

TOWN OF CONCORD  
TOWN HOUSE  
CONCORD, MA 01742

PRESORT STANDARD  
U.S. POSTAGE PAID  
CONCORD, MA  
PERMIT NO. 51

\*\*\*ECRWSS\*\*\*  
RESIDENTIAL CUSTOMER  
CONCORD, MA 01742

## WARRANT FOR ANNUAL TOWN MEETING

MONDAY, APRIL 29, 2024, 7:00 PM\*  
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

<b>SELECT BOARD</b>	<b>Monday, February 26, 2024</b> (Snow Date: February 27)
<b>FINANCE COMMITTEE</b> Town Budget & Articles including Capital Concord Public Schools Budget Concord-Carlisle Regional School District Budget	<b>Thursday, March 7, 2024</b> (Snow Date: March 14)
<b>PLANNING BOARD</b>	<b>Tuesday, March 12, 2024</b> (Snow Date: March 13)
<b>FINANCE COMMITTEE</b> Minuteman Regional Voc-Tech District Budget Community Preservation Committee Additional Town Budget Articles	<b>Tuesday, March 19, 2024</b> (Snow Date: March 20)
<b>FINANCE COMMITTEE</b> Enterprise Fund Budgets & Articles	<b>Thursday, March 21, 2024</b> (Snow Date: March 26)

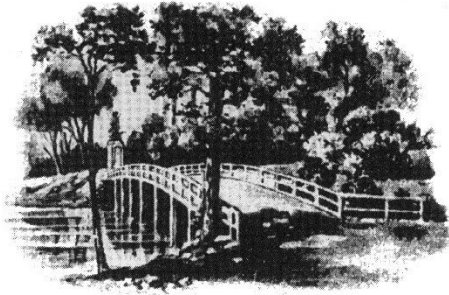
*\*And Subsequent Days As Needed*

**2024 ANNUAL TOWN MEETING**

<b>Article #</b>	<b>Article Name</b>	<b>Sponsor</b>	<b>Public Hearing</b>	<b>Page #</b>
1	Choose Town Officers	Select Board	N/A	1
2	Hear Reports	Select Board	N/A	1
3	Meeting Procedure	Finance Committee	Finance Committee	1
4	Ratify Personnel Board Classification Actions	Personnel Board	Select Board	1
5	Ratify Personnel Board Classification & Compensation Plan	Personnel Board	Select Board	2
6	Personnel Bylaw Amendments	Personnel Board	Select Board	8
7	Fiscal Year 2024 Budget Line Item Adjustments	Chief Financial Officer	Finance Committee	11
8	Fiscal Year 2025 Town Budget	Town Manager	Finance Committee	11
9	Capital Improvement & Debt Plan	Town Manager	Finance Committee	16
10	OPEB Trust Fund Appropriation	Chief Financial Officer	Finance Committee	19
11	OPEB Trust Fund Expense	Chief Financial Officer	Finance Committee	19
12	Appropriation to the Opioid Prevention Programs Fund	Chief Financial Officer	Finance Committee	19
13	Funding Public Safety during the Concord250 Celebrations in 2025 Commemorating the Beginning of the American Revolution, April 19, 1775	Concord 2025 Executive Committee	Finance Committee	19
14	Use of Free Cash	Finance Committee	Finance Committee	20
15	Establish a Permanent Senior Means Tested Property Tax Exemption	Board of Assessors	Finance Committee	20
16	Create Stormwater Enterprise Fund	Public Works Commission	Finance Committee	21
17	Nagog Pond Improvements and PFAS Mitigation	Public Works Commission	Finance Committee	21
18	Select Board to Accept Easements	Public Works Commission	Select Board	21
19	Minuteman Regional Technical High School District Budget	Minuteman Regional School Committee	Finance Committee	22
20	Concord-Carlisle Regional School District Budget	Concord-Carlisle Regional School Committee	Finance Committee	23
21	Amenities Building at Concord-Carlisle High School	Concord-Carlisle Regional School Committee	Finance Committee	23

22	Authorize New Middle School Naming – Name the New Concord Middle School Ellen Garrison Middle School	DEI Commission	Select Board	23
23	Concord Public Schools Operating Budget	Concord Public School Committee	Finance Committee	24
24	Concord Public Schools Capital Budget	Concord Public School Committee	Finance Committee	24
25	Appropriation to Middle School Stabilization Fund	Finance Committee	Finance Committee	25
26	Town Meeting Study Committee	Town Moderator	Select Board	25
27	Citizen Petition: Town Meeting Voting Reform	Dinos Gonatas	Select Board	27
28	Citizen Petition: Remote Participation at Annual and Special Town Meetings	Scott Gillis & Mark Martines	Select Board	27
29	Citizen Petition: Use of Hand-Held Electronic Voting at Town Meetings	Scott Gillis & Mark Martines	Select Board	28
30	Authorize Select Board to Petition for Changes to Previously Approved Home Rule Petition regarding a Check Out Bag Charge	Agriculture Committee	Select Board	29
31	Update Town Goals to Meet the Climate Challenge	Climate Action Committee	Select Board	30
32	Fossil Fuel-Free Demonstration: Bylaw Amendments for Program Participation	Select Board	Select Board	30
33	In-Town Solar Expansion	Solar Implementation Task Force	Finance Committee	34
34	Zoning Bylaw Amendment: Zoning Map & MBTA Communities Multi-Family Overlay District	Planning Board	Planning Board	34
35	Zoning Bylaw Amendment: Two-Family Dwelling Unit in Residence B Zoning District	Planning Board	Planning Board	39
36	Zoning Bylaw Amendment: Floodplain Conservancy District	Planning Board	Planning Board	40
37	Zoning Bylaw Amendment: General Housekeeping – Multiple Sections	Planning Board	Planning Board	41

38	Citizen Petition: Citizen Support for a New Cell Tower Located at the Landfill at 755 Walden Street	Alisha Boyajian	Select Board	52
39	Citizen Petition: Citizen Support for a New Cell Tower Located at the Public Works Parcel on Keyes Road	Alisha Boyajian	Select Board	52
40	Community Preservation Appropriation Recommendations	Community Preservation Committee	Finance Committee	53
41	Authorize a Task Force to Review and Update the Charges, Policies, and Protocols of the Historic Districts Commission and the Historical Commission	DEI Commission	Select Board	54
42	Tourist Bylaw Amendments	Select Board	Select Board	55
43	Amend Departmental Revolving Funds Bylaw	Town Manager	Finance Committee	56
44	Authorize Expenditure of Revolving Funds under Mass. Gen. Laws 44 § 53 E1/2	Town Manager	Finance Committee	56
45	Light Plant Expenditures and Payment in Lieu of Taxes	Town Manager	Finance Committee	57
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53	Debt Rescission	Chief Financial Officer	Finance Committee	59



OLD NORTH BRIDGE

## TOWN OF CONCORD

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

January 23, 2024

Dear Concord Resident,

We invite you to participate in Concord's proud tradition of direct democracy, culminating in Annual Town Meeting on April 29, 2024. As a Concord citizen, you are empowered to submit proposed legislation, provide feedback at public hearings, approve or seek to amend any new Town bylaw or spending, and cast votes for or against any proposed action at Town Meeting. This is truly government "by the people, for the people," and it depends on you.

Any process that continues hundreds of years of tradition and has significant economic and legal impact can seem formal and intimidating. This brief guide covers the basics, so you can be more at ease contributing if you're new to the process. It's also a good refresher for more experienced participants, as some details change every year.

**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 proposed pieces of legislation (known as "warrant articles") authored by the Town's committees and professional staff, along with "citizen petition" warrant articles submitted by individual citizens and 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 if the article is moved.

Warrant articles are carefully worded so any proponents can address errors, add details, and make improvements between the date of the warrant's publication and Town Meeting. However, any motion made at Town Meeting must fit "within the scope of the article" as presented in the warrant. That means that the motion can reduce spending somewhat or suggest somewhat less stringent regulations than those documented in the warrant article, but generally cannot significantly increase them. The phrases "**or take any other action relative thereto**" and "**or any other sum**" in warrant articles signify that the motion may vary slightly from the language of the article in proposed action and dollar amount. The motions presented at Town Meeting will state precise spending amounts and actions. The limits of an article's scope may be a judgement call. The Moderator is the final authority for determining whether a motion made at Town Meeting is within scope.

Any article that proposes spending must also indicate a funding mechanism.

- "**Raise and appropriate**" means funding through the property tax levy.

- **“Transfer from available funds”** means funding through monies already on hand in the Town treasury and not already reserved or committed for other purposes.
- **“With the approval of the Select Board, to borrow”** authorizes Treasurer to issue 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 which financing method among the possible options is being proposed. The amount of money in the motion may vary slightly up or down from the amount appearing in the Article text, so long as the Moderator determines that it is still in scope.

