreau Street was constructed around 1843 as a double cottage and owned for many years by the Gleason family.*

## DEMOLITION REVIEW BYLAW AMENDMENT

**ARTICLE 33.** To determine whether the Town will vote to amend Sections 2.7, 2.9, 3.1, 3.2, 3.5, and 6.1 of the **Demolition Review Bylaw** so that the following Sections read as follows (*changes are shown in bold italics and strikeout for emphasis only*), or take any action relative thereto:

2.7 “Historically Significant Building or Structure”: Any building or structure which is ~~in whole or in part built before 1941~~ and:

(1) is listed on or within an area listed on the National Register of Historic Places, or listed on or is within an area listed on the State Register of Historic Places; or,

(2) is included in Concord’s Survey of Historical and Architectural Resources.; **or,**

**(3) has been determined by the CHC or its designee to be a historically significant building after a finding that it is:**

**a) associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town of Concord, the Commonwealth of Massachusetts or the United States of America; or,**

**b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or,**

**c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and is similar to the buildings or structures located in such district in its architecture or historic uses or otherwise contributes to the historic landscape of such district.**

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

### **Section 3. Procedure**

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

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

the CHC receives all of the above information shall be stamped on the information received and shall be considered the submission date.

3.5 Upon a determination that the building or structure which is the subject of an application for a demolition permit is Preferably Preserved, the CHC shall give written notice of the determination to the Building Commissioner and to the owner/applicant for the demolition permit. For any property determined to be Preferably Preserved:

(1) No demolition permit shall be issued for the total demolition of a building or structure found Preferably Preserved until one (1) year after the ~~submission of an application for demolition review~~ **determination that such building or structure is Preferably Preserved**. The CHC has the authority to waive all or part of the One Year Delay period if the applicant for the Demolition Permit: (a) has made bona fide, reasonable and unsuccessful efforts to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; and/or, (b) has agreed to accept a demolition permit on conditions specified by the CHC.

(2) Once the One Year Delay is waived or expired, the applicant shall have two (2) years from the date of the expiration of the delay in which to act upon a demolition permit. No demolition permit shall be issued for the same building or structure after the expiration of this two (2) year period without a new Demolition Review.

**Section 6. Enforcement and Remedies**

6.1 The CHC and/or the Building Commissioner are authorized to request that the Town Manager, with the approval of the Select Board, institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

*The Historical Commission is proposing amendments to the Demolition Review Bylaw, which was first adopted by Annual Town Meeting in 2016. The amendments include revising the definition of "Historically Significant Building or Structure," changing the date on which a property becomes subject to the bylaw to a rolling 50 years or older to better align with the federal criteria set forth by the Secretary of the Interior; and changing the timeframe in which a demolition delay begins following a determination by the Commission.*

**COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS**

**ARTICLE 34.** To determine whether the Town will vote to appropriate the sum of \$1,769,891, or any other sum, from the Concord Community Preservation Fund, of which up to \$44,172 shall be appropriated from the prior year undesignated fund balance as of July 1, 2020; and up to \$1,725,719 shall be appropriated from projected Fiscal Year 2022 Fund Revenues, in accordance with Mass. Gen. Laws c. 44B to be expended under the direction of the Town Manager as follows, or take any other action relative thereto:

Item	Project/Description	Category	Prior Year Fund Balance	FY22 CPA Fund Revenues	Total Amount Recommended
A	Town of Concord - Housing Production Plan Update	Community Housing		\$30,000	\$30,000

