

TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742

PRESORT STANDARD
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RESIDENTIAL CUSTOMER
CONCORD, MA 01742

WARRANT FOR THE ANNUAL TOWN ELECTION AND TOWN MEETING 2022

ANNUAL TOWN ELECTION DATE: APRIL 12, 2022
PRECINCT 1: 141 KEYES ROAD
PRECINCTS 2 & 3: 1276 MAIN STREET
PRECINCTS 4 & 5: 90 STOW STREET

ANNUAL TOWN MEETING DATE: MAY 1, 2022, 1PM*
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET

ANNUAL TOWN MEETING PUBLIC HEARING SCHEDULE **All at 7:00 P.M. at the Town House and via Zoom**

SELECT BOARD	Monday, February 28, 2022
FINANCE COMMITTEE Town Budget & Articles including Capital Community Preservation Committee	Thursday, March 3, 2022
PLANNING BOARD	Tuesday, March 8, 2022
FINANCE COMMITTEE School Budgets & Articles	Thursday, March 10, 2022
FINANCE COMMITTEE Enterprise Fund Budgets & Articles	Thursday, March 17, 2022

**And Subsequent Days As Needed*

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OLD NORTH BRIDGE

TOWN OF CONCORD

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

February 8, 2022

Dear Concord Resident:

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/or in person and by 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, February 7, 2022. Names of Caucus nominees and candidates qualifying through the nomination paper process will be on the ballot for the Town Election to be held on Tuesday, April 12, 2022. Election results will be posted on the Town's website, 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. 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 as determined by the Moderator. The motion will omit such 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 somewhat 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 most 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 either virtually or in person, or to watch the recorded versions which will be accessible through the Town website. The hearings provide opportunity to gain a better understanding of the background and issues surrounding Warrant Articles and also serve a number of additional purposes:

- Provide fuller information on Warrant Articles to boards and committees charged with making recommendations to Town Meeting;
- Provide information to voters to help them decide how to vote on Warrant Articles;
- Identify needs for further information on Warrant Articles;
- 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
- Provide Warrant Article presenters with constructive feedback in advance of Town Meeting 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 pertaining to finances, 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: Town House Public Hearing Room and via zoom
(see committee agenda for zoom link)**

Committee	Articles	Time	Date
Select Board:	4, 5, 6, 16, 23, 36, 37, 38	7:00 PM	Monday, February 28, 2022
Finance Committee: Town Budget, related Articles and Town Capital Articles; Community Preservation Act Articles	3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 24, 25, 27, 28, 29, 46, 47, 48, 49 26	7:00 PM	Thursday, March 3, 2022
Planning Board:	30, 31, 32, 33, 34, 35	7:00 PM	Tuesday, March 8, 2022
Finance Committee: School Budgets & Articles	17, 18, 19, 20, 21, 22,	7:00 PM	Thursday, March 10, 2022
Finance Committee: Enterprise Funds Budgets & Articles	39, 40, 41, 42, 43, 44, 45	7:00 PM	Thursday, March 17, 2022

TOWN MEETING: Will be held on Sunday, May 1, 2022 at 1:00PM at Concord-Carlisle Regional High School, with subsequent consecutive days as needed. COVID-19 protocols, including masks and social distancing, are expected to be in effect and modified as needed. All registered voters are eligible and encouraged to attend and vote. Residents who are not currently registered to vote must register by March 23, 2022 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 Interim Town Manager and Deputy Town Manager will be seated at the front of the meeting venue.

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.

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. For those who cannot attend but wish to follow along from home, Town Meeting proceedings are broadcast live by MMN on local access cable channel 9 and by WIQH Radio at 88.3 FM, and live-streamed at <https://concordma.gov/2335/Minuteman-Media-Network-MMN>.

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 Volunteer Card and submitting it to the Town Manager's Office in the Town House. Volunteer Cards can be filled out online. Follow the "Volunteer" choice from the home page www.concordma.gov.

Respectfully,

Terri Ackerman, Chair

Carmin C. Reiss

Matthew Johnson, Clerk

MODERATOR

Susan Bates

Henry Dane

Linda Escobedo

SELECT BOARD

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR THE ANNUAL TOWN ELECTION AND TOWN MEETING 2022**

Middlesex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town of Concord, qualified to vote in elections, to vote at:

Precinct 1 – at the Dept. of Planning & Land Management, 141 Keyes Road;

Precincts 2 and 3 – at the Harvey Wheeler Community Center, 1276 Main Street;

Precinct 4 and 5 – at the Hunt Gymnasium, 90 Stow Street;

on **TUESDAY, APRIL 12, 2022 FROM 7:00 AM TO 8:00 PM** for the following purpose:

To cast their votes in the Town Election for the candidates for the following offices:

One for Moderator	for one year
Two for Select Board	for three years
Two for School Committee	for three years
One for Housing Authority	for five years

You are further required in the name of the Commonwealth of Massachusetts to notify the legal voters of said Town of Concord, as aforesaid, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Sunday, the first day of May 2022, at 1:00 pm in the afternoon, 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.

RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

ARTICLE 4. 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. Add the title "Economic Vitality & Tourism Manager" to Grade MP-3 effective July 1, 2021.
2. Add the title "Production Manager" to Grade MP-2 effective July 1, 2021.
3. Add the title "Administrative Projects Manager" to Grade MP-2 effective January 26, 2022.
4. Add the title "Executive Assistant to the Town Manager" to Grade AC-6 effective January 26, 2022.
5. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 27, 2022 and the date the 2022 Annual Town Meeting concludes.

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 5. 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, 2022, or take any other action relative thereto:

CLASSIFICATION AND COMPENSATION PLAN
Effective July 1, 2022

ADMINISTRATIVE-CLERICAL

Grade Number & Class Title		Minimum	Mid-Point	Maximum
AC-1	Hourly	18.72	22.52	26.31
Receptionist/Clerk Recreation Clerk				
AC-2	Hourly	20.91	25.15	29.38
Account Clerk Department Clerk Senior Recreation Clerk Utility Account Clerk				
AC-3	Hourly	23.71	28.51	33.30
Customer Services Representative Senior Account Clerk Senior Department Clerk				
AC-4	Hourly	25.62	30.81	36.00
Administrative Assistant Assistant to the Town Clerk Collections Assistant Retirement Assistant Treasury Assistant				
AC-5	Hourly	27.39	32.92	38.44
Human Resources Assistant Project & Procurement Coordinator Senior Administrative Assistant				
AC-6	Hourly	28.33	34.06	39.79
Executive Assistant to the Town Manager Finance Assistant Senior Human Resources Assistant				

TRADES-CRAFTS-LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TCL-1	Hourly	18.48	22.34	26.19
Building Custodian				

TCL-2	Hourly	20.87	25.23	29.58
Building Maintenance Custodian				
TCL-3	Hourly	22.97	27.77	32.57
Facilities/Landscape Maintainer Maintenance & Inventory Coordinator Water/Sewer System Maintainer				
TCL-4	Hourly	25.70	31.09	36.48
Custodial Maintenance Supervisor Equipment/Line Operator Master Craftsperson				
TCL-5	Hourly	28.45	34.41	40.36
Assistant Public Works Supervisor Crew Leader Licensed Electrician/Skilled Carpenter Senior Master Mechanic Treatment Systems Operator				
TCL-6	Hourly	31.96	38.65	45.34
Senior Treatment Systems Operator				
TCL-7	Hourly	35.44	42.88	50.32
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.*

<u>Grade Number & Class Title</u>	Minimum	Mid-Point	Maximum	
MP-1	Annual	50,869	63,802	76,734
Associate Engineer Engineering Technician Library Innovation & Communications Specialist Media Technician Recreation Supervisor Station Manager Tourism & Visitor Services Manager				
MP-2	Annual	57,407	71,999	86,590
Administrative & Special Projects Coordinator Administrative Manager Administrative Projects 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
 Production Manager
 Public Health Inspector
 Water Conservation Coordinator

MP-3	Annual	67,736	84,957	102,178
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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
 Economic Vitality & Tourism Manager
 Energy Conservation Coordinator
 Local Inspector
 Management Analyst
 Municipal Archivist/Records Manager
 Operations Manager
 Recreation Programs & Events Manager
 Retirement System Administrator
 Senior Budget & Operations Analyst
 Senior Environmental & Regulatory Coordinator
 Senior Information Systems Technician
 Senior Planner

MP-4	Annual	72,416	90,827	109,238
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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

MP-5	Annual	77,894	97,696	117,497
Assistant Library Director				
Assistant Town Engineer				
Budget & Purchasing Director				
Deputy Treasurer/Collector				
Director of Sustainability				
IT Services Manager				
Financial Manager/Accountant				
Natural Resources Director				
Police Lieutenant				
Public Health Director				
Senior Services Director				
Town Clerk				
Town Planner				

MP-6	Annual	90,448	113,440	136,432
Assistant Fire Chief				
Building Commissioner				
Facilities Director				
Highway & Grounds Superintendent				
Police Captain				
Recreation Director				
Town Accountant				
Town Assessor				
Town Engineer				
Water/Sewer Superintendent				

MP-7	Annual	98,293	123,281	148,269
Director of Planning & Land Management				
Human Resources Director				
Library Director				

MP-8	Annual	109,509	137,348	165,187
Assistant Town Manager				
Chief Information Officer				
Fire Chief				
Police Chief				
Public Works Director				

MP-9	Annual	120,016	150,528	181,040
Deputy Town Manager				
Chief Financial Officer				

ELECTRICAL LABOR

Grade Number & Class Title		Minimum	Mid-Point	Maximum
EL-1	Hourly	20.36	24.63	28.89

(Reserved for future use)

EL-2A	Hourly	26.47	32.02	37.56
Meter Technician				
EL-2B	Hourly	28.01	33.88	39.75
Lineworker, Grade 3				
EL-3A	Hourly	33.60	37.98	42.35
Utility Electrician				
EL-3B	Hourly	44.13	49.91	55.69
Lineworker, Grade 2				
EL-4	Hourly	44.13	49.91	55.69
Lineworker, Grade 1				
EL-5	Hourly	46.22	52.26	58.30
Lead Lineworker				
EL-6	Hourly	49.78	56.28	62.78
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
EM-1	Annual	69,538	83,461	97,383
Meter Supervisor Senior Engineering Technician				
EM-2	Annual	94,051	112,838	131,624
Electrical Engineer				
EM-3	Annual	101,046	121,292	141,538
Lead Electrical Engineer				
EM-4	Annual	118,062	141,652	165,242
Power Supply & Rates Administrator				
EM-5	Annual	123,966	148,735	173,503
Assistant CMLP Director				
EM-6	Annual	142,970	171,613	200,255
CMLP Director				

MEDIA SPECIALISTS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
MS-1	Hourly	19.38	25.85	32.31
Education Coordinator Lead Producer				

SWIM & FITNESS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
SF-1	Hourly	14.25	38.65	63.04
Swim/Fitness Specialist				

HUMAN SERVICES

Grade Number & Class Title		Minimum	Mid-Point	Maximum
HS-A	Hourly	14.25	22.89	31.52
Human Services Assistant				
HS-1	Hourly	16.82	32.05	47.28
Human Services Specialist				
HS-2	Hourly	16.82	30.48	44.13
Child Care/Education Specialist				

TELECOMMUNICATIONS TECHNICIANS

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TT-1	Hourly	31.62	37.15	42.67
Telecommunications Technician				
TT-2	Hourly	36.14	42.48	48.82
Senior Telecommunications Technician				
TT-3	Hourly	37.95	44.61	51.27
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.

Grade Number & Class Title		Minimum	Mid-Point	Maximum
TM-1	Annual	79,363	93,215	107,067

Network Administrator

TM-2	Annual	90,401	106,240	122,079
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Network Engineer
Telecommunications Coordinator

TM-3	Annual	104,471	122,763	141,054
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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 FY23. Actual salary increases are made after Town Meeting, based upon the approved budget.