Most articles require a majority vote for approval, but some articles require a supermajority in accordance with state law. If an article requires a supermajority, the motion made under it will note that a supermajority is required. Most zoning articles require a 2/3 vote for passage; however, a recent change in state law lowered the threshold for passage of certain zoning articles related to affordable housing to a simple majority vote.

**PUBLIC HEARINGS:** Following publication of the warrant, the Select Board, Finance Committee, and Planning Board host public hearings focused on the articles under their jurisdiction. These hearings provide the best opportunity to learn about and make improvements to articles of interest. Dates, times, and article assignments are included in the following table. You can attend these hearings virtually or in person. You can also watch video recordings of each hearing that will be posted on the Town website under the Town Meeting tab.

<b>ANNUAL TOWN MEETING – PUBLIC HEARING SCHEDULE</b>			
<b>Location: Town House Public Hearing Room and via Zoom</b>			
<b>(see meeting agendas for Zoom link)</b>			
<b>Board or Committee</b>	<b>Articles</b>	<b>Time</b>	<b>Date</b>
Select Board	4, 5, 6, 18, 22, 26, 27, 28, 29, 30, 31, 32, 38, 39, 41, 42	7:00 PM	Monday, February 26, 2024
Finance Committee <ul style="list-style-type: none"> <li>• Town Budget</li> <li>• Concord Public Schools Budget</li> <li>• Concord-Carlisle Regional School District Budget</li> </ul>	3, 7, 8, 9, 10, 11, 12, 14, 20, 21, 23, 24, 25	7:00 PM	Thursday, March 7, 2024
Planning Board	34, 35, 36, 37	7:00 PM	Tuesday, March 12, 2024

Finance Committee: <ul style="list-style-type: none"> <li>• Minuteman Regional Technical District Budget</li> <li>• Community Preservation Committee Appropriations</li> <li>• Additional Town Budget</li> </ul>	13, 15, 17, 19, 33, 40	7:00 PM	Tuesday, March 19, 2024
Finance Committee: <ul style="list-style-type: none"> <li>• Enterprise Funds</li> </ul>	16, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53	7:00 PM	Thursday, March 21, 2024

The hosting board or committee runs each hearing. Proponents present their warrant articles one at a time, typically providing more detail than they would have time to give at Town Meeting. First board and committee members ask questions and make suggestions for improvements; then members of the public are invited to add their questions and comments.

Constructive feedback gathered through these sessions may result in changes to the motions and presentations made at Town Meeting. Sometimes it can even lead proponents to conclude that an article isn't ready, so it will not be moved. In any case, the hearings help voters to be better informed, and ensure that Town Meeting deliberates on well-vetted motions.

After the hearings, the Finance Committee prepares its report to the Town, which you will receive in the mail and find posted on the Town's website. This report summarizes the Town's financial position, discusses various issues pertaining to finances, and includes the Finance Committee recommendations to Town Meeting on each article that has financial impact. The Select Board's recommendations on all articles are also included. The Finance Committee Report also will include a Consent Agenda listing routine or non-controversial articles recommended for affirmative action by the Select Board and Finance Committee that will be put forward for a vote without full deliberation.

**TOWN MEETING:** This year's Town Meeting will be held on Monday, April 29, 2024 at 7:00 PM at Concord-Carlisle Regional High School and will continue on successive evenings beginning at 7:00 pm as needed. All registered voters are eligible and encouraged to attend and vote. Residents who are not currently registered to vote must register by Friday, April 19, 2024 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, Select Board, Town Counsel, and Town Manager will be seated at the front of the meeting venue.

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

or cheering. Any speaker who disrupts the Meeting by failing to honor this tradition will be ruled out of order.

Town Meeting is Concord's legislative body. It is an important democratic institution open to all Concord registered voters. The procedures are simple and give all voters a right to attend and participate. 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>.

**COMMITTEE MEMBERSHIP:** Concord's direct democracy does not end with Town Meeting. Our many volunteer boards and committees lead initiatives, develop policy, and provide critical expertise, as well as financial and management oversight. If you would like to serve your community as a volunteer member of a Town Board or Committee, or on a short-term assignment, fill out a Volunteer Card and submit it to the Town Clerk's Office in the Town House. Volunteer Cards can be filled out online here: <https://concordma.gov/739/Vacancies---Member-Positions>.

Respectfully,

Henry Dane, Chair

Carmin C. Reiss

Mary Hartman, Clerk

Terri Ackerman

Concord Town Moderator

Linda Escobedo

Mark Howell

Concord Select Board

**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR ANNUAL TOWN MEETING 2024  
Monday, April 29, 2024**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Monday, the twenty-ninth day of April 2024, at 7:00 P.M., by posting a printed copy of this Warrant by you attested, at the Town House and on the Town's website, and mailed to every household at least seven days before the Town Meeting, then and there to act upon the following Articles:

**CHOOSE TOWN OFFICERS**

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

**HEAR REPORTS**

**ARTICLE 2.** To hear and receive 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 under this article, which will be printed in the Finance Committee Report, will require that every motion or motion to amend seeking to make an appropriation greater than the amount recommended by the Finance Committee and designated as "allocation at levy limit," or where the Finance Committee has recommended NO ACTION, must identify the source of funding. Motions and motions to amend for appropriations supported by borrowing that would exceed the Finance Committee's recommendation, or on which the Finance Committee recommends NO ACTION, will be required to be made contingent upon approval of a debt exclusion, or with a corresponding offsetting reduction in another borrowing authorization. All articles making appropriations will be kept open until the Meeting's final adjournment. Town Meeting has adopted this meeting procedure for many years.*

**RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS**

**ARTICLE 4.** To determine whether the Town will 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 "Electrical Inspector" to Grade 8 effective August 9, 2023.
2. Add the title "Senior Producer and Education Coordinator" to Grade 6 effective August 9, 2023.
3. Delete the title "Education Coordinator" in Grade 4 effective August 9, 2023.

4. Update to the Miscellaneous Compensation Schedule – Recreation made effective August 9, 2023.
5. Update to the Miscellaneous Compensation Schedule for Temporary and Limited Status Classifications, effective September 13, 2023.
6. Change the title “Facilities Director” in Grade 15 to “Facilities Manager” effective October 11, 2023 with subsequently adjusted qualifications effective November 8, 2023.
7. Change the title “Assistant Facilities Director” in Grade 12 to “Assistant Facilities Manager” effective December 18, 2023.
8. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 2, 2024 and the date the 2024 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.*

**RATIFY PERSONNEL BOARD CLASSIFICATION & COMPENSATION PLAN**

**ARTICLE 5.** To determine whether the Town will amend the existing Classification and Compensation Plan for regular-status Town positions by adopting the following schedules to become effective December 18, 2023, or take any other action relative thereto:

**CLASSIFICATION AND COMPENSATION PLAN**

Revision Date: December 18, 2023

Hourly rates control calculations; Annual rates illustrate base compensation at 40 hours per week for 52 weeks.

Grade	Classification Title		Base Pay Rates		
			Minimum	Mid-Point	Maximum
18	Chief Financial Officer	<i>Annual</i>	\$138,174	\$165,807	\$193,440
	Chief Technology Officer	<i>Hourly</i>	\$66.43	\$79.72	\$93.00
	Deputy Town Manager				
17	Assistant Town Manager	<i>Annual</i>	\$129,126	\$154,950	\$180,773
	Director of Public Works	<i>Hourly</i>	\$62.08	\$74.50	\$86.91
	Fire Chief				
	Police Chief				
16	Director of Community Development	<i>Annual</i>	\$120,682	\$144,820	\$168,958
	Director of Human Resources	<i>Hourly</i>	\$58.02	\$69.63	\$81.23
	Director of Library Services				

<b>15</b>	Assistant Fire Chief	<i>Annual</i>	\$112,778	\$135,335	\$157,893	
	Building Commissioner		<i>Hourly</i>	\$54.22	\$65.07	\$75.91
	Facilities Manager					
	Highway & Grounds Superintendent					
	Recreation Director					
	Police Captain					
	Town Engineer					
Water/Sewer Superintendent						
<b>14</b>	Public Health Director	<i>Annual</i>	\$102,045	\$122,450	\$142,854	
	Special Projects Manager/Systems Manager		<i>Hourly</i>	\$49.06	\$58.87	\$68.68
	Town Accountant					
	Town Assessor					
<b>13</b>	Assistant Town Engineer	<i>Annual</i>	\$97,178	\$116,615	\$136,053	
	Assistant Water/Sewer Superintendent		<i>Hourly</i>	\$46.72	\$56.07	\$65.41
	Beede Center General Manager					
	IT Operations Manager					
	Natural Resources Director					
	Police Lieutenant					
	Senior Services Director					
	Town Planner					
<b>12</b>	Assistant Director of Library Services	<i>Annual</i>	\$92,539	\$111,051	\$129,563	
	Assistant Facilities Manager		<i>Hourly</i>	\$44.49	\$53.39	\$62.29
	Assistant Highway & Grounds Superintendent					
	Customer Service Manager					
	Financial Manager/Accountant					
	Town Clerk					
<b>11</b>	Assistant Human Resources Director	<i>Annual</i>	\$88,150	\$105,778	\$123,406	
	Assistant Recreation Director		<i>Hourly</i>	\$42.38	\$50.86	\$59.33
	Budget & Purchasing Director					
	Business Manager					
	Deputy Treasurer/ Collector					
	GIS Program Manager					
	Operations Manager					
	Sustainability Director					