B	Town of Concord - Regional Housing Services Program	Community Housing		\$25,000	\$25,000
C	Concord Housing Development Corporation - Affordable Housing Buydown	Community Housing	\$33,880	\$200,000	\$233,880
D	Saalfeld/Town of Concord - Emerson Field Flagpole	Historic Preservation		\$14,250	\$14,250
E	Concord Home for the Aged - 110 Walden St. Preservation Phase 3	Historic Preservation		\$185,000	\$185,000
F	Concord Masonic Corporation - 58 Monument Sq. Roof Replacement and Historic Structures Report	Historic Preservation	\$10,292	\$96,969	\$107,261
G	Trustees of Parish Donations, First Parish Church - Repair, Stabilize and Renovate Wright Tavern	Historic Preservation		\$260,000	\$260,000
H	Town of Concord NRC - Chamberlin Park Bridge Survey and Permitting	Open Space		\$35,000	\$35,000
I	Town of Concord NRC - Emerson Conservation Restriction	Open Space		\$210,000	\$210,000
J	Town of Concord - Wheeler Harrington House and Land	Historic Preservation		\$10,000	\$20,000
		Open Space		\$10,000	
K	Town of Concord - White Pond Beach Improvements	Open Space		\$150,000	\$300,000
		Recreation		\$150,000	
L	Town of Concord - Bruce Freeman Rail Trail	Open Space		\$12,500	\$25,000
		Recreation		\$12,500	
M	Town of Concord NRC - Warner's Pond Dredging	Open Space		\$125,000	\$250,000
		Recreation		\$125,000	
N	Town of Concord NRC - Old Rifle Range Survey and Permitting	Open Space		\$17,250	\$34,500
		Recreation		\$17,250	
O	Staff and Technical Support	Administration		\$40,000	\$40,000
			<b>\$44,172</b>	<b>\$1,725,719</b>	<b>\$1,769,891</b>

*This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects as listed in the above chart and allowed under the Community Preservation Act. These projects will expend a total of \$288,880 for Community Housing, \$576,511 for Historic Preservation, \$559,750 for Open Space, \$304,750 for Recreation, and \$40,000 for Administration. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.*

### **GENERAL BYLAW AMENDMENT - TREE PRESERVATION BYLAW**

**ARTICLE 35.** To determine whether the Town will vote to amend the Tree Preservation Bylaw Section 5.4(c), Section 5.5(a) and Section 5.5(b) so that the Sections read as follows (*changes are shown in bold italics for emphasis only*), or take any other action relative thereto:

5.4 Plan Review and Permit Issuance:

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

5.5 Maintenance of Protected and Replanted Trees:

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

(b) Replanted Trees: All new trees planted to mitigate the removal of Protected Tree(s) shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree. ***Tree planting and transplanting shall adhere to the most current American National Standards Institute (ANSI) A300 (Part 6) Tree, Shrub, and Other Woody Plant Management - Standard Practices (Planting and Transplanting).***

*In 2019, the Town hired an outside consultant to act as the Town's Reviewing Agent for the Tree Preservation Bylaw. The consultant has recommend changes to the Bylaw to address the following issues: 1) Some construction projects that take longer than a year may disrupt or damage the required tree protection measures and it is recommended that a re-inspection of the tree protection measures be required; 2) Many property owners wish to preserve as many trees as possible on their property even if they are invasive so these trees should also have tree protection measures installed because damage to these trees could cause them to decline or die and become a hazard, and; 3) Including the ANSI standards helps to ensure the long-term survival of any required tree planting and/or transplanting.*

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

**ARTICLE 36.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 1.3 Definitions, Section 2.2 Zoning Map Flood Plain Conservancy District and Section 7.2 Flood Plain Conservancy District** so that the following Sections read as follows

(changes are shown in ~~strikeout~~, **bold italics** and **bold underline** for emphasis only), or take any other action relative thereto:

### 1.3 Definitions

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

### 2.2 Zoning Map

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

***The Floodplain Conservancy District is an overlay district that includes all special flood hazard areas within the Town of Concord designated as Zone A, AE, or AH on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 6, 2016 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District is defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning & Land Management and Public Works Engineering Division.***

### 7.2 Floodplain Conservancy District

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

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

7.2.1.2 *Floodway*: The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the base flood.—***The channel of the river, creek or other watercourse and the adjacent land areas that***

***must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.***

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

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

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

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

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

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

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

***7.2.1.5 Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.***

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

***7.2.1.7 Historic Structure: Any structure that is:***

***(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;***

***(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a***

*district preliminarily determined by the Secretary to qualify as a registered historic district;*

*(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*

*(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*

*(1) By an approved state program as determined by the Secretary of the Interior or*

*(2) Directly by the Secretary of the Interior in states without approved programs.*

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

**7.2.1.9 Recreational Vehicle:** *A vehicle that is:*

*(a) Built on a single chassis;*

*(b) 400 square feet or less when measured at the largest horizontal projection;*

*(c) Designed to be self-propelled or permanently towable by a light duty truck; and*