PERSONNEL BYLAW AMENDMENT

ARTICLE 6. To determine whether the Town will vote to amend Sections 12, 13, and 14 of the Personnel Bylaw as follows, or take any other action relative thereto:

Section 12. HOLIDAYS

Delete all text of Subsection 12.1 and replace with the following:

“12.1 Holiday Leave

Except as noted below, one day of paid leave shall be granted to all regular status employees for each of the following days:

<u>Holidays</u>	<u>Observed On:</u>
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Patriots' Day	Third Monday in April
Memorial Day	Last Monday in May
Juneteenth Independence Day	June 19
Independence Day	July 4
Labor Day	First Monday in September
Indigenous Peoples'/Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	December 25

The Personnel Board and Town Manager may adopt policies that reduce the amount of holidays granted and/or provide alternate holidays and dates of observance for employees who work in the Beede Center or other operations that remain open when Town offices are generally closed.

Regular, part-time employees shall receive prorated holiday leave based on the ratio of their average weekly hours to the full-time workweek for their positions.

To qualify for holiday pay, an employee must be on paid status on their last regularly scheduled work day immediately preceding the holiday and on their first regularly scheduled work day immediately following the holiday.

Town Personnel Policies and Procedures may provide further definition of the leave and/or pay granted for holidays defined above.”

Section 13. VACATION LEAVE

Delete all text of Subsection 13.3 and replace with the following:

“13.3 Payoff of Vacation

When regular status employment with the Town ends, the employee shall be paid for any unused vacation earned up to the last day worked.”

Section 14. BEREAVEMENT LEAVE

Delete all text and replace with the following:

“Up to five (5) days of paid leave may be granted by a department head to any regular employee when such leave is needed because of the death of a member of the employee's family or household. Definition of "family member" for the purposes of bereavement leave shall be determined by Town Personnel Policies and Procedures. The Town Manager may grant additional paid leave to an employee when warranted by special circumstances relating to a death.”

Holiday (Section 12): Massachusetts law determines legal holidays on which Town offices must close, including Juneteenth Independence Day, which is now a legal holiday. The Town's Personnel Bylaw determines whether employees subject to its provisions receive paid leave for legal holidays. This amendment will provide paid leave to regular-status employees for the Juneteenth holiday, update language to reference Indigenous Peoples' Day, correct references to Patriots' Day, and replace gender-specific terms with neutral terms.

Vacation (Section 13): This amendment will 1) remove the provision that “No vacation time may be taken until an employee has completed six (6) months of service, unless authorized in advance by the Town Manager,” which management and the Personnel Board have identified as an unnecessary restriction that is counter to providing a flexible work environment attractive to today's workforce and 2) make gender-neutral language substitutions.

Bereavement: This amendment will 1) increase from 3 to 5 days the maximum bereavement leave that may be granted by policy, and 2) support the expansion of relationships described in policy to cover additional family and household members.

USE OF FREE CASH

ARTICLE 7. 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, 2023, 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 FY23 budget. The proposed amount is consistent with the Finance Committee's FY23 Guideline Budget Plan.

FY22 TOWN BUDGET LINE ITEM ADJUSTMENTS

ARTICLE 8. To determine whether the Town will vote to amend appropriations made under Article 10 of the 2021 Annual Town Meeting, Town Budget, or take any other action relative thereto.

The Town's budget is appropriated in sixteen- (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 c. 44, § 33B. This article seeks approval to make certain line-item adjustments to rebalance the budget to account for actual spending, while maintaining the total appropriation of \$48,779,887. This article does **not** seek a supplemental appropriation and approval of this article will **not** increase total FY22 spending.

TOWN BUDGET

ARTICLE 9. To determine whether the Town will vote to raise and appropriate or transfer from available funds, the sum of \$50,889,598, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2023:

<u>Town Government Operating Budget</u>				
Item No.	Department	Fiscal 2021 Expenses	Fiscal 2022 Appropriation	Fiscal 2023 Proposal
General Government				
\$4,644,241 is 9.4% of Total				
1	A. Town Manager's Office	\$ 734,348	\$ 739,926	\$ 686,197
	B. Human Resources	478,622	573,349	595,606
	C. Information Systems	1,090,576	1,244,882	1,348,980
	D. Town Meeting and Reports	101,225	123,096	117,919
	E. Facilities Administration	890,179	1,003,243	1,026,590
	F. Parks & Playgrounds	130,657	150,205	215,776
	G. Resource Sustainability	162,280	162,949	165,203
	H. Visitor's Center and Restroom	29,765	34,342	37,970
	Subtotal	3,617,652	4,031,991	4,194,241
2	A. Legal Services	344,585	425,000	450,000
	Department Subtotal	3,962,237	4,456,991	4,644,241
Finance				
\$2,386,111 is 4.7% of Total				
3	A. Finance Administration	\$ 619,860	\$ 562,252	\$ 555,491
	B. Treasurer-Collector	528,371	525,485	505,631
	C. Town Accountant	352,437	339,722	340,945

	D. Assessors	456,387	457,391	444,387
	E. Town Clerk	379,147	399,720	439,831
	F. Elections	76,176	53,068	89,374
	G. Registrars	7,971	6,220	10,452
	Department Subtotal	2,420,349	2,343,858	2,386,111
Planning and Land Management				
\$2,213,816 is 4.0% of Total				
4	A. Planning Administration	\$ 568,129	\$ 564,214	\$ 583,522
	B. Natural Resources	348,162	421,751	449,396
	C. Inspections	465,056	480,311	479,288
	D. Health	448,669	466,952	462,035
	E. Economic Vitality & Tourism	112,400	186,697	190,735
	F. 141 Keyes Road	48,199	49,995	48,840
	Department Subtotal	1,990,615	2,169,920	2,213,816
Human Services				
\$3,536,272 is 7.0% of Total				
5	A. Library	\$ 2,330,702	\$ 2,333,663	\$ 2,398,544
	B. Senior Services			
	B1. Senior Services	667,605	609,998	630,527
	B2. Harvey Wheeler Community Center	94,209	99,923	101,276
	C. Recreation Services			
	C1. Recreation Services	118,882	114,569	114,569
	C2. Hunt Recreation Center	104,375	101,482	93,375
	D. Human Services	71,934	74,700	74,286
	E. Veterans Services	75,134	77,974	78,734
	F. Ceremonies and Celebrations	29,631	39,628	44,960
	Department Subtotal	\$ 3,492,472	\$ 3,451,937	\$ 3,536,272
Public Safety				
\$10,992,462 is 22.6% of Total				
6	A. Police Department	\$4,828,191	\$ 5,479,289	\$ 4,864,484
	B. Animal Control Officer	27,500	27,500	28,500
	C. Police-Fire Station	231,869	252,057	278,317
	D. Fire Department	5,499,333	5,734,791	5,783,853
	E. Emergency Management	16,000	16,000	16,000
	F. West Concord Fire Station	20,738	20,059	21,309
	Department Subtotal	\$10,623,631	\$ 11,529,696	\$10,992,462
Public Works				
\$4,627,600 is 8.8% of Total				

7	A. Public Works Administration	\$ 449,200	\$ 414,468	\$ 403,332
	B. Engineering	691,413	507,441	506,999
	C. Highway Maintenance	1,545,047	1,527,876	1,638,237
	D. Winter Maintenance	640,000	640,000	650,000
	E. Parks and Trees	787,628	797,852	901,592
	F. Cemetery	259,031	304,806	312,235
	G. 133/135 Keyes Road	124,923	124,923	183,580
	H. Capital Assets			
	H1. Road Improvements	-	-	-
	H2. Drainage Program	-	-	-
	H3. Sidewalk Management	-	-	-
	H4. Heavy Equipment	-	-	-
	I. Street Lighting	27,500	27,500	31,625
	Department Subtotal	\$ 4,524,742	\$ 4,344,865	\$ 4,627,600
Unclassified				
\$734,543 is 2.1% of Total				
8	Employee Wellness			
	A. Unused Sick Leave	\$ 65,000	\$ 65,000	\$ 23,061
	B. Public Safety Disability	2,500	2,500	887
	C. Employee Assistance Program	7,500	7,500	2,661
	Subtotal	75,000	75,000	26,609
9	Reserve Fund	225,000	225,000	225,000
10	Salary Reserve	(374,236)	(114,374)	1,057,934
11	Land Fund	10,000	10,000	25,000
	Total Unclassified	\$ (64,236)	\$ 195,626	\$ 1,334,543
TOWN GOVERNMENT SUBTOTAL			\$ 28,492,894	
Account 1-10		\$26,949,810		\$29,735,046
Joint (Town - CPS)				
\$20,168,372 is 41.4% of Total				
12	A. Group Insurance	\$ 6,383,694	\$ 6,639,042	\$ 7,468,322
	B. OPEB	1,500,000	-	-
	C. Property/Liability	300,000	315,000	378,000
	Insurance Subtotal	8,183,694	6,954,042	7,846,322
13	Unemployment/Workers' Comp.			
	A. Unemployment Comp.	110,000	120,000	120,000
	B. Workers' Comp.	110,500	133,575	142,450
	Subtotal	220,500	253,575	262,450
14A	Retirement, General Fund	4,064,734	3,412,844	3,381,101
14B	Pension, Reserve		1,338,816	1,501,370

15	Social Security and Medicare	866,864	910,207	942,064
16	Debt Service			
	A. Long-Term Debt			
	Town Principal and Interest	3,187,205	3,424,300	3,423,349
	CPS Principal and Interest	811,807	743,070	741,752
	Subtotal	3,999,012	4,167,370	4,165,101
	Interest on Notes			70,000
	Other Debt Expense			
	Subtotal Within Levy Limit	3,999,012	4,167,370	4,235,101
	B. Excluded Debt			
	Town Principal and Interest	343,794	335,044	326,294
	CPS Principal and Interest	3,032,073	2,915,095	2,660,210
	Less: Use of Stabilization Funds			
	Subtotal Excluded Debt	3,375,867	3,250,139	2,986,504
	Total Debt Service	7,374,879	7,417,509	7,221,605
	Total Joint (Town - CPS)		\$ 20,286,993	
		\$20,710,671		\$21,154,912
	Total Appropriation		\$ 48,779,887	
		\$47,660,481		\$50,889,958

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 appropriation ad 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, 2022 and thereafter pursuant to the salary schedules adopted under Article 5, 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 FY2023:

<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)
\$ 29,884.00	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 for FY23, but does include a \$200,000 carry-forward of unspent FY22 budget appropriation. The text above also makes certain other appropriation from Stabilization and Enterprise Funds, as well as authorizes certain other transfers.

CAPITAL IMPROVEMENT AND DEBT PLAN

ARTICLE 10. 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, the sums of money specified in the FY23 Capital Improvement 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.