<b>10</b>	Childcare Services Manager	<i>Annual</i>	\$85,259	\$102,305	\$119,350
	HVAC Technician/Master Plumber	<i>Hourly</i>	\$40.99	\$49.19	\$57.38
	Media Manager				
	Municipal Archivist/Records Manager				
	Public Health Nurse				
	Public Works Supervisor				
	Senior Public Works Engineer				
<b>9</b>	Assistant Natural Resources Director	<i>Annual</i>	\$80,434	\$96,522	\$112,611
	Aquatics Manager	<i>Hourly</i>	\$38.67	\$46.41	\$54.14
	Communications Manager				
	Community Services Coordinator				
	Customer Service Supervisor				
	Economic Vitality Manager				
	Energy Efficiency & Electrification Coordinator				
	Environmental Health & Safety Manager				
	Local Inspector				
	Risk & Compliance Programs Manager				
	Senior Environmental & Regulatory Coordinator				
	Senior Public Health Inspector				
	Senior Treatment Systems Operator				
	Social Services Supervisor				
Tourism Manager					



<b>5</b>	Environmental & Regulatory Coordinator Equipment/Line Operator Geriatric Health Nurse GIS Technician Maintenance & Warehouse Coordinator Office Accountant Office Coordinator Outreach Coordinator Project & Procurement Coordinator Senior Meter Technician Senior Producer Water/Sewer System Maintainer	<i>Annual</i> <i>Hourly</i>	\$64,459 \$30.99	\$77,355 \$37.19	\$90,251 \$43.39
<b>4</b>	Accounts Payable Specialist Associate Engineer Customer Services Specialist Facilities/Landscape Maintainer Meter Technician Senior Administrative Specialist Senior Finance Specialist	<i>Annual</i> <i>Hourly</i>	\$61,402 \$29.52	\$73,684 \$35.43	\$85,966 \$41.33
<b>3</b>	Administrative Specialist Finance Specialist Fitness Trainer	<i>Annual</i> <i>Hourly</i>	\$58,490 \$28.12	\$70,190 \$33.75	\$81,890 \$39.37
<b>2</b>	Activity Coordinator Customer Support Specialist Senior Building Custodian Senior Crew Member Senior Van Driver	<i>Annual</i> <i>Hourly</i>	\$55,702 \$26.78	\$66,841 \$32.14	\$77,979 \$37.49
<b>1</b>	Building Custodian Crew Member Finance Assistant Office Assistant	<i>Annual</i> <i>Hourly</i>	\$53,040 \$25.50	\$63,648 \$30.60	\$74,256 \$35.70

<b>LP-17</b>	Director of Concord Municipal Light Plant	<i>Annual Hourly</i>	\$170,955 \$82.19	\$205,140 \$98.63	\$239,325 \$115.06
<b>LP-16</b>	(No positions in grade)	<i>Annual Hourly</i>	\$148,637 \$71.46	\$178,370 \$85.76	\$208,104 \$100.05
<b>LP-15</b>	Assistant Director of Concord Municipal Light Plant	<i>Annual Hourly</i>	\$129,251 \$62.14	\$155,106 \$74.57	\$180,960 \$87.00
<b>LP-14</b>	Broadband Manager Power Supply & Rates Administrator	<i>Annual Hourly</i>	\$121,763 \$58.54	\$146,120 \$70.25	\$170,477 \$81.96
<b>LP-13</b>	Lead Electrical Engineer Line Supervisor	<i>Annual Hourly</i>	\$113,797 \$54.71	\$136,552 \$65.65	\$159,307 \$76.59
<b>LP-12</b>	Lead Lineworker	<i>Annual Hourly</i>	\$106,371 \$51.14	\$127,639 \$61.37	\$148,907 \$71.59
<b>LP-11</b>	Electrical Engineer Senior Network Engineer	<i>Annual Hourly</i>	\$99,403 \$47.79	\$119,278 \$57.35	\$139,152 \$66.90
<b>LP-10</b>	Lineworker, Grade 1	<i>Annual Hourly</i>	\$96,595 \$46.44	\$115,918 \$55.73	\$135,242 \$65.02
<b>LP-9</b>	Network Engineer	<i>Annual Hourly</i>	\$89,877 \$43.21	\$107,848 \$51.85	\$125,819 \$60.49
<b>LP-8</b>	Lead Broadband Technician Meter Supervisor Senior Engineering Technician	<i>Annual Hourly</i>	\$83,595 \$40.19	\$100,318 \$48.23	\$117,042 \$56.27
<b>LP-7</b>	Lineworker, Grade 2 Senior Broadband Technician	<i>Annual Hourly</i>	\$77,771 \$37.39	\$93,319 \$44.87	\$108,867 \$52.34
<b>LP-6</b>	Broadband Technician	<i>Annual Hourly</i>	\$67,704 \$32.55	\$81,245 \$39.06	\$94,786 \$45.57
<b>LP-5</b>	Lineworker, Grade 3	<i>Annual Hourly</i>	\$64,459 \$30.99	\$77,355 \$37.19	\$90,251 \$43.39
<b>LP-4</b>	(No positions in grade)	<i>Annual Hourly</i>	\$61,402 \$29.52	\$73,684 \$35.43	\$85,966 \$41.33
<b>LP-3</b>	(No positions in grade)	<i>Annual Hourly</i>	\$58,490 \$28.12	\$70,190 \$33.75	\$81,890 \$39.37

LP-2	(No positions in grade)	Annual	\$55,702	\$66,841	\$77,979
		Hourly	\$26.78	\$32.14	\$37.49
LP-1	(No positions in grade)	Annual	\$53,040	\$63,648	\$74,256
		Hourly	\$25.50	\$30.60	\$35.70

(End of new Classification & Compensation Plan)

Consistent with the Personnel Bylaw's purpose of maintaining an equitable and efficient system of personnel administration, the Town engaged GovHR in August 2022 to undertake a comprehensive study and redesign of our Classification & Compensation Plan to ensure that 1) uniform salary ranges are based on responsibilities and requirements of each job; 2) equal pay is provided for equal work; and 3) employee compensation is both internally equitable and externally competitive. GovHR consultants worked with Concord staff to conduct a comprehensive process with employee, Personnel Board, and citizen input. A new scoring methodology for job classification was used to evaluate and analyze positions. Market data from comparable communities and light plants was gathered and analyzed to develop a compensation plan. The Classification and Compensation Plan developed by GovHR was reviewed and approved by the Personnel Board, and subsequently presented and approved at the 2023 Town Meeting. The Plan was implemented July 1, 2023. Employees were placed in the appropriate new title and pay grade. Those whose salary was less than the minimum of the new pay grade received an increase to the minimum of their new pay grade. Classification and compensation for FY25 will be in accordance with the new Plan, as revised by the Personnel Board effective December 18, 2023 and ratified by Annual Town Meeting under this article.

**PERSONNEL BYLAW AMENDMENTS**

**ARTICLE 6.** To determine whether the Town will rescind and replace the existing Personnel Bylaw with the following bylaw or take any other action relative thereto:

**Scope and Construction of Bylaw**

All Town departments and positions shall be subject to the provisions of this Bylaw except elected officers, employees with personal contracts, employees covered by a collective bargaining agreement, and employees of the school department. All questions concerning the interpretation of this bylaw shall be resolved by the Personnel Board.

If any provision or application of this Bylaw is determined to be invalid under state or federal law, such decision shall not be construed to affect the validity of any other provision or application of this Bylaw.

**Section 1: Establishment of the Personnel Board**

There is hereby established a Personnel Board consisting of 5 members. Members of the Personnel Board shall be appointed by the Select Board for three (3) year terms. No member shall serve more than 9 years (three terms), whether consecutively or in separate terms. Members shall have professional or personal experience and/or expertise in personnel administration. One member shall preferably have professional or personal experience in finance, or a related field, to provide expertise on the financial impact of personnel-related proposals.

Members shall elect a Chair or Co-Chairs from among its members on an annual basis. A clerk is to be assigned on a rotating basis for each meeting, to take responsibility for the minutes of that meeting.

No member of the Personnel Board may be an employee of the Town or hold Town office, whether appointed or elected.

Members of the Personnel Board shall serve without compensation.