*(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

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

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

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

**7.2.1.12 Substantial Repair of a Foundation:** *When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or*

**replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the Building Commissioner shall determine it to be substantial repair of a foundation. Applications determined by the Building Commissioner to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.**

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

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

## 7.2.2 Purpose.

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

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

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

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

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

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

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

## 7.2.3 Standards.

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

~~7.2.3.2 In Zone AE, along watercourses that have a regulatory floodway within the Town of Concord designated on the Middlesex County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~ **In Zone A, AE, AH, and along**

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

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

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

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

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

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

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

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

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

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

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

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

7.2.4.8 Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the **Floodplain** Conservancy District is found to be not, in fact, subject to flooding through a Letter of Map Amendment, Letter of Map Revision or physical map revision submitted to and approved by the Federal Emergency Management Agency.

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

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

7.2.6 *Procedure for review by the Board.*

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

- (a) A written statement detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced prepared by a registered professional engineer or a registered land surveyor;
- (b) Development plans, including specific topographic details within the **floodplain**, meeting, to the extent applicable, the requirements set forth for a definitive plan in the Subdivision Rules and Regulations of the Planning Board, ~~and~~; **For subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), technical data to determine base flood elevations shall be provided for each developable parcel shown on the design plans;**
- (c) **Plans showing compensatory storage at a 1.5:1 ratio for floodplain displaced by the proposed project, prepared by a registered professional engineer, detailed in tabular format, in 1-foot incremental elevations of fill and storage volumes in cubic feet, with cut and fill areas shown on a plan. The 1.5:1 Compensatory storage ratio does not need to be obtained at each 1-foot increment and may be obtained as a total over the floodplain area, but a minimum of 1:1 ratio shall be maintained at all 1-foot increments;**
- (d) ***In A Zones, in the absence of FEMA BFE data and floodway data, the Board will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to be built to or above base flood level, and for prohibiting encroachments in floodways, and;***

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

- ~~Town of Sudbury; Town Manager, 278 Old Sudbury Road, Sudbury, MA 01776~~
- ~~Town of Acton; Town Manager, 472 Main Street, Acton, MA 01720~~
- ~~Town of Maynard; Town Administrator, 195 Main Street, Maynard, MA 01754~~
- ~~Town of Bedford; Town Manager, 10 Mudge Way, Bedford, MA 01730~~
- ~~Town of Lincoln; Town Administrator, 16 Lincoln Road, Lincoln, MA 01773~~
- ~~Town of Wayland; Town Administrator, 41 Cochituate Road, Wayland, MA 01778~~
- ***The Town Manager or Administrator in the Towns of Sudbury, Acton, Maynard, Bedford, Lincoln and Wayland.***
- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
- NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6<sup>th</sup> Floor, Boston, MA 02110; and,

(fe) Such additional information as the Board may require.

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

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

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

***Work within the 100-year floodplain, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.***

**The Board may allow a decrease in the required compensatory flood storage to a ratio of 1:1 based upon a recommendation of the Natural Resources Commission and a finding that the reduction in the compensatory flood storage allows for an overall improvement to the site, such as reducing the volume of structure in the floodplain, improving stormwater management, or improving the natural environment.**

If a special permit is granted, the Board shall impose such conditions and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and, where the decision of the Board differs from the recommendations of either, the reasons therefor shall be stated in writing.

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

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

**7.2.9 Requirement to submit new technical data**

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

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

**7.2.10 Variances to building code floodplain standards**

**The Building Commissioner will request from the State Building Code Appeals Board a written or audible copy of the portion of the hearing related to the variance, and will maintain this record in the Town's files.**

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

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

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

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

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

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

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

**7.2.12 Requirement that all necessary permits have been obtained**

**Prior to the commencement of any development within the Floodplain Conservancy District, the applicant shall obtain all local, state and federal permits that will be necessary in order to carry out the proposed development and shall submit a completed checklist to the Building Commissioner demonstrating that all necessary permits have been acquired.**