<u>General Government</u>			
1C.	Information Systems	Technology Upgrades	\$200,000
1E.	Facilities Administration	Building Improvements	\$40,500
1E.	Facilities Administration	Feasibility Study – Carousel Pre-School	\$25,000
1G.	Resource Sustainability	Resource Sustainability Fund	\$100,000
<u>Finance</u>			
3D.	Assessors	Recertification & Revaluation	\$35,000
<u>Planning & Land Management</u>			
4A.	Planning	Subdivision Rules & Regulations Update	\$75,000
4B.	Natural Resources	Pond, Stream, & Field Management & Improve.	\$20,000
<u>Public Safety</u>			
6A.	Police Department	Vehicles, Equipment, & Training Rm. Upgrades	\$259,200
6D.	Fire Department	Vehicles and Equipment	\$135,000
<u>Public Works</u>			
7B.	Engineering	Asset Mgt., Safety, Stripping, Signage, & Signals	\$235,000
7C.	Highway Maintenance	Small Equipment	\$7,500
7E.	Park and Trees	Small Equipment and Shade Trees	\$37,500
7H4.	Heavy Equipment	Vehicles & Heavy Equipment	\$340,000
Capital Outlay Total			\$1,509,700

Capital Outlay

FY23 Proposed

Borrowed Funds

FY23 Proposed

<u>General Government</u>		
1E. Facilities Administration	Municipal Buildings, General	\$52,750
1E. Facilities Administration	Municipal Buildings, 133/135 Keyes Rf. Replace.	\$581,250
1G. Parks & Playgrounds	Park Improvements, Emerson Basketball Court	\$150,000
1G. Parks & Playgrounds	Park Improvements, Gerow Park	\$200,000
<u>Public Works</u>		
7H1. Road Improvements	Traffic Improvements	\$382,000
7H1. Road Improvements	Pavement Management	\$2,000,000
7H2. Drainage Program	Culvert & Bridge Repairs	\$772,000
7H4. Heavy Equipment	Vehicles & Heavy Equipment	\$362,000
Borrowed Funds Total		\$4,500,000
<u>FY23 Capital Outlay and Borrowed Funds Total</u>		<u>\$6,009,700</u>

This article authorized the FY23 Capital Improvement and Debt Plan, all of which will be funded within the existing Levy Limit. The FY23 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. Items included in this plan include both Tier One (single item, up to \$250,000) and Tier Two (single item, \$250,000 - \$2,000,000) capital purchases.

SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION

ARTICLE 11. To determine whether the Town will vote to accept a Special Act passed by the Massachusetts Legislature under the title, An Act to Make Permanent a Senior Means Tested Property Tax Exemption in Concord and assigned bill number H.3731 as of the date of this Warrant, with the text shown below or as further amended by the Massachusetts Legislature, 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.

Under Chapter 374 of the Acts of 2016, accepted by Annual Town Meeting and by the voters at the polls, the Town adopted a Senior Means-Tested Property Tax Exemption. The exemption could reduce the applicant's property tax by as much as 50% or until the net tax burden was 10% of the applicant's income. The total reduction in taxes for all taxpayers in the program was capped at ½ of one percent (0.5%) of the total residential property tax, although the Select Board could raise the cap to 1%. The act authorizing this exemption expired three years after its initial implementation.

2020 Annual Town Meeting authorized the Select Board to petition the State Legislature to pass a Special Act to create a permanent Senior Means-Tested Property Tax Exemption, using gross income rather than the Circuit Breaker worksheet to determine eligibility in order to reduce administrative expense, and modifying the calculation methodology to ensure that applicants who are eligible for another exemption in addition to the Senior Means-Tested Tax Exemption receive the full benefit of both exemptions. The net tax burden on eligible individuals is expected to be the same or less than it would have been under the previous methodology. In the gap between the expiration of the original exemption and Legislative action on the Town's petition for a permanent exemption, 2021 Annual Town Meeting authorized interim funding to allow continued relief to eligible applicants during Fiscal Year 2022

Assuming the Legislature has passed the legislation prior to Town Meeting, affirmative action on this article, followed by approval by a majority of voters at a regular or special town election, will make the Senior Means-Tested Property Tax Exemption permanent in the Town of Concord.

APPROPRIATION FOR SENIOR MEANS-TESTED TAX EXEMPTION

ARTICLE 12. To determine whether the Town will vote to transfer from available funds a sum of money for the purpose of funding the Senior Means Exemption for the fiscal year ending June 30, 2023, or take any other action relative thereto.

This article provides an appropriation to continue the Senior Means-Tested Tax Exemption in FY23 in the event that legislative authority for the Exemption has not been received by the time the Town is required to set its FY23 Tax Rate.

OPEB TRUST FUND APPROPRIATION

ARTICLE 13. 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.

Best practice suggests that both the General Fund and Enterprise Fund contributions to the OPEB Trust Fund should be appropriated by Town Meeting. Based upon the results of the June 30, 2021 OPEB Liability Valuation Report (GASB Statements No. 74 and 75), the following contributions will be made to the OPEB Trust Fund in FY23: General Fund, \$1,401,347; Light Fund, \$50,761; and Broadband Fund,

\$15,743. Based upon the results of the June 30, 2021 valuation, no annual contributions are required from the Water, Sewer or Swim & Fitness Enterprise Funds.

OPEB TRUST FUND EXPENSE

ARTICLE 14. To determine whether the Town will vote to appropriate a sum of money from the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) established under Mass. Gen. Laws c. 32B, § 20, for OPEB Fund expenses, and further to authorize the Trustee of the OPEB fund to employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the OPEB Fund, or take any other action relative thereto.

Similar to the previous article, best practice is that all Trust Fund expenses should be appropriated and paid directly from the fund rather than deducting them from earnings. Further, under Mass. Gen. Laws c. 32B, § 20, Town Meeting must specifically authorize the Trustee's employment of any and all investment consultants.

ESTABLISHING AN ELECTRIFICATION TRUST

Article 15. To determine whether the Town will vote to establish a fully expendable trust for the purposes of receiving funds to be expended in furtherance of the goals established in the Town's Climate Action and Resilience Plan of 2020, and subsequent or successor plans; or take any other action relative thereto.

This article establishes a new fund for the purpose of setting aside funding to meet the Town's sustainability goals as set forth in the Climate Action and Resilience Plan of 2020. This fund will be able to accept qualified charitable distributions or donations to address the goals of the plan.

CITIZEN PETITION: FIVE-YEAR MORATORIUM ON THE INSTALLATION OF SYNTHETIC TURF ON TOWN LAND

ARTICLE 16. To see if the Town will adopt a moratorium on the construction or installation of any synthetic turf (defined as monofilament carpet with loose infill) on any land, of any size, owned by the Town, for a five-year time period starting on May 1, 2022 and ending on May 1, 2027 or to take any other action relative thereto.

This moratorium is a five year extension of the 2019 moratorium to prevent the construction of synthetic turf fields on town land in Concord. Synthetic turf uses crumb rubber, plastic beads, treated wood pellets called Brockfill or other products as fill in plastic carpets. Crumb rubber contains known carcinogens and endocrine disrupters raising concerns about its health effects, especially in young children. The Environmental Protection Agency (EPA), the Consumer Product Safety Commission and the Center for Disease Control and Prevention are working on a study regarding the safety of synthetic turf. The EPA states that crumb rubber cannot be considered safe until the results of these studies are known. Synthetic turf is also environmentally harmful due to the annual loss of 3-5% of the infill that is washed out from the fields, together with the monofilaments of plastic that break off from the carpet. These synthetic particles and the chemicals they contain contaminate the surrounding area and pollute our waterways, adding to the burden of plastic pollution that is harmful to humans and wildlife. The fields last 10-13 years and then must be disposed of in a landfill at a cost of hundreds of thousands of dollars. In addition, synthetic turf

does not capture carbon as grass does; it contributes to climate change and reduces biodiversity. Building synthetic turf fields thus violates the four sustainability principles adopted by the Town of Concord in 2011. The proposed moratorium would apply to all Town of Concord land including the Concord Public School fields, but not to Concord-Carlisle Regional High School fields or privately owned land.

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET

ARTICLE 17. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1,508,544, 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, 2023, or take any other action relative thereto.

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET			
Department/ Description	Fiscal 2021 Adopted	Fiscal 2022 Adopted	Superintendent's Proposed Budget & Fiscal 2023 Assessment
Minuteman Regional High School Budget	\$ 25,502,946	\$ 27,640,588	\$ 29,010,622
Concord's Assessment	\$ 1,213,873	\$ 1,289,284	\$ 1,508,544

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 increased debt service payable in FY23 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 is currently 33 students. The formula for assessments relies in part upon a rolling 4-year average of enrollment for member communities.

CONCORD PUBLIC SCHOOLS BUDGET

ARTICLE 18. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$43,186,745, 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, 2023, or take any other action relative thereto:

SCHEDULE A - PUBLIC SCHOOL BUDGET			
Department	Fiscal 2021 Adopted	Fiscal 2022 Adopted	Fiscal 2023 School Committee
Concord Public Schools Budget/Appropriation	\$40,777,193	\$41,708,424	\$43,186,745

This article provides the annual operating budget for the Concord Public Schools. The appropriation presented for Town Meeting approval is above the spending guideline set by the Finance Committee in December 2021 in the amount of \$350,423, but can be funded without a Proposition 2-½ Override. The appropriation to be presented for Town Meeting approval of \$43,186,745 is at the Concord School Committee Adopted Budget level voted on January 18, 2022.

CONCORD PUBLIC SCHOOLS CAPITAL PROJECTS

ARTICLE 19. 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, the sum of nine hundred thousand dollars (\$900,000.00), 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 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 high efficiency condensing boiler and controls at the Alcott Elementary School, an integrated playground at Thoreau Elementary School, paving and sidewalk replacements at the Ripley building, flooring and carpet replacements at the Ripley building and Alcott Elementary School, 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.

APPROPRIATION TO STABILIZATION FUND

ARTICLE 20. To determine whether the Town will vote to transfer from Overlay Surplus the sum of \$1,000,000, and from Free Cash the sum of \$500,000, for a total appropriation of \$1,500,000, or any other sum, to the Middle School Stabilization Fund, or take any other action relative thereto.

This article seeks Town Meeting approval to transfer the amount in the Overlay account declared as surplus by the Board of Assessors. Further, this article seeks Town Meeting approval to transfer \$500,000 from Free Cash. These surplus amounts will be transferred into the Middle School Stabilization Fund to be used in the future to smooth the tax impact of the Middle School Construction project.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET

ARTICLE 21. To determine whether the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$24,962,356, 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, 2023, or take any other action relative thereto.

SCHEDULE A – CONCORD-CARLISLE REGIONAL HIGH SCHOOL BUDGET			
Department	Fiscal 2021 Adopted	Fiscal 2022 Adopted	Fiscal 2023 School Committee
Concord-Carlisle Regional High School Budget	\$34,958,922	\$35,759,374	\$36,541,181

Concord's Assessment	\$23,747,968	\$24,376,779	\$24,962,356*
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*includes \$21,782,979 assessment for operating budget and \$3,179,377 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 below the revised guideline set by the Finance Committee in December 2021.

CONCORD-CARLISLE REGIONAL HIGH SCHOOL CAPITAL PROJECTS

ARTICLE 22. To determine whether the Town will vote to approve \$853,665, or any other sum, of debt authorized by the Concord-Carlisle Regional School Committee for repair and repaving of the access road, including sidewalk repairs, drainage, and lighting, as determined by the School Committee; provided, however, that this approval shall be contingent upon passage of a Proposition 2½ debt exclusion referendum under Mass. Gen. Laws c. 59, § 21C(k) to exempt the Town's allocable share of the amounts required for the payment of interest and principal on said borrowing, or take any other action relative thereto.

This article provides Concord's share of the cost for paving the campus entrance road and improving external lighting on Concord-Carlisle Regional School District land. These costs will be assessed annually over a period of years consistent with the term of bonds to be issued by the District with debt service expected to commence in FY23.

CITIZEN PETITION: RANKED CHOICE VOTING FOR CONCORD ELECTIONS

ARTICLE 23. To determine whether the Town will authorize and request the Select Board to petition the General Court substantially in the form below for Home Rule Legislation to elect Town offices using Ranked Choice Voting or take any other action relative thereto.

"AN ACT RELATIVE TO RANKED CHOICE VOTING IN THE TOWN OF CONCORD"

SECTION 1. The Charter of the Town of Concord, is hereby amended by inserting the following section:

RANKED CHOICE VOTING

(a) All town offices shall be elected by ranked choice voting, except for a single-seat office when the number of certified candidates is less than or equal to 2 or a multi-seat office when the number of certified candidates is less than or equal to the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds pursuant to this section.

(b) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall end with 1 of the following 2 outcomes:

(1) If there are more than 2 continuing candidates, the last-place candidate shall be defeated or the last-place candidates shall be defeated in batch elimination, and a new round shall begin; or

(2) If there are 2 continuing candidates, the candidate with the fewest votes shall be defeated, the candidate with the most votes shall be elected, and tabulation shall be complete.