The Personnel Board shall meet regularly, as necessary, to consider such business as may be presented by Town officials, Town employees and others. The agenda, time and place of all meetings will be posted on the Town Website in accordance with the Massachusetts State Open Meeting Law.

At any meeting of the Personnel Board, action by a majority of those Board members present shall be binding. At least three (3) members of the Board shall be present to constitute a quorum.

## **Section 2: Duties and Responsibilities**

The Personnel Board shall advise the Town Manager, or their designee(s), and shall make recommendations on establishing and maintaining an efficient system of personnel administration for Town employees.

The Personnel Board shall also provide advice and recommendations to the Town Manager, or their designee(s) for the following areas of personnel administration:

- a) The Personnel Board shall propose, review, approve and adopt any new personnel policies and procedures as well as changes to existing personnel policies and procedures, in consultation with the Town Manager, or their designee(s).
- b) The Personnel Board shall provide advice and support for the development and adoption of an Employee Handbook. The Town Manager or their designee(s) shall be responsible for regular revisions to the Employee Handbook. Once adopted and implemented, the Personnel Board shall review the Employee Handbook providing advice and support regarding any changes.
- c) The Personnel Board shall review and approve the Classification Plan ("Plan") and present the Plan to Town Meeting. The Classification Plan lists all approved Town positions and a summary job description for each position covered by this Bylaw. The Plan includes, but is not limited to, the following:
  - i. Grades which are defined as groups of positions whose duties and responsibilities are sufficiently similar that they share the same or similar description, title, and qualifications, so that compensation can be applied equitably to all positions in the grade; and
  - ii. Compensation Plan, defined as a list of the minimum and maximum wage or salary rates for each job title in the Classification Plan.
- d) The Personnel Board shall have oversight of the Plan, subject to input as follows
  - i. The Town Manager and their designee(s) shall provide recommendations to the Personnel Board concerning revisions to the Plan.

- ii. The Town Manager and their designee(s) shall recommend to the Personnel Board on a regular basis any factors, such as cost of living or comparable municipal wage rates, that may affect the Classification and Compensation Plan.
- e) The Personnel Board shall consult with the Town Manager regarding any revisions and/or updates to existing non-wage personnel provisions including, but not limited to, the following list (see below). The Personnel Board shall provide advice and recommend updates to the Town's Personnel Policies and Procedures pertaining to non-wage provisions, including but not limited to the following:
  - i. Employment status
  - ii. In-training status for new or promoted employees
  - iii. Hours of work, including standard hours, work weeks, overtime administration and non-contiguous work
  - iv. Sick Leave accrual, use and payout provisions (if applicable)
  - v. Holiday Leave and Holidays Worked
  - vi. Vacation Leave accrual, use and payout provisions
  - vii. Bereavement Leave
  - viii. Military Leave
  - ix. Jury Duty Leave
  - x. Unpaid Leaves of Absences, including the Family Medical Leave Act (FMLA), other Leave and Absences and Accrual during Leaves
  - xi. Interruption of Employment
- f) The Personnel Board shall prepare Articles for Town Meeting that pertain to this Bylaw. The Town Manager shall review and discuss proposed Articles with the Personnel Board before they are brought forward to the Select Board.
- g) The Personnel Board shall review job descriptions for new and existing jobs covered by this Bylaw and provide recommendations to the Town Manager for any changes or updates as necessary.
- h) The Personnel Board shall support the Town Manager, or their designee(s), in identifying human capital trends and internal HR programs and practices, and provide recommendations to ensure the Town's workforce is diverse, equitably treated, and inclusive of others.

*The Personnel Board completed a comprehensive review of the Personnel Bylaw, incorporating input from a variety of Town stakeholders, including the September 2022 findings of the Personnel Study Task Force. The Task Force was convened by the Select Board to provide an impartial study of the Personnel Bylaw, the Charge of the Personnel Board and related documents and make recommendations for appropriate changes. Included in their review was a survey of employees which resulted in over 50% participation, as well as multiple employee focus groups. They concluded that the Bylaw should be updated and that current policies are confusing, some are missing and some are inconsistent with the Bylaw. They encouraged the Board to meet on a regular basis and keep minutes of their meetings to ensure transparency. During 2023 and including January 2024 the Board met sixteen times and this proposed draft is the result of those meetings. The goal was to streamline the Bylaw, clarify the roles of those involved and to develop a plan to create an organized and comprehensive policy manual that is communicated effectively to Town employees. This policy manual will be known as the Employee Handbook.*

*The existing Bylaw contains a number of topics that are better suited as policies. Upon approval of the draft Bylaw, Sections 3, 4, and Sections 7-20 of the existing Bylaw will remain in effect, being*

incorporated as PPP #43 in their entirety, until such time as they can be incorporated into the Employee Handbook.

**FISCAL YEAR 2024 BUDGET LINE ITEM ADJUSTMENTS**

**ARTICLE 7.** To determine whether the Town will amend appropriations made under Article 9 of the 2023 Annual Town Meeting, Town Budget, or take any other action relative thereto.

*The Town's FY24 budget was appropriated in sixteen (16) distinct line items. Adjustments to these line-item totals may only be made through subsequent Town Meeting action or at the end of the fiscal year with the approval of the Select Board and Finance Committee, under the authority granted in Mass. Gen. Laws Ch. 44, § 33B. This article seeks approval to make certain line-item adjustments to rebalance the budget to account for actual spending, while maintaining the total appropriation of \$55,036,779. This article does **not** seek a supplemental appropriation and approval of this article will **not** increase total FY24 spending.*

**FISCAL YEAR 2025 TOWN BUDGET**

**ARTICLE 8.** To determine whether the Town will raise and appropriate or transfer from available funds, the sum of \$59,674,465, or any other sum, for the following necessary and expedient purposes of the Town for the fiscal year ending June 30, 2025:

Town Government Operating Budget						
Line No.	Item No.	Department	FY23 Appropriation	FY24 Appropriation (Original)	FY24 Appropriation (Revised)	FY25 Appropriation (Original)
<b>General Government</b>						
1	A	Town Manager's Office	\$ 686,197	\$ 730,350	\$ 730,350	\$ 864,166
	B	Human Resources	\$ 595,606	\$ 573,682	\$ 573,682	\$ 481,562
	C	Information Systems (Technology)	\$ 1,348,980	\$ 1,757,756	\$ 1,757,756	\$ 1,828,904
	D	Town Meetings & Reports	\$ 117,919	\$ 95,400	\$ 95,400	\$ 100,000
	E	Facilities Administration	\$ 1,026,590	\$ 1,930,088	\$ 1,930,088	\$ 2,077,139
	F	Parks & Playgrounds	\$ 215,776	\$ 216,727	\$ 216,727	\$ 110,848
	G	Resource Sustainability	\$ 165,203	\$ 125,000	\$ 125,000	\$ 140,000
	H	Visitor's Center	\$ 37,970	\$ -	\$ -	
	I	Adjustment			\$ (515,402)	

		<b>Sub-total:</b>	<b>\$ 4,194,241</b>	<b>\$ 5,429,003</b>	<b>\$ 4,913,601</b>	<b>\$ 5,602,619</b>
2	A	Legal Services	\$ 450,000	\$ 450,000	\$ 450,000	\$ 400,000
		<b>Total: General Government</b>	<b>\$ 4,644,241</b>	<b>\$ 5,879,003</b>	<b>\$ 5,363,601</b>	<b>\$ 6,002,619</b>
<b>Finance</b>						
3	A	Finance Administration	\$ 555,491	\$ 647,927	\$ 647,927	\$ 756,342
	B	Treasurer-Collector	\$ 505,631	\$ 466,957	\$ 466,957	\$ 476,700
	C	Town Accountant	\$ 340,945	\$ 367,594	\$ 367,594	\$ 392,374
	D	Assessors	\$ 444,387	\$ 434,957	\$ 434,957	\$ 442,730
	E	Town Clerk	\$ 439,831	\$ 464,499	\$ 464,499	\$ 457,834
	F	Elections	\$ 89,374	\$ 80,714	\$ 80,714	\$ 60,289
	G	Registrars	\$ 10,452	\$ 11,165	\$ 11,165	\$ 13,458
		<b>Total: Finance</b>	<b>\$ 2,386,111</b>	<b>\$ 2,473,813</b>	<b>\$ 2,473,813</b>	<b>\$ 2,599,727</b>
<b>Planning and Land Management</b>						
4	A	Planning Administration	\$ 583,522	\$ 661,933	\$ 661,933	\$ 631,968
	B	Natural Resources	\$ 449,396	\$ 449,610	\$ 449,610	\$ 456,982
	C	Inspections	\$ 479,288	\$ 593,097	\$ 593,097	\$ 608,664
	D	Health	\$ 462,035	\$ 561,895	\$ 561,895	\$ 598,077
	E	Economic Vitality & Tourism	\$ 190,735	\$ 235,721	\$ 235,721	\$ 329,887
	F	141 Keyes Road	\$ 48,840	\$ 3,600	\$ 3,600	\$ 3,143
		<b>Total: Planning &amp; Land Management</b>	<b>\$ 2,213,816</b>	<b>\$ 2,505,856</b>	<b>\$ 2,505,856</b>	<b>\$ 2,628,721</b>