The State has issued a Model Floodplain Bylaw for all communities in the National Flood Insurance Program (NFIP). This Model Bylaw includes all of the requirements for NFIP communities—requirements that are not found in other state codes such as the building code or Wetlands Protection Act. These requirements are not new, but have been in place under the NFIP for decades. For various reasons, Massachusetts communities have not previously been required to adopt all of the NFIP requirements as local bylaws or ordinances and this Model Bylaw is to bring all NFIP communities all into compliance. FEMA will no longer accept local codes that are lacking these mandatory NFIP requirements. Some of the items in the Model Bylaw are already contained in the Town's Bylaw. The amendments shown in **Bold Italics** will incorporate all of the other required items so that the Town stays in compliance with the NFIP, which allows residents and business owners to purchase flood insurance. The Model Bylaw also incorporates the requirement that for any work that proposes filling a portion of the 100-year floodplain by either earth or a structure, an equal area (1:1 ratio) of compensatory flood storage is required elsewhere on the site. However, since the late 1970s, the Town of Concord has had a policy that compensatory flood storage shall be provided at a 1.5:1 ratio. This was to ensure that any filling of the 100-year floodplain was adequately provided for in case the surveying, engineering and grading required to create the compensatory flood storage was not accurate and flooding occurred upstream and/or on adjacent properties. Although surveying, engineering and grading techniques have become more accurate, the Planning Board believes the requirement for 1.5:1 ratio is a policy that also addresses the effects of climate change and should be formally incorporated into the Bylaw. These amendments are shown in **Bold Underline**.

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

**ARTICLE 37.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.7.2.1 Table IV Minimum Parking Business Uses – Restaurant** to add the following sentence at the end so that it reads as follows (*changes are shown in bold italics for emphasis only*) or take any other action relative thereto:

**Business Uses:**

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

During 2020, with indoor capacity for restaurants limited due to the pandemic, dining outdoors was a welcome alternative that helped support economic vitality in the Town's village centers. Given the declared 'State of Emergency', the Select Board and Town Manager waived parking requirements for outdoor seating so restaurants were not required to seek such waiver from the Zoning Board of Appeals. There was positive feedback about this outdoor dining opportunity and its contribution to the overall customer experience. While parking remains a concern for many business and property owners, allowing seasonal outdoor seating for restaurant owners without additional parking requirements gives added flexibility in managing existing staff and meeting the needs of their patrons without expanding operations. If additional staff is required, additional parking will also be required. Currently, many restaurants are operating with a Special Permit for relief from parking due to site limitations. This Zoning Bylaw amendment will formalize this relief

and allow restaurants to provide outdoor service during the spring/summer/fall without obtaining a waiver from the Zoning Board of Appeals for the required parking. Any additional outdoor seating must still meet all public health codes and ADA requirements and would require approval before it can be added to a restaurant premises.

## **ZONING BYLAW AMENDMENT - TWO-FAMILY OR ADDITIONAL DWELLING UNIT**

**ARTICLE 38.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 4.2.2.1 Two-family or additional dwelling unit** to add a new paragraph so that the Section reads as follows (*changes are shown in bold italics for emphasis only*), or take any other action relative thereto:

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

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

***In the Residence C Zoning District, the Board may grant a special permit for the construction of a new two-family dwelling or alteration of an existing single-family dwelling into a two-family dwelling. The dwelling units or any additions to create an additional dwelling unit in an existing single-family dwelling shall share a common wall or floor, without use of a tunnel or pergola. The Board may grant a special permit to allow fewer than the required amount of parking spaces if the Board finds that the proposed two-family dwelling is in harmony with the general purpose and intent of this section and that the reduction in the required amount of parking will not be detrimental or injurious to the neighborhood in which it is located.***

*The 2018 Envision Concord Comprehensive Long Range Plan Housing Goal #5 states: "Encourage renovation of existing single-family homes (in all zoning districts), and identify the opportunities to create accessory dwelling units within existing structures in all zoning districts, and allow cluster development and cohousing in designated areas." The subsequent Action Item to achieve this goal was to consider amending the two-family or additional dwelling unit bylaw.*

*In accordance with this goal, this Zoning Bylaw amendment will allow a two-family dwelling by Special Permit in the Residence C Zoning District, which the Planning Board believes will:*

- Produce incremental units of housing that match future needs.*
- Create options for smaller households.*
- Allow greater options to "Age in place".*
- Provide flexibility for extended families.*
- Implement "Smart growth": greater density near shopping, transit and cultural resources.*
- Provide less expensive ("moderately affordable") housing options without subsidies.*
- Maintain existing dimensional requirements (height, setbacks, maximum Floor Area Ratio).*
- Require special permits to help protect neighborhood character and reduce the risk of disruption to the neighborhood.*

This amendment would also allow the Board to reduce the requirement for two parking spaces for each dwelling unit. As an example, the Board might consider a reduction if the lot was small and the project proponent wished to create a small two-dwelling structure with only one parking space for each unit to allow more open yard area.