(c) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In the first round only, the election threshold shall then be calculated. Each round shall end with 1 of the following 3 outcomes:

(1) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. Each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin;

(2) If no continuing candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is more than the sum of the number of seats to be elected and 1, the last-place candidate shall be defeated or the last-place candidates shall be defeated in batch elimination, and a new round shall begin; or

(3) Otherwise, the continuing candidate with fewest votes shall be defeated, all other continuing candidates shall be elected, and tabulation is complete.

(d) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes of candidates in the group is less than the individual number of votes of every continuing candidate not in the group, and provided that the number of continuing candidates not in the group is at least 1 more than the remaining number of positions to elect.

(e) If 2 or more last-place candidates are tied and batch elimination does not apply, the candidate with the fewest votes in the prior round shall be defeated. If 2 or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of the candidates, in terms of votes, in the second-prior round. This process shall be applied successively as many times as necessary, a tie shown in any prior round shall be decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Town Clerk may make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the fewest number of changes are made to achieve such purpose.

SECTION 2. This act shall take effect upon its passage.

The terms below shall have the following meanings in the above text.

"Batch elimination" is the simultaneous defeat of multiple candidates.

"Concluded ballot," a ballot that does not rank any continuing candidate or contains an overvote at the highest-ranked continuing candidate.

"Continuing candidate," a candidate who has not been defeated or elected.

“Election threshold,” the number of votes sufficient for a candidate to be elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected and 1, disregarding any fractions, and then adding 1.

“Highest-ranked continuing candidate,” the continuing candidate with the highest ranking on a voter’s ballot.

“Ranked choice voting,” a method of casting and tabulating ballots in which voters rank candidates for office in order of preference.

“Last-place candidate,” (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

“Overvote,” a circumstance in which a voter ranks more than 1 candidate at the same ranking.

“Ranking” means the number assigned on a ballot by a voter to a candidate to express the voter’s preference for that candidate. Ranking number 1 shall be the highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

“Surplus fraction,” the number equal to the difference between an elected candidate’s vote total and the election threshold, divided by the candidate’s vote total.

“Transfer value,” the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the election of a candidate under subsection (d)(1), it receives a lower transfer value.

Ranked Choice Voting (RCV), also known as the Single Transferable Vote, is a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. This gives every voter one vote, regardless of the number of seats to be elected, producing the most representative outcomes. RCV has been adopted by Amherst, Cambridge, and Easthampton, Massachusetts, and Arlington and Northampton are currently in the process of adoption.

APPROPRIATE FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT

ARTICLE 24. 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 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 make an appropriation from 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.

ASSABET RIVER BLUFF PRESERVATION PROJECT

ARTICLE 25. To see if the Town will vote to appropriate, and authorize the Treasurer with the approval of the Select Board to raise and appropriate, transfer from available funds, or borrow the sum of \$500,000 under Mass. Gen. Laws c. 44, § 8C or any other enabling authority, for the purpose of purchasing for community housing, conservation, and passive recreation purposes, by eminent domain, purchase or otherwise, a certain property together with buildings thereon, known as the Assabet River Bluff at 2B Upland Road and 406 Old Marlboro Road, Assessor's Parcels 2731 and 2732, consisting of 7 acres, more or less, as shown on a plan entitled "81X Plan of Land, Existing Boundaries, 2B Upland Road and 406 Old Marlboro Road" prepared by GCG Associates, Inc., dated 1/24/22 (the "Property"); that 6 acres, more or less, of the Property shown as Lots 3, 4, 5, 6, and the proposed right-of-way as shown on a plan entitled "Subdivision Plan" prepared by GCG Associates, Inc. dated 1/27/22 be conveyed to the Town pursuant to Mass. Gen. Laws c. 40, § 8C, to be managed and controlled by the Natural Resources Commission, with a Conservation Restriction over the land to be held by the Concord Land Conservation Trust and the Sudbury Valley Trustees or any other suitable entity as determined by the Natural Resources Commission, and that the Natural Resources Commission, the Town Manager, or the Town Manager's designee, be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat. 897) or any other authority in any way connected with the scope of this Article, and that the Town Manager and the Natural Resources Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, or take any other action relative thereto.

The Town has a unique opportunity to partner with housing and conservation groups to acquire a 7-acre parcel of land known as the Assabet River Bluff for both and conservation and passive recreation purposes and community housing purposes. The property is in the heart of West Concord, just over a quarter mile from the village center and the MBTA commuter rail station, and is immediately adjacent to the popular Bruce Freeman Rail Trail. Six acres of woodland, with more than 775 feet of frontage on the Assabet River, will be preserved for conservation and passive recreation purposes, and one acre of land will be dedicated for up to five units of affordable housing.

The asking price for the land is \$2.8 million. The Town has submitted a grant application for \$500,000 to the Land and Water Conservation Fund. If the grant is not successful, then \$500,000 in borrowing as part of the 5-year capital plan, with the debt service cost to be funded within the levy limit, will be needed towards the open space acquisition. Other than the CPC recommendation for appropriation, funds for the 1 acre affordable housing parcel are presently available without further appropriation. The Town has partnered with the Concord Land Conservation Trust and Sudbury Valley Trustees to raise the additional funding needed to complete the purchase of the conservation land, and the \$500,000 of debt service costs may be reduced to the extent that private fundraising exceeds its goal.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 26. To determine whether the Town will vote to appropriate the sum of \$2,153,741, or any other sum, from the Concord Community Preservation Fund, of which up to \$237,142 shall be appropriated from the prior year undesignated fund balance as of June 30, 2021; and up to \$1,815,773 shall be appropriated from projected Fiscal Year 2023 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	Land Acquisition Reserve Fund	Prior Year Fund Balance	FY23 CPA Fund Revenues	Total Amount Recommended
A	Town of Concord – Regional Housing Services Office	Community Housing			\$28,000	\$28,000
B	Concord Home for the Aged – 110 Walden St. Preservation Project	Historic Preservation			\$135,000	\$135,000
C	Trustees of Reservations – The Old Manse Exterior Preservation	Historic Preservation			\$38,500	\$38,500
D	Wright Tavern Legacy Trust and the Trustees of Parish Donations, First Parish Church – Wright Tavern Structural Repairs	Historic Preservation			\$234,400	\$234,400
E	Concord Free Public Library – Concord Oral History Preservation and Access Project	Historic Preservation			\$22,841	\$22,841
F	Town of Concord – Assabet River Bluff Preservation and Housing – Land Acquisition	Open Space	\$100,826		\$599,174	\$1,000,000
		Community Housing			\$300,000	
G	Town of Concord – Junction Village Open Space	Open Space		\$125,000		\$250,000
		Recreation		\$112,142	\$12,858	
H	Town of Concord – Bruce Freeman Rail Trail	Open Space			\$15,000	\$30,000
		Recreation			\$15,000	
I	Town of Concord – Assabet River Pedestrian Bridge	Open Space			\$150,000	\$300,000
		Recreation			\$150,000	
J	Concord Recreation Department – Recreation Facilities Strategic Plan	Recreation			\$75,000	\$75,000
K	Staff and Technical Support	Administration			\$40,000.00	\$40,000
	TOTAL		\$100,826	\$237,142	\$1,815,773	\$2,153,741

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 \$328,000 for Community Housing, \$430,741 for Historic Preservation, \$990,000 for Open Space, \$365,000 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.

AMEND DEPARTMENTAL REVOLVING FUNDS BYLAW

ARTICLE 27. To determine whether the Town will vote to amend the Departmental Revolving Funds Bylaw to add a new Visitor’s Center & Tourism Revolving to the table of authorized Departmental Revolving Funds, as follows, or take any other action relative thereto.

- Revolving Fund: Visitor’s Center & Tourism
- Department, Board, Committee, Agency or Officer Authorized to Spend from Fund: Department of Planning & Land Management, under the direction of the Town Manager
- Fees, Charges or Other Receipts Credited to Fund: Fees, charges or monies received for programs, events, tours and trips
- Program or Activity Expenses Payable from Fund: Expenses associated with operation and management of the Visitor’s Center & other Tourism-related activities
- Restrictions/ Conditions on Expenses Payable from Fund: None
- Other Requirements/ Reports: None
- Fiscal Years: FY23 and subsequent

This article amends the existing Departmental Revolving Funds Bylaw to add a new Visitor’s Center & Tourism Revolving Fund for the purpose of depositing program receipts and payment of program expenses. This fund will remain authorized unless revoked by a bylaw change, and only the spending limits will need to be voted by Town Meeting on an annual basis.

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

ARTICLE 28. 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, 2023, 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	\$ 375,000
Road Repair	\$ 120,000
Senior Services	\$ 50,000
Tree Preservation	\$ 50,000
Visitor's Center & Tourism	\$ 70,000

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.

ANNUAL APPROPRIATION OF PARKING METER RECEIPTS

ARTICLE 29. 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, 2023, 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 FY2023.

SCENIC ROADS GENERAL BYLAW

ARTICLE 30. To determine whether the Town will vote to (1) adopt a Scenic Roads Bylaw and designate certain public roads as scenic roads in accordance with Mass. Gen. Laws c. 40, § 15C (commonly referred to as the Scenic Roads Act); and (2) amend the Non-Criminal Disposition Bylaw Appendix A (Fines) to add a fine for violations of the Scenic Road Bylaw, as follows, or take any other action relative thereto:

(1) Adopt the following Scenic Roads Bylaw:

Scenic Roads Bylaw

In accordance with Mass. Gen. Laws c. 40, § 15C, the Town designates the following roads as Scenic Roads:

- Balls Hill Road
- Barretts Mill Road
- Garfield Road
- Liberty Street
- Monument Street
- Old Road to Nine Acre Corner ("ORNAC")
- Strawberry Hill Road
- Sudbury Road
- Westford Road

Anyone who fails to comply with the provisions of Mass. Gen. Laws c. 40, § 15C shall be subject to a fine as specified in Appendix A of the Regulations for the Enforcement of Town Bylaws under Mass. Gen. Laws Chapter 40, § 21D and the Bylaw for Non-Criminal Disposition of Violations adopted under Article 47 of the 1984 Town Meeting, as amended.

This Bylaw shall not apply to cutting or removal of trees by the Town in connection with right of way maintenance or to mitigate, eliminate or avoid hazardous conditions as determined by the Tree Warden.

(2) Amend the Non-Criminal Disposition Bylaw, Appendix A, by adding the following row:

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Scenic Roads Bylaw	1st offense 2nd offense 3rd and subsequent offenses	\$100 \$200 \$300 per violation	The Town Planner is authorized to enforce the provisions of this General Bylaw. Any other legal enforcement action shall be determined by the Planning Board in consultation with the Town Planner and Town Counsel.

The purpose of adopting a Scenic Roads Bylaw is to provide the Town, through the Planning Board, an opportunity to review the repair, maintenance, reconstruction, or paving work done with respect to certain designated public roads only if it involves the destruction of stone walls (or portions thereof) or the cutting or removal of trees within the public road right-of-way that is required for the roadway work. Annual roadside maintenance by Public Works and line clearing by Concord Municipal Light Plant, as well as removal of any hazardous tree, will be exempt. If a tree in the public right-of-way is to be removed, it is still under the jurisdiction of the Tree Warden and the required Public Shade Tree public hearing, and the Planning Board public hearing would be combined.

A majority of the Planning Board voted (6 to 1) to co-sponsor the submission of the Scenic Roads Bylaw Warrant Article for the 2022 Annual Town Meeting. Should this Article pass, the Planning Board, in coordination with the Historical Commission, the Public Works Commission, Town Staff, and stakeholders, will develop rules & regulations giving guidance to applicants on the application process and criteria used to evaluate requests. Further additions of scenic roads to the Bylaw would require additional approval by Town Meeting.