<b>Human Services</b>						
5	A	Library	\$ 2,398,544	\$ 2,490,316	\$ 2,490,316	\$ 2,505,138
	B	Senior Services				
		B1. Senior Services	\$ 630,527	\$ 652,076	\$ 652,076	\$ 670,851
		B2. Harvey Wheeler Community Center	\$ 101,276	\$ 65,342	\$ 65,342	\$ 67,277
	C	Recreation Services				
		C1. Recreation	\$ 114,569	\$ -	\$ -	
		C2. Hunt Recreation Center	\$ 93,375	\$ -	\$ -	
	D.	Human Services	\$ 74,286	\$ 93,350	\$ 93,350	\$ 97,738
	E	Veteran's Services	\$ 78,734	\$ 86,647	\$ 86,647	\$ 84,525
	F	Ceremonies & Celebrations	\$ 44,960	\$ 63,600	\$ 63,600	\$ 63,422
		<b>Total: Human Services</b>	<b>\$ 3,536,271</b>	<b>\$ 3,451,331</b>	<b>\$ 3,451,331</b>	<b>\$ 3,488,951</b>
<b>Public Safety</b>						
6	A	Police Department	\$ 4,864,484	\$ 5,219,135	\$ 5,219,135	\$ 5,232,210
	B	Animal Control Officer	\$ 28,500	\$ 29,260	\$ 29,260	\$ 29,393
	C	Police-Fire Station	\$ 278,317	\$ 52,918	\$ 52,918	\$ 40,406
	D	Fire Department	\$ 5,783,853	\$ 6,611,011	\$ 6,611,011	\$ 6,789,002
	E	Emergency Management	\$ 16,000	\$ 14,550	\$ 14,550	\$ 14,194
	F	West Concord Fire Station	\$ 21,309	\$ 1,563	\$ 1,563	\$ 1,691
		<b>Total: Public Safety</b>	<b>\$ 10,992,463</b>	<b>\$ 11,928,437</b>	<b>\$ 11,928,437</b>	<b>\$ 12,106,896</b>

<b>Public Works</b>						
7	A	Public Works Administration	\$ 403,332	\$ 422,120	\$ 422,120	\$ 458,696
	B	Engineering	\$ 506,999	\$ 701,634	\$ 701,634	\$ 693,132
	C	Highway Administration	\$ 1,638,237	\$ 1,805,133	\$ 1,805,133	\$ 2,031,753
	D	Winter Maintenance	\$ 650,000	\$ 655,500	\$ 655,500	\$ 655,500
	E	Parks & Trees	\$ 901,592	\$ 992,220	\$ 992,220	\$ 873,271
	F	Cemetery	\$ 312,235	\$ 273,790	\$ 273,790	\$ 282,838
	G	133/ 135 Keyes Road	\$ 183,580	\$ 68,088	\$ 68,088	\$ 75,000
	H	Street Lighting	\$ 31,625	\$ 40,310	\$ 40,310	\$ 42,029
		<b>Total: Public Works</b>	<b>\$ 4,627,600</b>	<b>\$ 4,958,795</b>	<b>\$ 4,958,795</b>	<b>\$ 5,112,219</b>
<b>Unclassified</b>						
8		Employee Wellness	\$ -	\$ 75,000	\$ 75,000	\$ 25,000
	A	Unused Sick Leave	\$ 23,061	\$ -	\$ -	
	B	Public Safety Disability	\$ 887	\$ -	\$ -	
	C	Employee Assistance Program	\$ 2,661	\$ -	\$ -	
		<b>Sub-total:</b>	<b>\$ 26,609</b>	<b>\$ 75,000</b>	<b>\$ 75,000</b>	<b>\$ 25,000</b>
9		Reserve Fund	\$ 225,000	\$ 200,000	\$ 200,000	\$ 200,000
10		Salary Reserve Fund	\$ 1,057,934	\$ 755,000	\$ 755,000	\$ 581,506
11		Land Fund	\$ 25,000	\$ -	\$ -	
		<b>Total: Unclassified</b>	<b>\$ 1,334,543</b>	<b>\$ 1,030,000</b>	<b>\$ 1,030,000</b>	<b>\$ 806,506</b>
<b>TOTAL TOWN GOVERNMENT</b>						
		<b>TOTAL TOWN GOVERNMENT</b>	<b>\$ 29,735,045</b>	<b>\$ 32,227,235</b>	<b>\$ 31,711,833</b>	<b>\$ 32,745,639</b>

<b>Joint Accounts (Town - Concord Public Schools)</b>						
12	A	Group Insurance	\$ 7,468,322	\$ 8,140,471	\$ 8,140,471	\$ 8,000,000
	B	Property/ Liability Insurance	\$ 378,000	\$ 406,350	\$ 406,350	\$ 539,412
	C	Unemployment	\$ 120,000	\$ 138,000	\$ 138,000	\$ 140,760
	D	Worker's Compensation	\$ 142,450	\$ 163,818	\$ 163,818	\$ 176,149
	E	Social Security & Medicare	\$ 942,064	\$ 989,168	\$ 989,168	\$ 1,028,735
		<b>Sub-total:</b>	<b>\$ 9,050,836</b>	<b>\$ 9,837,807</b>	<b>\$ 9,837,807</b>	<b>\$ 9,885,056</b>
13	A	Retirement Assessment, General Fund	\$ 3,381,101	\$ 3,399,675	\$ 3,399,675	\$ 4,349,746
	B	Retirement Assessment, Pension Reserve	\$ 1,501,370	\$ 1,650,000	\$ 1,650,000	\$ 1,650,000
		<b>Sub-total:</b>	<b>\$ 4,882,471</b>	<b>\$ 5,049,675</b>	<b>\$ 5,049,675</b>	<b>\$ 5,999,746</b>
14	A	Debt Service, Within Levy Limit				
		A1. Town, Principal & Interest	\$ 3,423,349	\$ 3,698,148	\$ 3,698,148	\$ 3,576,699
		A2. CPS, Principal & Interest	\$ 741,752	\$ 829,552	\$ 829,552	\$ 806,651
		A3. Interest on Short-Term Notes	\$ 70,000	\$ -	\$ -	\$ 70,000
		<b>Sub-total:</b>	<b>\$ 4,235,101</b>	<b>\$ 4,527,700</b>	<b>\$ 4,527,700</b>	<b>\$ 4,453,350</b>
	B	Debt Service, Excluded from Levy Limit				
		B1. Town, Principal & Interest	\$ 326,294	\$ 317,544	\$ 317,544	\$ 303,794
		B2. CPS, Principal & Interest	\$ 2,660,210	\$ 3,592,220	\$ 3,592,220	\$ 6,286,880

		B3. Interest on Short-Term Notes	\$ -	\$ -	\$ -	
		<b>Sub-total:</b>	<b>\$ 2,986,504</b>	<b>\$ 3,909,764</b>	<b>\$ 3,909,764</b>	<b>\$ 6,590,674</b>
		<b>Total: Joint Accounts</b>	<b>\$ 21,154,912</b>	<b>\$ 23,324,946</b>	<b>\$ 23,324,946</b>	<b>\$ 26,928,826</b>
		<b>Total: FY25 Appropriation</b>	<b>\$ 50,889,957</b>	<b>\$ 55,552,181</b>	<b>\$ 55,036,779</b>	<b>\$ 59,674,465</b>

And further, that the Town Manager be 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 and transfer the sum of \$1,000 from the Dog Inoculation Fees Reserve Account for the cost of the Board of Health's Rabies Clinic;

That the appropriation for Salary Reserve under Line Item \$581,506 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established effective July 1, 2024 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 FY2025;

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 FY25. The text above also makes certain other appropriations from Stabilization and Enterprise Funds, as well as authorizes certain other transfers.*

### **FY2025 CAPITAL IMPROVEMENT AND DEBT PLAN**

**ARTICLE 9.** To determine whether the Town will 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 FY2025 Capital Improvement and Debt Plan, or any other sum, to be expended under the direction of the Town Manager, or take any other action relative thereto.