## **ZONING BYLAW AMENDMENT - EARTH REMOVAL BYLAW**

**ARTICLE 39.** To determine whether the Town will vote to amend the **Zoning Bylaw Section 7.5 Earth Removal** so that the Section reads as follows (*changes are shown in bold italics and strikeout for emphasis only*), or take any other action relative thereto:

### **7.5 Earth Removal and Fill**

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

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

***7.5.1.1 Dust: Finely divided solid matter.***

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

***(a) cause a nuisance; or***

***(b) be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or***

***(c) unreasonably interfere with the quiet enjoyment of life and property or the conduct of business.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.5.4.1 Any person who desires to remove **or fill** in excess of one thousand (1,000) cubic yards of earth shall submit a written application for a special permit to the Board. Each

such application shall be accompanied by plans and specifications prepared by a registered professional engineer or registered land surveyor as follows:

- (a) A plan of the area from which removal **or filling** is proposed and a strip one hundred (100) feet wide surrounding said area, showing all manmade features, lot lines, zoning boundaries, vegetative cover, soil characteristics and existing topography;
- (b) A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation;
- (c) The estimated quantity of materials to be removed and topsoil to be stripped and replaced **or fill to be brought into the property**, together with a detailed statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal **or filling** of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond; and
- (d) **An alternatives analysis and site plan describing alternatives to the location and size of the earth removal or filling operation that would:**
  - i. **Minimize the amount of earth removed or filled;**
  - ii. **Minimize the area of land disrupted; or**
  - iii. **Reduce the length of time for the earth removal operation or the number of vehicle trips required for such operation or the number of vehicle trips required for such operation.**

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

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

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

*The current earth removal provisions of the Zoning Bylaw regulates earth removal requests in excess of one thousand (1,000) cubic yards. This amendment seeks to include projects for earth filling as well since the potential impacts could be the same whether earth is removed or brought into the site. The amendment also seeks to strengthen and broaden the criteria for consideration for a Special Permit by the Zoning Board of Appeals. It also seeks to clarify existing language and tie the issuance of a Special Permit to measurable and sustainable objectives. An overall purpose to the Bylaw has been added, consistent with other Zoning Bylaw Sections and earth removal bylaws from neighboring towns.*

**BY CITIZEN PETITION:**  
**NEONICOTINOIDS PROHIBITION ON NEW LEASES OF TOWN LAND**

**ARTICLE 40.** To determine whether the Town will vote to ensure that any new leases or license agreements (not including renewals) entered into by the Town for agricultural or retail use on Town-owned land will prohibit the use of neonicotinoids, including neonicotinoid-coated seed, or take any other action relative thereto.

*This article is a proposal recommended by the Pollinator Health Advisory Committee, which is concerned about the use of neonicotinoids in our community. Neonicotinoids, such as acetamiprid, clothianidin, dinotefuran, imidacloprid and thiamethoxam are systemic pesticides which are absorbed by plants by way of the vascular system and can end up in the soil and waterways, all to the detriment of the health of pollinators.*

**BY CITIZEN PETITION:**  
**FIBER/BROADBAND STUDY COMMITTEE**

**ARTICLE 41.** “To determine whether the Town will vote to urge the Town Manager to increase the availability of municipal fiber optic telecommunications service. To assist in this task, the Town Manager shall appoint a Fiber Broadband Completion Committee with the following charge:

Study and recommend appropriate solutions, including possible funding, for,

- (a) expediting the installation of fiber-optic telecommunications utility service on the remaining 5% of Town property that lacks such service;
- (b) exploring barriers to Concord Light Broadband subscription growth; and
- (c) investigating opportunities for expanding fiber-to-the-home and to fiber-to-the-business.