*Explanations of why these roads have been proposed to be designated as a scenic road are available on the dedicated Scenic Roads Bylaw webpage of the Concord Historical Commission:
www.concordma.gov/ScenicRoads*

ZONING BYLAW AMENDMENT **ADDITIONAL DWELLING UNIT**

ARTICLE 31. To determine whether the Town will vote to amend Section 4.2.2.2 of the **Zoning Bylaw (Additional Dwelling Unit)** to add Item (n), as follows, or take any other action relative thereto:

(n) Any additional dwelling unit that is subject to a special permit recorded with the Middlesex South Registry of Deeds prior to September 2020 shall be exempt from the requirements in Items (a), (b), (g), and (l) of this Section 4.2.2.2.

The provision to allow Accessory Dwelling Units (“ADUs”) by special permit was first adopted in 1974. Between 1974 and 2020, approximately 52 ADU special permits were issued. In 2020, Town Meeting passed an amendment to Section 4.2.2.2 that revised many of the ADU criteria. Three of the criteria that were amended create an issue with special permits issued prior to 2020: lot area requirement, ADU size limitation and expiration of the special permit. The fourth criteria has to do with a change in the setback requirements and the height calculation. Pre-2020, lots had to be at least 10,000 s.f., the size of the ADU was limited to one-third of the gross floor area of the single-family dwelling, and the special permit expired upon the sale of the property. After the 2020 amendment, the lot has to meet the minimum lot size for the applicable Zoning District for a by-right permit, the size is limited to 750 s.f. by-right and up to 1,000 s.f. by special permit, and the permit does not expire upon the sale of the property. Some property owners with an existing ADU that does not meet all of the new ADU criteria have asked what will happen when the

property is sold since there is a condition of the pre-2020 special permit that the ADU's status expire upon the sale of the property. Additionally, there are property owners who have purchased a property after the 2020 amendment that has an ADU and were not aware that the special permit expired upon the sale. These property owners would like to keep the ADU, but the ADU may not meet all of the new criteria.

The ADU Bylaw was amended in 2020 as a result of the 2018 Envision Concord Comprehensive Long Range Plan Housing Goal #5, which 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 amended criteria allow for a wider range of housing choices, and the development of smaller and more affordable living spaces to meet the needs of Concord residents. The previous 52 ADU special permits were granted following a thoughtful process by the Zoning Board of Appeals where the Board had to find the ADU was not substantially detrimental to the neighborhood. The Planning Board believes these existing ADUs should be allowed to legally remain even though they may not meet all of the amended criteria, or the property was sold.

ZONING BYLAW AMENDMENT: **FORMULA BUSINESS**

ARTICLE 32. To determine whether the Town will vote to amend Section 3.3 of the **Zoning Bylaw (Formula Business)** to add the Thoreau Depot Business District so that the following sections read as follows (*changes shown in bold italics for clarity purposes only*); or take any other action relative thereto:

3.3 Formula Business

3.3.1 Purpose. The purpose of regulating the number, location, and visual features of formula businesses in the Concord Center, ***Thoreau Depot***, West Concord Business and West Concord Village Districts is to maintain the unique, small-scale, small-town character and the quality of life for all Concord residents by preserving the individuality and distinctive appeal of its village centers, which are among the Town's most recognized features. Preservation of the existing character, diversity, variety and scale of these districts is vital to the continuation of Concord's ability to attract both residents and visitors.

The Concord Center Business District is the historic heart of the Town, serving as a commercial, cultural, and government center for the community and visitors from around the world. It was established over three centuries ago and continues to maintain a design and form that represents the quintessential New England town center. The Concord Center Business District also offers abundant cultural resources, including galleries, bookshops, a theatre and other performance venues. It is fully contained within the Concord Center Cultural District, one of the first Cultural Districts to be designated under G.L. c. 10, § 58A in Massachusetts, and falls within the American Mile, Main Street and North Bridge/Monument Square Historic Districts.

West Concord's Business and Village Districts currently provide a mix of unique businesses, architecture, signage, and graphic and other design elements, which gives West Concord a distinctive visual appearance and small-scale eclectic ambiance. The West Concord Junction Cultural District was designated as a Massachusetts Cultural District under G.L. c. 10, § 58A in 2016.

The Thoreau Depot Business District is evocative of Concord's early industrial period when the Fitchburg railroad was constructed with a small freight/lumber yard/commercial focus around the Depot. Emerging from the Town's Comprehensive Long-Range Plan Envision Concord: Bridge to 2030, the Town's goal is to promote "smart growth

development” in the Thoreau Depot Business District to increase opportunities to diversify the Town’s housing stock and create a mixed-use district that enhances the Town’s efforts to create a vibrant village district, while supporting independent businesses, cultural and historic organizations, and the character of the Thoreau Depot Business District.

The Town’s preservation goals are evidenced in the Comprehensive Long Range Plans of 2005 and 2018, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the Comprehensive Long Range Plan Committee and the West Concord Task Force, and in the West Concord Master Plan of 2010.

3.3.2 Limitation on the number of formula businesses in the Concord Center, Thoreau Depot, West Concord Business and West Concord Village District: Limiting the number of formula businesses will allow the Concord Center, ***Thoreau Depot***, West Concord Business and West Concord Village Districts to avoid a proliferation of businesses that are homogenous and visually obtrusive, will safeguard Concord’s historical relevance, and will ensure that Concord residents and tourists continue to have unique dining, retail and service experiences in its village centers.

The total number of formula businesses in the Concord Center Business District is limited to 12. ***The total number of formula businesses allowed in the Thoreau Depot Business District is 14.*** The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to 10. When either applicable limit is reached, no new formula businesses may be established in the applicable district until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of the affected business district. If a business in current operation becomes a formula business by means of additional locations being established, this business shall count toward the total number of formula businesses, but shall not be considered as a formula business being established.

3.3.3 Special permit required: The establishment of a new formula business, expansion, or relocation of an existing formula business in the Concord Center, ***Thoreau Depot***, West Concord Business, and West Concord Village Districts shall require the grant of a special permit as defined in Section 11.6 from the Planning Board.

3.3.4 Additional criteria for establishment, expansion, or relocation of a formula business in the Concord Center, Thoreau Depot, West Concord Business, and West Concord Village Districts:

- (a) The formula business is designed and operated in a manner that preserves the community’s distinctive small-town character, as detailed in Section 3.3.1;
- (b) The formula business contributes to the diversity of users to assure a balanced mix of businesses available to serve residents and visitors;
- (c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- (d) The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district;
- (e) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare; and
- (f) No drive-through facilities are allowed.

3.3.5 *Determination*: A formula business may adapt its business activities in consultation with the Building Inspector so that the proposed establishment no longer qualifies as a formula business as defined in subsection 1.3.10.

The purpose of the Formula Business Bylaw is to preserve the existing character, diversity, variety, and scale of these business districts, which are vital to the continuation of Concord's ability to attract both residents and visitors. The Formula Business Bylaw helps to ensure a diversity of uses to create a balanced mix of businesses available to serve residents and visitors. The Formula Business Bylaw was successfully implemented in 2011 with Concord Center Business District and the West Concord Village and Business Districts were added in 2019. The Planning Board proposes to amend the existing Formula Business Bylaw to include the Thoreau Depot Business District. There currently are 12 existing businesses that would be classified as a formula business: Alphagraphics, Lapels Cleaners, CVS, Verizon Store, Cambridge Savings Bank, UPS Store, Dunkin Donuts, Starbucks, Mobil Gas Station, Cumberland Farms, Fitness Together, and Rocky's Ace Hardware. The Board is proposing allowing 14 formula businesses, which preserves the current mix, but allows for the organic growth of existing businesses should they become a formula business or to allow for a couple new formula businesses.

ZONING BYLAW AMENDMENT

Zoning Map & Thoreau Depot Business District

ARTICLE 33. To determine whether the Town will vote to amend (a) Section 2.2 of the Zoning Bylaw, Zoning Map, by expanding the Thoreau Depot Business Zoning District boundary and reducing the Residence C Zoning District boundary on Assessor Parcels #0373 (203 Sudbury Rd.), (b) Sections 4.2, 4.7, 6, 7.7, and 7.11 of the Zoning Bylaw with respect to the Thoreau Depot Business District; and (c) any other Sections of the Zoning Bylaw to make conforming changes consistent with the changes made with respect to the Thoreau Business District, so that the following Sections read as follows (*changes are shown in strikeout, bold italics for emphasis only*), or take any other action relative thereto:

1. Amend the Zoning Map in Section 2.2 as follows:

2.2 Zoning Map

Town of Concord, Massachusetts, Zoning Map **May 2022** (Scale 1" = 1,400')

2. Add the following Section 4.2.3.5:

4.2.3.5 *For combined business/residences in the Thoreau Depot Business District, see Section 7.11 Thoreau Depot Business District.*

3. Amend Table I, Principal Use Regulations in Section 4.7 as follows:

TABLE I - PRINCIPAL USE REGULATIONS

Commercial Districts

Principal Uses

B
CCB
TBD
NACB

TDB◆◆◆

Principal Uses	B CCB TBD NACB	TDB◆◆◆
4.1 Extensive Uses		
4.1.1 Forestry	yes	yes
4.1.2 Agriculture, horticulture, floriculture and viticulture	yes	yes
4.1.3 Greenhouse	yes	yes
4.1.4 Earth removal	SP	SP
4.1.5 Conservation use	yes	yes
4.1.6 Private recreation	yes	yes
4.2 Residential Uses		
4.2.1 Single-family dwelling	yes	yes
4.2.2 Two-family or additional dwelling unit	SP	SP
4.2.3 Combined business/residence	yes	yes
4.2.4 Combined industrial/business/residence	no	no
4.2.5 Residential Compound	SP	no
4.2.6 Residential Cluster Development	SP	no
4.2.7 Planned Residential Development	SP	SP
4.2.8 Boarding house	yes	no
4.2.9 Hotel, Extended-stay hotel and Motel	yes	SP
4.3 Institutional Uses		
4.3.1 Educational	yes	yes
4.3.2 Child care facility	yes	yes
4.3.3 Religious	yes	yes
4.3.4 Philanthropic	yes	yes
4.3.5 Hospital and nursing home, provided that in Limited Business Dist. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.	yes	no
4.3.6 Assisted living residence	no	no
4.3.7 Cemetery	yes	no
4.3.8 Lodge and club	yes	yes
4.3.9 Registered Marijuana Dispensary	no	no
4.4 Governmental and Utility Uses		
4.4.1 Town of Concord Municipal Use	yes	yes
4.4.2 Underground Utility	yes	yes
4.4.3 Aboveground Utility	yes	yes
4.4.4 Municipal Use not by the Town of Concord	SP	SP

Principal Uses	B CCB TBD NACB	<i>TDB◆◆◆</i>
4.4.5 Large Ground-Mounted Solar Photovoltaic Installation	yes	yes
4.5 Business Uses		
4.5.1 Retail store	yes	yes
4.5.2 Personal service shop	yes	yes
4.5.3 Craft shop	yes	yes
4.5.4 Restaurant	yes	yes
4.5.5 Indoor amusement	yes	yes
4.5.6 Outdoor amusement	yes	yes
4.5.7 Funeral home	yes	yes
4.5.8 Repair shop and building trade	yes	yes
4.5.9 Veterinary and kennel	no	no
4.5.10 Financial and business office	yes	yes
4.5.11 Professional office	yes	yes◆◆◆
4.5.12 Medical center and laboratory	yes	no
4.5.13 Auto service station	yes	no
4.5.14 Auto repair shop	yes	no
4.5.15 Vehicular dealerships	yes	SP
4.5.16 Boat sales and rental	yes	no
4.5.17 Parking facility	yes	SP
4.5.18 Transportation services	SP	SP
4.5.19 Grocery Store	yes	yes
4.6 Industrial Uses		
4.6.1 Warehouse	yes	no
4.6.2 Storage yard, open-air sales	yes	no
4.6.3 R&D and Light manufacturing	yes	no
4.6.4 Manufacturing, packaging, processing and testing	yes	no
4.7 Restricted and Prohibited Uses		
4.7.1 Prohibited uses	no	no

◆◆◆See Section 7.11 for special provisions applicable to the Thoreau Depot Business District. Except no lodge or club or professional office shall be permitted on the first floor in the Thoreau Depot Business District.