**Capital Outlay (Tier One).** Details by Town department/division are as follows for the capital outlay, designated Tier One (cash) portion of the Capital Improvement Plan, summarized in Table One, below:

<b>General Government</b>		<b>Amount</b>
Information Technology	Computers	\$ 120,000
Information Technology	Security Improvements	\$ 50,000
Information Technology	Public Safety computers & modems	\$ 10,000
Information Technology	Evaluate Building Security	\$ 50,000
Information Technology	Copiers and Multi-function printers	\$ 28,000
<b>Finance</b>		<b>Amount</b>
Town Clerk	Poll Place Scanner and Tabulator	\$ 10,000
<b>Planning &amp; Land Management</b>		<b>Amount</b>
Planning & Land Management	Natural Resources	\$ 20,000
Planning & Land Management	Building & Inspections	\$ 100,000
<b>Human Services</b>		<b>Amount</b>
Library	Computer Equipment	\$ 15,000
COA	Transport Vehicle	\$ 113,000
Veterans Agent	Electric Vehicle	\$ 25,000
<b>Public Safety</b>		<b>Amount</b>
Police	Tasers	\$ 65,000
Police	Cruiser Laptops	\$ 70,000
Police	Public Safety Equipment	\$ 30,000
Police	Patrol Cruisers - Hybrid	\$ 220,000
Police	Policy & Training Mgmt. Software Upgrade	\$ 16,000
Police	Communications Center Upgrades	\$ 18,200
Fire	Miscellaneous Equipment/unforeseen	\$ 34,825
Fire	Turnout Gear (9 sets per year - change in FY25)	\$ 40,000
Fire	Medical Equipment upgrade	\$ 15,675
<b>Public Works</b>		<b>Amount</b>
Public Works - Engineering	Street Pavement Markings	\$ 102,000
Public Works - Engineering	Roadside Safety & Guardrail Improvements	\$ 171,000
Public Works - Engineering	Landfill Monitoring	\$ 28,300
Public Works - Engineering	Culvert & Bridge Repairs	\$ 25,000
Public Works - Engineering	Stormwater Mgt (MS4 compliance)	\$ 50,000
Public Works - Engineering	Pedestrian Safety & Bike Improvements	\$ 163,000
Public Works - Highway Maintenance	Small Equipment - Highway	\$ 10,000
Public Works - Highway Maintenance	Falcon Hotbox Trailer	\$ 47,000
Public Works - Highway Maintenance	H14 2009 Ford F-550 Dump/Plow	\$ 120,000
Public Works - Highway Maintenance	74,000 lbs. Capacity Mobile Vehicle Lift	\$ 80,000

Public Works - Highway Maintenance	Upgrade Fuel Master System	\$ 37,000
Public Works - Parks & Trees	Small Equipment - Parks & Trees	\$ 10,000
Public Works - Parks & Trees	Tree Planting - Public Shade Trees & Setback Trees	\$ 50,000
Public Works - Parks & Trees	Completion of Updated tree Inventory	\$ 136,000
Public Works - Facilities	Facilities replace miscellaneous tools & equipment	\$ 25,000
Public Works - Facilities	Facilities additional vehicle	\$ 75,000
<b>Tier I Capital Improvement Plan Total</b>		<b>\$ 2,180,000</b>

**Borrowed Funds (Tier Two).** Details by Town departments are as follows for the debt plan, designated Tier Two (funded through the issuance of debt, within levy) portion of the Capital Improvement Plan, summarized in Table Two, below:

DEPARTMENT	ITEM(S)	Tier II (Debt)
Police	Records Management System Upgrade	\$ 350,000
Police	Communications Center Upgrades	\$ 418,200
Public Works - Engineering	Parking Lot Rehabilitation	\$ 336,500
Public Works - Engineering	Road Pavement Management	\$ 2,120,300
Public Works - Engineering	Traffic Improvements	\$ 500,000
Public Works - Highway Maintenance	H23 2012 Freightliner 35,000GVWR	\$ 375,000
<b>Tier II Capital Improvement Plan Total</b>		<b>\$ 4,100,000</b>

FY2025 Capital Improvement and Debt Plan total: **\$6,280,000**

**Prior Year Borrowed Funds (Tier Two).** The following Capital project is funded through the transfer of previously authorized and unused debt article (Article 11 from 2023 Annual Town Meeting Warrant), which is no longer needed for its original intended purpose.

DEPARTMENT	ITEM(S)	Tier II (Debt)
Fire	Refurbish 2018 Pumper, Engine 4	\$ 210,000

*This article authorizes the FY2025 Capital Improvement and Debt Plan, all of which will be funded within the existing Levy Limit. The FY2025 Capital Improvement and Debt Plan is proposed to be funded through cash outlay, the issuance of debt, or transferring remaining balances in previously authorized debt articles where these balances are no longer needed for their originally intended purposes. Items included in this plan include both Tier One (single item or bundled items, up to \$250,000) and Tier Two (single item, \$250,000 - \$2,000,000) capital purchases.*

*The Prior Year Borrowed Funds Tier Two – Article 11 from 2023 Annual Town Meeting authorized the borrowing to refurbish 2016 Pumper, Engine 6. The Fire Chief has determined a greater need to refurbish the 2018 Pumper, Engine 4 in its place.*

## OPEB TRUST FUND APPROPRIATION

**ARTICLE 10.** To determine whether the Town will raise and appropriate, or transfer from available funds, the sum of \$1,467,851 to the Other Post-Employment Benefits (OPEB) Liability Trust Fund established under Mass. Gen. Laws c. 32B, § 20, or take any other action relative thereto.

*Best practice is for both the General Fund and Enterprise Fund contributions to the OPEB Trust Fund to be appropriated by Town Meeting. Based upon the results of the January 1, 2023 OPEB Liability Valuation Report (GASB Statements No. 74 and 75), the following contributions will be made to the OPEB Trust Fund in FY25: General Fund, \$1,401,347; Light Fund, \$50,761; and Broadband Fund, \$15,743. Again, based upon the results of the January 1, 2023 valuation, no annual contributions are required from the Water, Sewer or Swim & Fitness Enterprise Funds.*

## OPEB TRUST FUND EXPENSE

**ARTICLE 11.** To determine whether the Town will appropriate a sum of money from the Other Post-Employment Benefits (OPEB) Liability Trust 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.*

## APPROPRIATION TO THE OPIOID PREVENTION PROGRAMS FUND

**ARTICLE 12.** To determine whether the Town will transfer from Certified Free Cash as of July 1, 2023 the sum of \$76,870.49 (unspent opioid settlement funds), or any other sum, to the Opioid Prevention Programs special revenue fund, or take any other action relative thereto.

*The Town Manager, on behalf of the Town and with Select Board approval, joined two statewide Opioid Settlement Agreements between the Massachusetts Attorney General and certain opioid distributors and manufacturers in 2021 and 2022. The Town has received approximately \$90,791.00 in opioid settlement funds as of December 31, 2023. Based upon guidance from the Massachusetts Attorney General's Office, the Town expects to receive approximately a total of \$661,463 through calendar year 2038. Based upon guidance from the Division of Local Services (Bulletin #2023-7 regarding Mass. Gen. Laws c. 44, § 53, Clause 4: Opioid Settlement Receipts), state law now allows municipalities to set up special revenue accounts for these opioid settlement funds. The funds have restricted uses and can only be spent in accordance with the terms of the Opioid Settlement Agreement.*

## FUNDING PUBLIC SAFETY DURING THE CONCORD250 CELEBRATIONS IN 2025 COMMEMORATING THE BEGINNING OF THE AMERICAN REVOLUTION, APRIL 19, 1775

**Article 13.** To determine whether the Town will transfer from the Certified Free Cash Balance of July 1, 2023 the sum of \$350,000, with such appropriation to be expended under the direction

of the Town Manager, to fund reasonably necessary public safety expenditures during Concord250 Celebrations in 2025, or to take any other action relative thereto.

*The year 2025 is the 250th anniversary of the historic battles of Concord and Lexington and the beginning of the American Revolution. The Concord 2025 Executive Committee was established by the Select Board two years ago to develop and coordinate Town events and programs to celebrate this event in conjunction with nearby communities as well as state, regional, and federal agencies. The 250th anniversary will be a major public event for Concord and, equally important, it is an occasion of significant national importance and media attention. As a result, it will bring many more visitors and vehicles to Concord far exceeding what typically occurs in other years. To ensure as safe an event in April 2025 as possible, it requires significant additional funding to effectively plan, organize, deploy and manage equipment, communications networks, and public safety personnel.*

### **USE OF FREE CASH**

**ARTICLE 14.** To determine whether the Town will transfer from the Certified Free Cash balance of July 1, 2023 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, 2025, 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 FY25 budget. The proposed amount is consistent with the Finance Committee's FY25 Budget Guidelines.*

### **ESTABLISH A PERMANENT SENIOR MEANS TESTED PROPERTY TAX EXEMPTION**

**ARTICLE 15.** To determine whether the Town will accept the provisions of Chapter 193 of the Acts of 2022 establishing a permanent Senior Means Tested Property Tax Exemption in the Town of Concord as approved by the Legislature on August 24, 2022, or take any other action relative thereto.