The Committee shall write a Report with findings and recommendations to the Town Manager by a date no later than one month prior to the deadline for Draft Warrant Articles for 2022 Annual Town Meeting. The Committee shall be comprised of no fewer than 5 and no more than 7 members, including: one member of the Concord Municipal Light Board, chosen by the Light Board; one member qualified to represent the business consumers of fiber-based utility services; one member qualified to represent the real estate community; and at least two additional at-large members chosen by the Town Manager. The Committee shall elect its own chair and clerk. The Committee shall seek creative, forward-thinking solutions that acknowledge the existing roles and responsibilities of the Town Manager and staff of the Concord Municipal Light Plant in providing broadband services via the Town’s fiber optic network.

Or take any other action relative thereto.

*Since 2014, the Concord Municipal Light Plant’s Concord Light Broadband service has offered secure, affordable and safe internet access through fiber installed on about 95% of the roads in Town. As the Town’s website states, this internet solution is technically superior in terms of speed and reliability. With more residents working and studying from home, the importance of completing the fiber optic network has grown, and the reasons for extending this important public resource have become more urgent. An enduring and sustainable public broadband fiber system offers possibilities for a more efficient and responsive power grid, better communications, and limitless future applications. This article aims to help*

*the Town explore ways to make its fiber optic network universally available to every resident and business in Concord.*

### **UNPAID BILLS**

**ARTICLE 42.** To determine whether the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to pay the unpaid bills of prior fiscal years, or take any other action relative thereto.

*If there are unpaid bills of a prior fiscal year, State Law requires that such bills be presented to the Town Meeting. No unpaid bills are anticipated.*

### **DEBT RESCISSION**

**ARTICLE 43.** To determine whether the Town will vote to rescind unused borrowing authorizations, or take any other action relative thereto.

*If needed, this action would authorize the rescission of debt authorizations made in prior years that are no longer needed. Any borrowing authorizations identified as no longer necessary will be presented to Town Meeting.*

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 31<sup>st</sup> day of March in the year two thousand twenty-one.

Linda L. Escobedo  
Linda L. Escobedo, Chair

Susan Bates  
Susan Bates, Clerk

Jane Hotchkiss  
Jane Hotchkiss

Terr Ackerman  
TERR ACKERMAN

Matthew W. Johnson  
Matthew W Johnson

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord March 31, 2021  
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.

[Signature]  
Constable of Concord

**GET INVOLVED!**  
**FILL OUT YOUR GREEN CARD TODAY**

The Town of Concord depends upon the immense talent pool of our residents and we are always seeking interested townspeople to serve on boards and committees, and also to carry out short-term projects. If you are willing to serve your Town on a voluntary basis and desire to participate in shaping the Town's future, please indicate your interest by filling out a "Green Card". Green cards are short forms for listing your areas of interest and any skills relevant to committee or project participation. Copies of the form are available at the Town House, or on our website [www.concordma.gov/greencard](http://www.concordma.gov/greencard).

You will find the Town Report useful for information on specific activities and responsibilities of the various boards and committees. For further information or to discuss your participation in town government in more detail, please feel free to talk with any member of the Select Board.

For a list of committees please contact the Town Manager's Office at (978) 318-3000.

**NEED A HELPING HAND?**  
**We want to make town meeting accessible to you!**



**Do you need a ride to the meeting?** Concord's Council on Aging will provide Seniors pick up and drop off service during Town Meeting. Call ahead and reserve a seat. Please call (978) 318-3020 to book your ride.

**Do you need accessible seating or a headset for better listening?** Headsets will be available from the tellers at check in but please let us know if you have other accessibility concerns by calling the Town Manager's Office at 978-318-3000 and let us know what services you might need.

**Do you want to follow Town Meeting from home?** Town Meeting proceedings are broadcast live by MMN on cable through channel 9 and on WIQH Radio 88.3 FM.

The Town of Concord is an equal opportunity provider.

# TOWN MEETING

Sunday, June 13, 2021

1:00 PM

**Concord-Carlisle Regional High School**  
**500 Walden Street**  
**Doug White Memorial Field**

**The deadline for unregistered residents to register to vote at the Annual Town Meeting is May 24, 2021.**



Town Meeting can be viewed LIVE on TV through  
Minuteman Media Network (MMN) on the Government Channel, channel 9.

You can also watch online by visiting [minuteman.media](http://minuteman.media) or [concordma.gov/TM2021](http://concordma.gov/TM2021)

Follow the proceedings through social media!

**@TownofConcordMA**