4. Amend Section 6, Dimensional Regulations, as follows:

SECTION 6. DIMENSIONAL REGULATIONS

6.1 Dimensions

Minimum lot area, frontage, lot width, yard, and corner clearance requirements and maximum lot coverage, height and floor/area ratio requirements shall be as prescribed in Section 6, Table

III, Dimensional Regulations. **For special dimensional regulations applicable to the Thoreau Depot Business District, see Section 7.11.**

- 5 Amend the following in the row titled “Thoreau Depot Business” in Section 6, Table III, Dimensional Regulations as follows:

<i>Zoning Districts</i>	<i>Minimum Front Yard in Feet³</i>	<i>Minimum Side Yard in Feet</i>	<i>Minimum Rear Yard in Feet</i>	<i>Corner Clearance in Feet</i>	<i>Maximum Height in Feet</i>
Thoreau Depot Business	0 See Section 7.11	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along these side and rear lot lines which abut the residential district unless otherwise specified under site plan approval. See Section 7.11		10 See Section 7.11	35 See Section 7.11

- 6 Amend Section 7.7.2.1 as follows:

7.7 Off-street Parking, Loading, and Design Standards

7.7.2 Parking and Loading Regulations

7.7.2.1 Required spaces: Table IV, Minimum Parking, indicates the minimum number of parking spaces required for each principal use. **For parking requirements and potential reductions applicable to the Thoreau Depot Business District, see Section 7.11.**

7. Add the following Section 7.11:

SECTION 7.11 THOREAU DEPOT BUSINESS DISTRICT (TDB)

7.11.1 Purpose and Applicability

The following provisions are applicable to development in the TDB. Where the provisions of this Section 7.11 conflict with other provisions of the Zoning Bylaws, the requirements of this Section 7.11 shall prevail. The purpose of this Section 7.11 is to facilitate building renovation and new development that contributes to a vibrant,

walkable, mixed-use neighborhood, consistent with the Thoreau Depot Vision Plan and the Thoreau Depot Design Guidelines. The standards set forth herein are intended to:

7.11.1.1 Promote development that is consistent with the Town’s vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected, and sustainability/smart-growth-focused district.

7.11.1.2 Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns envisioned for the district.

7.11.1.3 Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.

7.11.1.4 Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.

7.11.1.5 Encourage high quality housing production for a variety of age groups, household sizes and types, and income ranges.

7.11.1.6 Reduce automotive trips associated with new development by locating housing proximate to public services and transit.

7.11.2 Lot Standards

7.11.2.1 Intent: The lot standards set forth in this section are intended to ensure development occurs in a manner consistent with the context of different locations within the TDB.

7.11.2.2 Primary and Secondary Streets: For purposes of this Bylaw, within the TDB, Primary Street refers to Sudbury Road within the TDB and Secondary Street refers to all other roadways within the TDB.

7.11.2.3 Lots on more than one street. Where lots have frontage on multiple streets, frontage on each street will be considered a front yard.

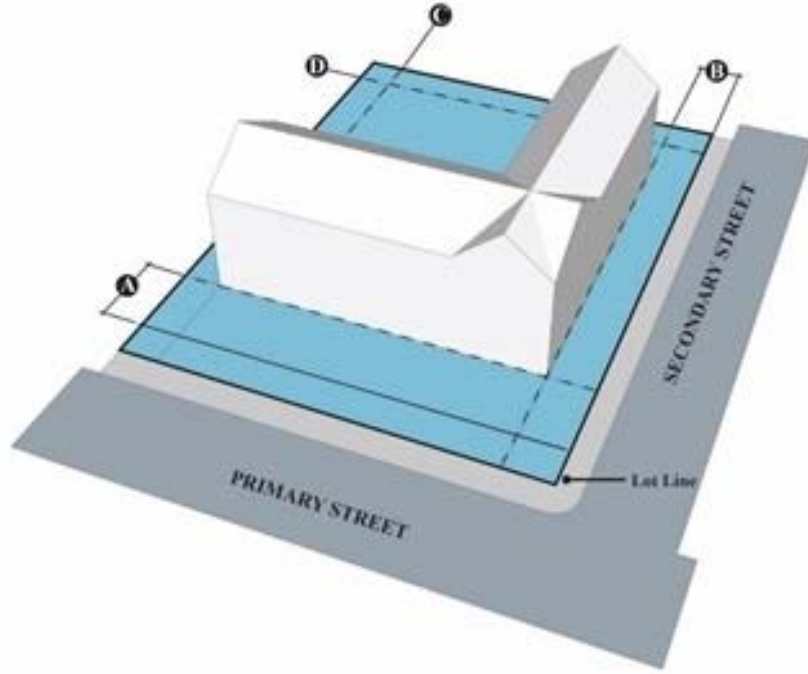
7.11.2.4 Front Yard Setbacks. Where a front yard setback is greater than 0 ft, the following standards shall apply:

(a) Within the front yard setback, space shall be used for one or more combination of:

- i. Outdoor seating associated with a ground-floor eating establishment.**
- ii. Publicly available open space, such as a plaza, or the like.**
- iii. Garden space or other highly landscaped area.**
- iv. Other uses, which in the opinion of the Planning Board contribute to the area’s vibrancy.**

(b) The Planning Board may allow for greater setbacks where in its judgement, doing so will contribute to spaces that are open to the public.

(c) *Parking is prohibited within the front yard setback.*



Lot Requirements		Setback Requirements		
Frontage Exception	--	Item A in above figure	Primary street setback (min/max)	12 ft / 20 ft
Minimum lot area	--	Item B in above figure	Secondary street setback (min/max)	0 ft / 12 ft
Minimum lot frontage	--	Item C in above figure	Side and rear setback	10 ft or 0 ft if a common wall
Minimum lot width	--	Item D in above figure	Rear setback (min)	10 ft, except if abutting a residential district 5 ft of which must be landscaped.

7.11.3 Building and Design Standards

7.11.3.1 TDB Dimensional Standards & Design Guidelines Table. The following table provides standards for buildings constructed in the TDB and references to design guidelines.

TDB Dimensional Standards Requirements & Design Guidelines	
Building height (max)	35 ft., top of flat roof; 38 ft, ridge of pitched roof (See Section 7.11.3.2 for circumstances allowing greater height)
Ground floor height (min)	12 ft for commercial uses; 10 ft otherwise
Second story height (min)	10 ft
Space between multiple buildings on the same lot	10 ft or 0 ft if sharing a common wall
Building length (max)	100 ft (See Section 7.11.3.3)
Open space	15% of lot area if containing residential; 0% of lot area otherwise (See Section 7.11.3.4)
Building orientation	See TBD Design Guidelines Section 3.1
Neighboring context	See TBD Design Guidelines Section 3.2
Ground floor glazing (min)	See TBD Design Guidelines Section 4.1
Vertical façade modulation (min)	See TBD Design Guidelines Section 4.2
Horizontal modulation	See TBD Design Guidelines Section 4.3
Roofs	See TBD Design Guidelines Section 4.4
Additional building design criteria	See TBD Design Guidelines Section 4.5

7.11.3.2 Building Heights. The Planning Board may grant a Special Permit to allow for up to a 40-foot flat roof or up to a 45-foot pitched roof building under the following conditions.

- (a) **The tallest point of the tallest building on the lot must be set back from the public right-of-way by no less than 100 feet.**
- (b) **One or more buildings of no less than 34 feet must occupy a substantial portion of the frontage to help screen the taller building from the viewpoint from the public right-of-way. The Planning Board shall make the determination as to whether buildings along the frontage substantially screen the taller building.**
- (c) **The portions of the building above 35 feet (for a flat roof) or 38 feet (for a pitched roof) may not be within 125 feet of a residential district.**
- (d) **If the structure contains a step-back, where there is a recession in the profile of a building intended to reduce building mass or reduce shadows, while allowing for additional height towards the interior of the building, the requirements a through c shall apply only to the taller portion of the building.**

7.11.3.3 Building Length. *The building length maximum is applicable only to the side of the building facing the public right-of-way.*

7.11.3.4 Open Space Requirements. *The purpose of the open space requirements is to ensure the presence of a variety of functional, well-designed civic and open spaces that complement the Town's character and add vibrancy to the community. The following standards apply:*

- (a) Open spaces are intended to provide a benefit to the residents, business patrons, and visitors. To the extent practicable, open spaces should be open to the general public, such as but not limited to, plazas, seating areas, playgrounds, passive open spaces, and seating associated with on-site eating establishments.*
- (b) Required open space does not need to be contiguous; however, open space must be usable for sitting, recreation, or other active uses and shall not include buffer strips.*
- (c) The Planning Board may grant a Special Permit to satisfy all or part of the open space requirement through the provision of improvements to existing parks, improving access to existing parks, or the provision of walking trails, within or connecting to the district.*

7.11.4 Alternative Requirements for Combined Business/Residence.

7.11.4.1 *Dwelling units may be located on the same lot where commercial uses are conducted. The dwelling units and commercial uses may share a building or be located in one or more separate buildings on the same lot.*

7.11.4.2 *Dwelling units may be stand-alone structures, attached single-family dwelling units (townhomes), or multi-family structures.*

7.11.4.3 *Buildings adjacent to the public right-of-way must contain ground-floor commercial use along the entirety of the building façade facing the public right-of-way.*

7.11.4.4 *For development of between five (5) and ten (10) units, at least 10% of the dwelling units (and no fewer than one unit) must be available as affordable housing at 80% area median income (AMI) and included on the Town's Subsidized Housing Inventory (SHI). For developments of greater than ten (10) units, 20% must be available as affordable housing. If two or more affordable units are required, then at least 50% of the affordable units shall be made available at 80% AMI and included on the Town's SHI and the remaining affordable units shall be made available equally between 100% and 120% AMI. If the 20% requirement creates a fraction, the unit requirement shall round up to a whole unit for .5 or above. Any fraction below .5 shall require a proportional in-lieu payment to the Affordable Housing Trust based on the average market sales price for the market-rate units in the subject development. A mix of diverse housing opportunities shall be provided, such that:*

(a) the mix of bedrooms in the affordable housing units (studio, one-bedroom, two-bedroom & three or more bedrooms) shall be the same as the mix of bedrooms in the market rate units in the development, and;

(b) there is a mix in the sales price or rental rates of the market rate units.

7.11.4.5. *One (1) parking space shall be provided for each unit up to two bedrooms and two (2) parking spaces for each unit with 3 or more bedrooms. Spaces for business uses as listed in Table IV.*

7.11.5 Parking Requirements.

7.11.5.1 Location of Parking: *Parking areas should be sited to the rear of buildings or to the side if rear parking is not feasible to minimize the visual impact of parking on the district and position buildings to more directly contribute to the character and pedestrian orientation of the district. Parking shall not be located within the front yard setback.*

7.11.5.2 Reduction of Required Parking for Shared Parking: *Where two or more activities or uses provide the required parking or loading in a common parking facility or loading area and it can be demonstrated that a use or establishment needs a lesser number of parking spaces or loading bays than is required by Section 7.6 Table IV, the number of such parking spaces or bays may be reduced by not more than thirty percent (30%) by Special Permit. Further, the Planning Board may waive the parking requirements of Section 7.6, Table IV, if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that will adequately fulfill, in part or in whole, the parking needs, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below:*

(a) The overall parking design minimizes the impact of sidewalk interruptions and conflict points on the walkability of the public realm.

(b) The number of parking spaces minimizes excessive and inefficient off-street parking lots.