*If accepted by Town Meeting, Chapter 193 of the Acts of 2022 will make permanent the Senior Means-Tested Property Tax Exemption. The exemption is available to persons age 65 or older who have been residents of the town for at least ten years, who own property that is valued at or below the town's median single family house value (\$1,303,250 in FY 2024), whose income would qualify for the state's Circuit Breaker income-tax credit (\$69,000 for an individual, \$86,000 for a head of household and \$103,000 for joint owners for tax year 2023), and whose other assets are below a threshold set by the Board of Assessors. The exemption can reduce the applicant's property tax by as much as 50% or until the net tax burden is 10% of the applicant's income. In FY 2024, 34 applications were approved for exemptions totaling \$104,983, the total amount of exemptions continued to be capped at ½ of one percent of the total residential property tax, and the actual total continued to be well under this cap, enabling the full amount of the exemption to be given to all eligible applicants. The act originally authorizing this exemption expired three years after its initial implementation but was funded by Town Meeting via the Overlay Account pending approval of legislative authority. To continue the Senior Means-Tested Property Tax Exemption into perpetuity the Town must vote to accept Chapter 193 of the Acts of 2022 which was signed by Governor Baker on August 24, 2022. If the Town votes not to accept Chapter 193 of the Acts of 2022 the Senior Means Tested Property Tax Exemption will no longer be available to qualifying Town residents. In Fiscal Year 2024 the implementation of the Senior Means-Tested Property Tax Exemption was funded with a tax shift which added \$0.01 to the residential tax rate.*

**CREATE STORMWATER ENTERPRISE FUND**

**ARTICLE 16.** To determine whether the Town will (1) adopt a bylaw creating a Stormwater Enterprise Fund for the purpose of setting, assessing, and collecting fees for the support of stormwater infrastructure and management throughout the Town, such fund to be managed by the Public Works Commission and the Department of Public Works under the direction of the Town Manager; and (2) accept the provisions of Mass. Gen. Laws. Chapter 44, § 53F½ to authorize the establishment of a Stormwater Enterprise Fund, effective July 1, 2025; or take any other action relative thereto.

*This article authorizes the Town to create a fund to account for the revenues and expenditures of all infrastructure, operations and activities for Stormwater Management. Since 2003, the Town has been required to comply with the requirements of the General Permit for Small Municipal Separate Storm Sewer Systems (MS4 General Permit). This is a federal permit with no current dedicated funding source. Establishment of a Stormwater Fund would allow for a consistent and stable revenue stream to fund permit compliance, which focuses on improving water quality within the Town's receiving waters. This fund would also allow the Town to dedicate resources to flood mitigation and overall stormwater management, and to prepare for extreme storm events which are occurring with greater frequency.*

*The text of the proposed bylaw creating the Stormwater Management Fund will be presented at the Enterprise Fund hearing before the Finance Committee. If the town adopts the proposed bylaw, the Public Works Commission will develop for presentation to 2025 Annual Town Meeting a budget and a program of user fees to be paid by all properties with impervious surfaces to cover stormwater management. The 2026 Annual Town Meeting will be asked to appropriate the necessary funding from the Stormwater Fund to cover Fiscal Year 2026 stormwater expenses.*

**NAGOG POND IMPROVEMENTS AND PFAS MITIGATION**

**ARTICLE 17.** To determine whether the Town will appropriate the sum of \$50,000,000, or any other sum, for the construction of water supply and water treatment facilities and improvements associated with the Nagog Pond water treatment plant, associated water main/intake improvements, and PFAS mitigation at impacted water supplies, including engineering, regulatory and other related services and costs necessary for said facilities and improvements; and that to meet this appropriation the Treasurer with approval of the Select Board be authorized to borrow the sum of \$50,000,000 under the provisions of Mass. Gen. Laws c. 44, § 8, to be expended under the direction of the Town Manager, or take any other action relative thereto.

*The \$50,000,000 debt authorization, with debt service intended to be paid from the Water Enterprise Fund, will provide funding for design, construction and construction engineering services for the following projects: 1) the completion of Nagog intake replacement/rehabilitation, the Nagog Pond water treatment facility, and installation of an associated transmission line along Route 2A; 2) design, permitting and installation of emergency and permanent PFAS (per-and poly- fluoroalkyl substances) treatment systems required for groundwater production sites. These investments will be required to maintain the Town's ability to utilize Nagog Pond, as a reliable, high-quality water supply capable of providing the Town of Concord in excess of 1 million gallons of drinking water per day and to comply with new Safe Drinking Water Act (SDWA) standards for PFAS expected to be adopted.*

**SELECT BOARD TO ACCEPT EASEMENTS**

**ARTICLE 18.** To authorize the Select Board, until July 1, 2025, to acquire on behalf of the Town easements for the following purposes: roads, sidewalks, vehicular, bicycle or

pedestrian access or passage, water, drainage, sewer, fiber-optic cable, electricity and other utilities, where such easements are acquired at no cost to the Town and are required pursuant to a land use permit, site plan review, agreement for utility or drainage, agreement for construction, use, operation and maintenance of infrastructure, or memorandum of understanding.

*This general article allows the acceptance of easements by the Select Board, at no cost to the town, throughout the year as they come up until the date specified in the article (in this case, July 1, 2025). This article also gives authorization for easement acceptance related to enterprise funds. This general article provides the flexibility to address land interests in project (public and private) development in a timelier fashion and reduces the need for temporary legal instruments. Passage will help with the execution of easements being contemplated for the installation of new traffic signal equipment being currently designed for the improvements at the Main St/Baker Ave intersection.*

*Examples of easements being granted to the Town that have been prepared but are awaiting acceptance by the 2024 Annual Town Meeting include:*

- Sidewalk easement at 194 Sudbury Rd. A deteriorated public sidewalk was reconstructed in early 2023 with a portion of it falling on private property to avoid the taking of a public shade tree.*
- Sidewalk easement at 250 Old Bedford Rd. While reviewing the redevelopment plan for this site, it was discovered that a section of public sidewalk traverses on private property. The land use approval required the granting of an easement to the Town.*
- Utility easement at 250 Old Bedford Rd. CMLP needs an easement for the installation and maintenance of the underground electrical distribution system that was added to the redeveloped site.*
- Water Main easement Sunnyside Lane. This recent subdivision required an extension of water main through private property which will necessitate the execution of an easement for inspection, maintenance, and replacement of related infrastructure.*

**MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET**

**ARTICLE 19.** To determine whether the Town will raise and appropriate, or transfer from available funds, the sum of \$1,818,496 or any other sum, for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2025, or take any other action relative thereto.

<b>Minuteman Regional Technical High School District Budget</b>			
<b>Department/Description</b>	<b>FY23 Adopted</b>	<b>FY 24 Adopted</b>	<b>Superintendent's Proposed Budget &amp; FY25 Assessment</b>
<b>Minuteman Regional High School Budget</b>	\$29,010,622	\$30,316,325	\$32,696,878
<b>Concord's Assessment</b>	\$1,508,544	\$1,643,006	\$1,732,806

*This article provides Concord's assessed share of the annual operating budget for the Minuteman Regional Technical High School District. Concord's assessment increase is due to an increased enrollment share, and because of increased debt service due in FY25 for costs associated with the new high school building project and athletic fields. The FY25 assessment includes an operating assessment of \$1,199,233 and capital/debt service of \$533,583. Each member town assessment is calculated by a formula established pursuant to the regional agreement. Concord's enrollment at Minuteman is currently*

41 students. The formula for assessments relies in part upon a rolling 4-year average of enrollment for member communities.

### **CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT BUDGET**

**ARTICLE 20.** To determine whether the Town will raise and appropriate, or transfer from available funds, a sum of \$26,140,908 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, 2025, or take any other action relative thereto.

*This article provides Concord's share ("assessment") of the annual operating budget for the Concord-Carlisle Regional School District.*

### **AMENITIES BUILDING AT CONCORD-CARLISLE HIGH SCHOOL**

**ARTICLE 21.** To see if the Town will approve the \$2,340,000 borrowing authorized by the Concord-Carlisle Regional School District School Committee, for the purpose of paying costs of designing, constructing equipping and furnishing a new amenities building to be located adjacent to the Concord-Carlisle Regional High School, at 500 Walden Street in Concord, Massachusetts, including the payment of all other costs incidental and related thereto, which debt, if approved, shall be allocated between the Towns of Concord and Carlisle in accordance with the agreement establishing the Concord-Carlisle Regional School District; however, that this approval shall be contingent upon passage of a Proposition 2 ½ 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 principal and interest on said borrowing; or take any other action relative thereto.

*This article authorizes the Concord-Carlisle Regional School District to borrow funds for the design and construction of an "amenities building" at Memorial Stadium. The amenities building shall include permanent bathrooms that are ADA compliant and meet the plumbing code requirements. There will also be an area for concessions to be sold and a storage area for equipment or to fulfill athletic training needs.*

### **AUTHORIZE NEW MIDDLE SCHOOL NAMING – NAME THE NEW CONCORD MIDDLE SCHOOL ELLEN GARRISON MIDDLE SCHOOL**

**ARTICLE 22.** To determine whether the Town will urge the Select Board and the School Committee as outlined in Town of Concord Administrative Policies and Procedures # 43: Naming of Town Property, to approve the naming of the publicly-owned property currently being built at 923 Old Marlboro Road as the Ellen Garrison Middle School, or take any other action relative thereto.