(c) The overall parking design encourages the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.

(d) Parking Reduction Methods

i. Parking spaces required to meet the minimum off-street parking requirements may include publicly available on-street parking spaces along the building lot frontage on the same side of the street.

ii. A shared parking agreement with adjacent properties where uses have offset peak demand times; uses have a high rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.

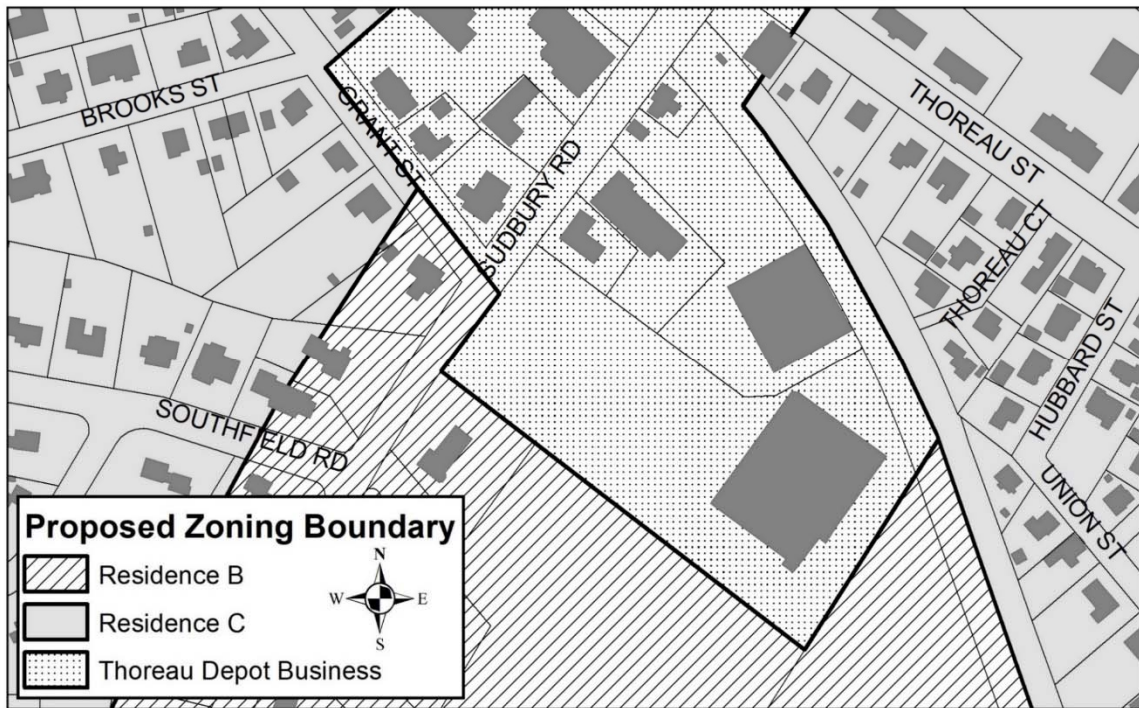
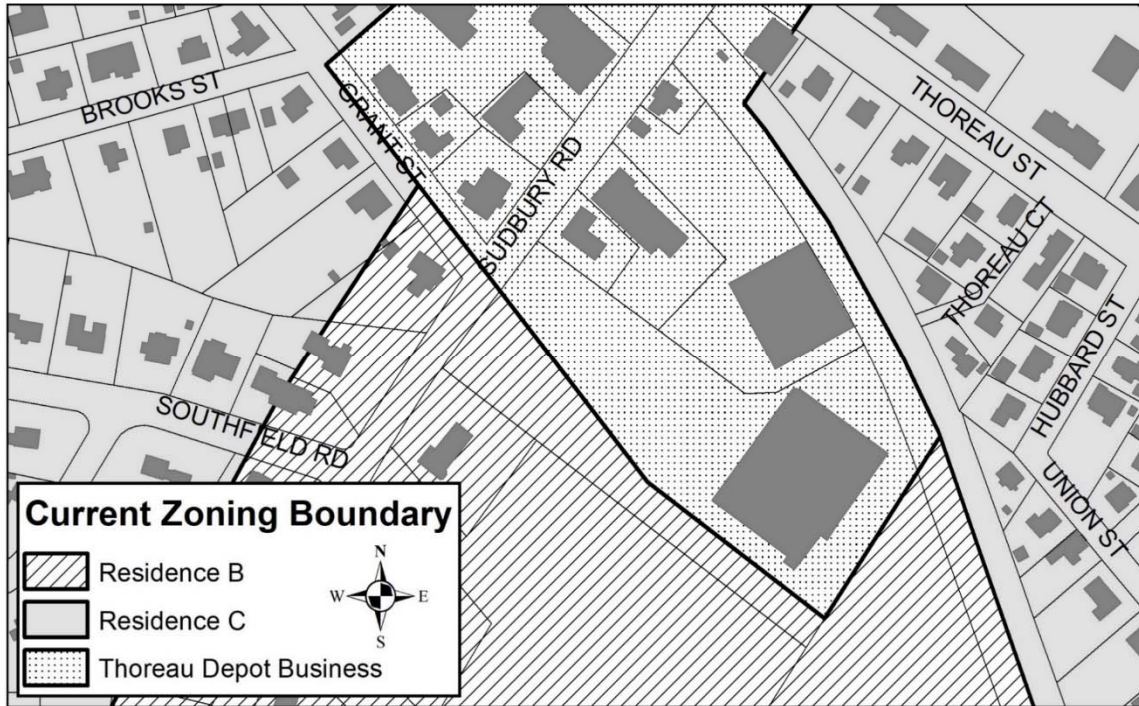
iii. An evaluation prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition) or the Institute of Transportation Engineers (ITE) Shared Parking Guidelines

(latest addition), or other approved procedures determined by the Planning Board. The Planning Board may waive the requirement for a formal parking evaluation for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

- iv. Active car-sharing program is made available to residents and/or employees of a Development Site; and where cars for the car-share program are available on the site or within a 600-foot walking distance of the site.*
- (e) A Special Permit granted under this Section shall lapse upon change to a different type of use or an increase in intensity of the existing use and shall not be considered to constitute a legal nonconformity with respect to parking for any new use.*

7.11.5.3 Off-Site Parking by Special Permit: *The Planning Board may allow required parking to be provided off-site for employees, except for any required handicapped parking, as permitted according to the following:*

- (a) A lot featuring the off-site parking must be located within six hundred (600) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served.*
- (b) Pedestrian access between the use and the off-site accessory parking area must be provided via paved sidewalk or walkways.*
- (c) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town, guaranteeing long term use of the site is provided to the Planning Board.*
- (d) A Special Permit granted under this Section shall lapse upon change to a different type of use or a substantial increase in intensity of the existing use and shall not be considered to constitute a legal nonconformity with respect to parking for any new use.*



Creating a future for our town that aligns with our goals and vision begins with thoughtful planning. The proposed updates to the Zoning Bylaw are intended to prepare the Thoreau Depot Business District (TDB) to be an inviting, walkable, livable, and thriving part of our community. Please note that

proposed changes in zoning are not specific plans to develop the area. There are no current plans to remove any existing businesses or construct residential units. Rather, the proposed zoning supports the goals from the Envision Concord Comprehensive Long-Range Plan and will allow for a range of housing types and sizes in mixed-use developments, a concrete action towards increasing diversity, equity, inclusion and belonging.

The proposed updates to the Bylaw are a result of a robust, two year long process to examine what zoning changes in this area could best support two specific goals of the Long-Range Plan: to revitalize Concord's town centers and to create housing for a range of needs and income levels. Furthermore, more sustainable development can be required through established design guidelines. The all-volunteer Planning Board members enlisted the help of Metropolitan Area Planning Council (MAPC) to refine a vision for the TDB District, design guidelines, and potential zoning that is consistent with the Envision Concord Plan. MAPC has a wealth of experience working with towns across the state to promote sustainable land use, protection of natural resources, efficient and affordable transportation, a diverse housing stock, public safety, economic development, clean energy, healthy communities, an informed public, and equity and opportunity among people of all backgrounds.

Inevitably individual parcels of land in this area of town will be redeveloped. When future projects are proposed, it will be this updated Bylaw and the Design Guidelines that will help shape the area into a more sustainable, diverse, pedestrian-friendly, and vibrant part of our community.

For additional information, please visit the Thoreau Depot Business District website at www.concordma.gov/ThoreauDepot

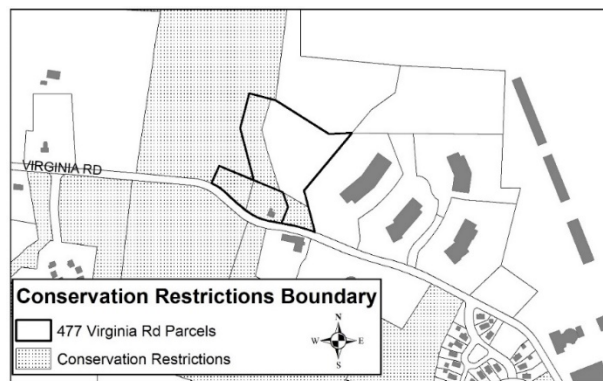
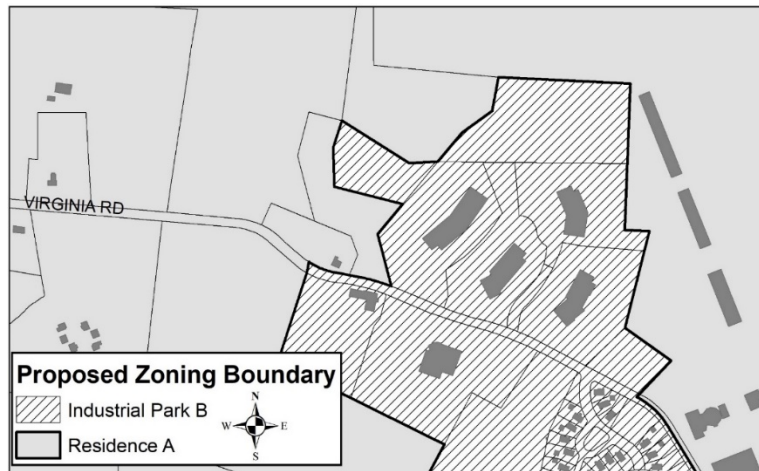
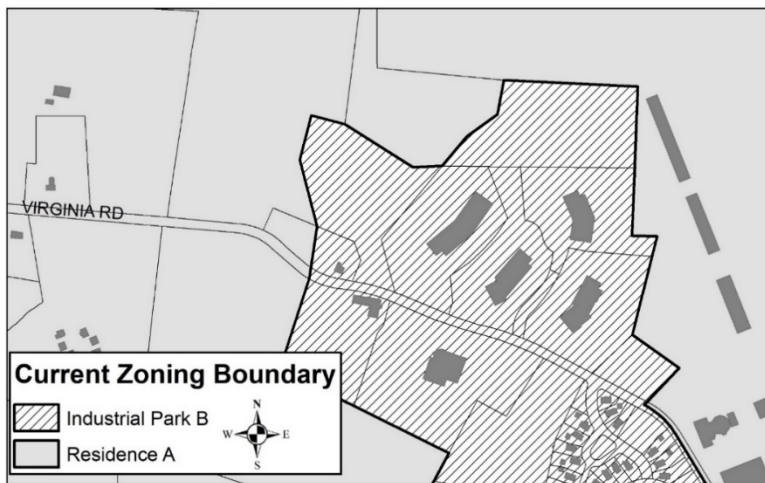
The Warrant Article also includes a shift in the Thoreau Depot Business District Zoning Boundary so that the corner of the Crosby's Market parcel (#0373), which is currently in commercial use, is wholly within the TDB Zoning District and not in the Residence B District. The purpose of this boundary modification is to align the Thoreau Depot Business District boundary with existing property lot lines and ensure that the proposed Zoning and Design Guidelines apply to all land that is under commercial use in the area today. The two maps below show the existing Zoning Boundary line and the proposed Zoning Boundary line to modify the Residence C and TDB Districts.

CITIZEN PETITION
ZONING MAP AMENDMENT
Residence A & Industrial Park B Zoning District Boundary

ARTICLE 34. To determine whether the Town will vote to amend **Zoning Bylaw Section 2.2 Zoning Map** by expanding the Residence A Zoning District boundary and reducing the Industrial Park B Zoning District boundary on Assessor Parcels #4287-1 (477 Virginia Rd.) and #4287-1-2 (50A Virginia Rd.) as shown on the "Zoning Map" consisting of one sheet on file with the Town Clerk, and as follows:

Town of Concord, Massachusetts, Zoning Map May 2022 (Scale 1" = 1,400')

or take any other action relative thereto.



The property owners of 477 Virginia Road (Assessor's Parcel #4287-1) are requesting the Zoning Map Amendment. At present, the existing residence at 477 Virginia Road is situated within the Industrial Park B Zoning District. The structure was, per the Town's records, built in 1692 and, except for when used for business purposes in the 1990s and associated with the creation of the Industrial Park B Zone, was always used as a residence. When the portion of the lot comprising 477 Virginia Road containing the structure was included in the Industrial Park B Zoning District, it resulted in retaining the westerly portion of the Lot in the Residence A district, while placing the easterly portion, containing the residential structure, in the Industrial Park B Zoning District. In 2014, the current owners acquired 477 Virginia Road and returned it to its prior, long-standing residential use. Because the portion of the Lot upon which the residence is located is in the Industrial Park B Zoning District, it is non-conforming from a zoning use standpoint as a residence is **not** allowed as a principal use in that District. The proposed change to the Zoning Map would place all of 477 Virginia Road in the Residence A zone and return the residence to a use in conformity with zoning.

In 2021, the owners of 477 Virginia Road acquired Assessor's Parcel #4287-1-2 (50A Virginia Rd.) That parcel is vacant land except for the portion of it that contains the septic leaching field for the office building at 561 Virginia Road. Under the proposed re-zoning, that portion of the parcel shall remain in the Industrial Park B Zoning District. The property at 477 Virginia Road is encumbered by Conservation Restrictions which prohibit any substantial expansion of the existing residential structure as well as prohibits the construction and use of any accessory structures, such as a garage, barn or any recreational structure(s) on it. Although there are no present plans to do so, the rezoning of the noted portion of 50A Virginia Road to Residence A would provide the owners of 477 Virginia Road with the ability, from a zoning standpoint, to construct and use a garage, barn or a home recreational facility on portions of the re-zoned 50A Virginia Road, as they are prohibited from doing so by the existing Conservation Restrictions.

CITIZEN PETITION: ZONING BYLAW SECTION 10 PLANNED RESIDENTIAL DEVELOPMENT UPDATE

ARTICLE 35. To determine whether the Town will vote to amend the Zoning Bylaw Section 10 Planned Residential Development to alter Section 10.2.9 to increase the minimum amount of upland common open space from 50% to 75% so that the section reads:

10.2.9 Common Open Space: All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common space. The area of the common open space shall equal at least thirty-five (35) percent of the total area of the PRD tract. At least ~~50%~~ **75%** of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Clean Water Act and the Town's Wetlands Bylaw.)

The PRD bylaw enables developers to build high density housing in exchange for the preservation of open space. The current bylaw allows for 50% of the open space to be land that is already protected and cannot be developed. Allowing 50% of PRD open space to be protected land significantly relieves a developer from creating open space in a PRD design. The change proposed would reduce the amount of protected land that can be included in the open space calculation. This would ensure a PRD design does indeed have the amount of open space that is commensurate with the increased housing density granted to the developer. The result would be a more fair exchange.

ADOPT LOCAL BALLOT OPTION PURSUANT TO MASS. GEN. LAWS 53, § 18B

ARTICLE 36. To determine whether the Town will vote to adopt the provisions of Mass. Gen. Laws c. 53, § 18B that would allow the Town to provide Concord voters with information related to ballot questions both on the ballot and as a separate mailing, or take any other action relative thereto.

Town Meeting has the opportunity to accept the provisions of Mass. Gen. Laws c. 53, § 18B to allow the Town of Concord to provide voters with information related to ballot questions both on the ballot and as a separate mailing to every household with voters. This local option was added to the General Laws in 2011. Accepting this local option will benefit the voters of Concord who will learn more about the effect of a yes or no vote on a ballot question before casting their ballot.

CITIZEN PETITION: AUTHORIZE SELECT BOARD TO PETITION TO IMPOSE A CHECKOUT BAG CHARGE

ARTICLE 37. To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.10 for all new checkout bags distributed in the Town of Concord, which legislation would have the underlying purposes of 1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, 2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, 3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and 4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

AN ACT AUTHORIZING THE TOWN OF CONCORD TO ESTABLISH A FEE FOR CHECKOUT BAGS

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Concord shall charge for each such bag equal to or greater than \$0.10 per checkout bag, as established by regulations to be duly promulgated by the Concord Board of Health.

(b) All monies collected pursuant to this section shall be retained by the retail establishment.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3. (a) The Health Agent for the Concord Board of Health or his/her designee shall have authority to enforce this law and any regulations promulgated thereunder. This law may be enforced through any lawful means in law or in equity, including but not limited to, noncriminal disposition pursuant to G.L. c. 40 § 21D and Article VI of the Town of Concord General Bylaws.

(b) The Concord Board of Health may adopt and amend rules and regulations to effectuate the purposes of this law.

SECTION 4. If any provision of this law is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This act shall take effect three months after its passage.

This article would authorize the Select Board to petition the state legislature for a special law requiring that retail establishments in Concord charge a minimum of \$0.10 for each new checkout bag distributed. Any money collected for bags would be retained by the retailer. The special law must be passed by the state legislature and signed by the governor to go into effect.

CITIZEN PETITION: DEVELOPMENT PLAN FOR MUNICIPAL SOLAR GENERATION

ARTICLE 38. To see if the Town will vote to urge the Concord Municipal Light Plant to develop an action plan and schedule for the achievement of the Town’s 2030 solar capacity targets focused on development of new power generation on Town-owned properties and present the plan and schedule to both the Select Board and Finance Committee before the end of 2022.

The proposed Article is intended to align the strategic objectives of CMLP and those of the Concord Climate Action Plan (“Sustainable Concord”) vis a vis solar energy generation on town owned land and buildings. The Climate Action Plan targets 20MW of solar generation on municipal/school properties by 2030, which will require building an average of 1.5-2MW of solar capacity per year. While the recent CMLP activity regarding CMS is encouraging, the current CMLP strategic plan does not include any specifics for solar development. The petitioners would hope to see at least 1MW of solar capacity developed by the end of 2023. Increasing local power generation can produce technical benefits, as well as ensure that Concord directly shares the burdens of decarbonizing the power we use.

LIGHT PLANT EXPENDITURES & PAYMENT IN LIEU OF TAXES

ARTICLE 39. 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 \$444,000 or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2023; 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 for the purposes of operating the department for the fiscal year ending June 30, 2023. This is a routine annual action. Further, this article authorizes the transfer of \$444,000 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 40. 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, 2023 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 41. 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 2023 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 42. 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 2023 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 43. 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 2023 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 44. To determine whether the Town will vote to raise and appropriate, or transfer from the PEG Access and Cable-Related Fund the sum of \$493,984, or any other sum, to be expended during the fiscal year ending June 30, 2023 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 2022 be appropriated, to be used only for cable-related purposes in accordance with the Town's license agreement. The total amount is \$493,984, of which \$493,984 will be used for operating expenses and an additional \$58,500 shall be reserved for capital improvements needed to enhance PEG access services taken from the available fund balance. PEG Access services are Public, Educational and Governmental local cable television channels. The fund balance as of July 1, 2021 was \$1,532,187.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND EXPENDITURES

ARTICLE 45. 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, 2023 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 FY23 budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on March 17, 2022.

CITIZEN PETITION: REFORMATORY BRANCH TRAIL FEASIBILITY STUDY

ARTICLE 46. To see if the Town will vote to appropriate a sum of money not less than Seventy-five Thousand and 00/00 [\$75,000.00] to conduct public forum(s) and a feasibility study to be undertaken by a consulting firm to be selected by the Town Manager or his or her designee, relating to grading and drainage improvements on and to the Reformatory Branch Trail, including the section owned by the Natural Resources Commission, the Section owned by the Town of Concord and the section which is a public way and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto. The funds appropriated shall be administered by the Town Manager or such person or agency as the Town Manager shall designate.

The Reformatory Branch Trail ("RBT") is a former railroad line that runs from Bedford to Concord Center. The RBT currently provides access to nature for walkers, runners, cyclists, schoolchildren, and other

members of the public. The RBT also contains hazards, grade changes and barriers that make passage uncomfortable and inaccessible for many members of the public, including persons with mobility challenges. Making the RBT a safe and accessible car-free multi-use path will encourage non-GHG emitting transportation consistent with the Town's sustainability goals. The State does not require the trail to be paved - the RBT's aesthetic can be preserved. Taking action to improve the RBT requires public consensus, planning, sensitive design, wildlife habitat protection, best engineering practices and public financing. Funding a feasibility study will provide resources to the Town to engage qualified consultants and to undertake a robust public process in which all of Concord's residents may participate.

CITIZEN PETITION: PRESERVE CONCORD'S REFORMATORY BRANCH TRAIL

ARTICLE 47. To determine whether the Town will recommend, to the owners of the various portions of the Reformatory Branch Trail in Concord and to the individuals and entities and all other parties responsible for the care thereof, that the Trail continue to be a maintained in an unpaved natural condition for walking, hiking, jogging, dog walking, nature immersion, nature observation, photography, and cycling; and that any future changes made to drainage, to features affecting individuals with reduced mobility, or to other aspects of the Trail, be done in a way that causes the least injury possible to existing trees, does not clear-cut trees to make the trail wider, and preserves to the greatest extent possible the existing natural characteristics of the Trail; or take any other action relative thereto.

Concord's Reformatory Branch Trail is a gem of natural beauty and endangered species habitat. This Town asset is currently enjoyed by a wide range of users, including walkers, joggers, dog walkers, bird watchers, and cyclists of all levels and ages. In light of recent threats to the survival of this exemplar of a mixed-use natural trail, this article reaffirms the Town's commitment to protect and preserve it.

UNPAID BILLS

ARTICLE 48. 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

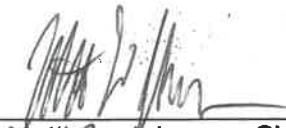
ARTICLE 49. To determine whether the Town will vote to rescind unused borrowing authorizations, or take any other action relative thereto.

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.

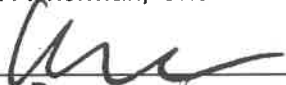
Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 7th day of February in the year two thousand twenty-two.



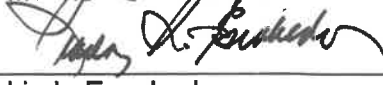
Terri Ackerman, Chair



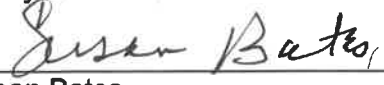
Matthew Johnson, Clerk



Henry Dane



Linda Escobedo



Susan Bates

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord February 7, 2022
Date

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


Constable of Concord

GET INVOLVED!
FILL OUT YOUR VOLUNTEER 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 "Volunteer Card." Volunteer 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 <https://concordma.gov/1125/Volunteer>.

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, May 1, 2022

1:00 PM

Concord-Carlisle Regional High School
500 Walden Street

The deadline for unregistered residents to register to vote at the Annual Town Meeting is March 23, 2022.



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 or concordma.gov/

Follow the proceedings through social media!

@TownofConcordMA