*Ellen Garrison was born in Concord, Massachusetts, daughter, and granddaughter of enslaved men. Her Grandfather Cesar Robbins was a Patriot of Color who we believe stood at the Old North Bridge on April 19, 1775. Ellen attended Concord Public Schools and as a child marched in the 1835 town parade as the only Black child "beneath the gaze of curiosity, surprise, ridicule and admiration" of the residents.*

*After graduating from Concord Public Schools, she spent her life as an educator teaching formerly enslaved people how to grow and prosper as free men and women. Ellen Garrison explained her motivation to teach in a letter written in June 1863:*

*"I have a great desire to go and labor among the Freedmen of the South. I think it is our duty as a people to spend our lives trying to elevate our own race. Who can feel for us if we do not feel for ourselves, and who can feel the sympathy that we can, who are identified with them? ... My motto is*

*educate...educate...educate"*

*Almost a century before Rosa Parks, Ellen became one of the first African Americans in the United States to challenge the legitimacy of the Civil Rights Act of 1866. Garrison and another female teacher were forcibly removed from a white only waiting room in a Baltimore train station.*

*It is believed that Ellen's lawsuit was later cited as precedent in the Rosa Parks case in 1955. Ellen Garrison felt it was her duty to test the new law. "I feel as though I ought to strive to maintain my rights... it will be a stand for others...."*

*As a product of Concord Public Schools, a woman, educator, administrator, and champion of civil rights, Ellen Garrison stood for Concord's values, and contributed to our town's rich history.*

*Ellen Garrison's life and legacy will be a rich and rewarding example to the students and families of Concord over the next 50 years and beyond in the life of this new school.*

*Ellen Garrison would be the first alumni of the Concord Public Schools and the first person of color to have a public building named after them in nearly 400 years in Concord.*

*Ellen Garrison is an American Patriot who fought for the expansion of freedom and democracy.*

### **CONCORD PUBLIC SCHOOLS OPERATING BUDGET**

**ARTICLE 23.** To see whether the Town will appropriate the sum of \$46,515,714 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2025; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

<b>SCHEDULE A – PUBLIC SCHOOL BUDGET</b>			
<b>Department</b>	<b>Fiscal 2023 Adopted</b>	<b>Fiscal 2024 Adopted</b>	<b>Fiscal 2025 School Committee</b>
Concord Public Schools – Budget Appropriation	\$43,010,486	\$45,047,176	\$46,515,714

*This article provides for the annual operating budget for Concord Public Schools, which serves students in pre-school, kindergarten, and grades 1 to 8. The appropriation presented for Town Meeting approval is aligned with the spending guideline established by the Finance Committee in November 2023.*

### **CONCORD PUBLIC SCHOOLS CAPITAL BUDGET**

**ARTICLE 24.** To see whether the Town will 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 \$446,000 or any other sum, to be expended under the direction of the School Committee for remodeling, construction, reconstructing or making extraordinary repairs, including original equipment and related work at various Concord Public School buildings, and 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 provides for a capital appropriation for Concord Public Schools, which serves students in pre-school, kindergarten, and grades 1 to 8. The funding will support the various capital projects necessary to maintain and improve the district's schools, buildings, grounds, and related equipment and infrastructure.*

### **APPROPRIATION TO MIDDLE SCHOOL STABILIZATION FUND**

**ARTICLE 25.** To determine whether the Town will transfer from the Certified Free Cash Balance as of July 1, 2023, the sum of \$477,633.33, 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 from Free Cash an amount equivalent to the FY23 interest earnings on the Concord Middle School bond proceeds to the Middle School Stabilization Fund, to be used in the future to smooth the tax impact of the Middle School Construction project.*

### **TOWN MEETING STUDY COMMITTEE**

**ARTICLE 26.** To determine whether the Town will establish a Town Meeting Study Committee to review Concord's town meeting processes and to formulate recommendations to make town meeting more inclusive, effective, and responsive to the needs and desires of the town, in accordance with the following charge:

**MEMBERSHIP:** The Committee shall consist of nine (9) registered voters of the Town, appointed by the Moderator. The members shall have among them the following experience and expertise:

- Knowledge of town government structure
- Familiarity with Massachusetts statutes regulating local government
- A history of attendance at town meeting
- Knowledge of communication, voting, and remote participation technology
- Familiarity with common social media platforms

The Committee shall elect its own Chair and shall observe the Open Meeting Law. The Moderator and a Select Board member designated by the Select Board shall serve as ex officio non-voting members of the Committee.

**STAFF SUPPORT:** Staff support and the assistance of Town Counsel shall be provided to the Committee, subject to prior approval by the Town Manager.

**CHARGE:** The Committee shall assess the strengths and weaknesses of the current town meeting process and explore options to enhance the opportunity for citizens to participate in the formulation of the decisions that town meetings are authorized to make and to encourage them to do so. The Committee may form subcommittees to carry out its work.

1. The Committee shall review:
  - a. Voter participation in town meeting and town elections since 2000
  - b. Concord Town Meeting Study Report of 1996 and related data analysis
  - c. Concord Town Governance Study Report of 2015
  - d. Recent Studies of Open Town Meeting completed by Massachusetts towns similar to Concord

- e. Any additional background materials that it determines to be relevant to its charge
2. The Committee shall consider the following topics:
    - a. Scheduling
    - b. Communication and education
    - c. Format and location of pre-meeting public hearings
    - d. Format and location of town meetings
    - e. Management of warrant articles
    - f. Voting methods and procedures, including electronic voting
    - g. Accommodation of persons with disabilities
    - h. Remote participation
    - i. Options for referenda on town meeting votes
    - j. Town meeting procedures employed by other communities
    - k. Any additional areas the Committee determines to be relevant to its charge
  3. The Committee will seek public input by
    - a. Inviting public comment at each of the Committee's scheduled meetings
    - b. Reviewing and compiling correspondence received from the public
    - c. Holding one or more public hearings
    - d. Conducting one or more town-wide survey(s) on town meeting issues
    - e. Providing press releases on its activities to The Concord Bridge
    - f. Other means as determined by the Committee
  4. The Committee shall present a draft report to the Select Board by November 30, 2024.
  5. The Committee shall present a written report to 2025 Annual Town Meeting which includes:
    - a. Options identified to make town meeting more inclusive, effective, and responsive to the needs and desires of the town;
    - b. Evaluation of the options identified for consistency with state law and compatibility with Concord's overall town government structure;
    - c. Summary of requirements and estimated cost and for implementation and continued operation of the options identified;
    - d. Recommendations.

TERM: The Committee will be dissolved one month following the conclusion of 2025 Annual Town Meeting, or at such later time as the Moderator directs upon request from the Committee, but in no event later than the conclusion of 2026 Annual Town Meeting.

*Periodic review of Concord's open town meeting form of legislature is appropriate in order to assess the need for adaptations responsive to changes in the town over time. The last comprehensive review of Concord town meeting was undertaken in 1995 by a committee appointed by the then Board of Selectmen. The recommendations for improvement of town meeting made in the 1996 Town Meeting Study Committee Report largely were implemented. (The 1996 Report can be found at: <https://concordma.gov/DocumentCenter/View/1563/Town-Meeting-Study-Committee-Report-1996-PDF?bidId=>) In view of the changes in society and technology during the last thirty years, another comprehensive review is timely.*

## **CITIZEN PETITION: TOWN MEETING VOTING REFORM**

**ARTICLE 27.** Beginning in 2025 and thereafter, all warrant articles for Town Meeting shall be presented to all registered voters in a Town special election to be held within three weeks of Town Meeting. The special election shall bind the Town, any vote to the contrary in Town Meeting notwithstanding.

*We propose to open town meeting voting on all warrant articles to all voters in a special election to be held afterwards. This is critical to the legitimacy of town decisions because participation in town meeting has dwindled to the point where tabulated votes (for example in 2023 town meeting) reached lows of 317 on the leaf blowing warrant and 328 for a zoning change. This represents only 2 ¼% of 14,000 registered voters. Higher participation rates reported by the clerk don't take into account that most people leave after voting on the articles of greatest interest to them but average participation over all articles is lower.*

*The high hurdles of town meeting attendance – the many hours required for participation are a burden discouraging voting. In many States, far lesser hurdles such as limited early voting days, long lines at polling places and restricted drop-box locations are the subject of lawsuits on voter suppression. The burdens of participation fall disproportionately on those with young children, illness, or working during town meeting hours. Debate carried on live stream is supplemented by the active commentary on the "Concord Bridge," and could be further supplemented by electronic threaded discussions facilitated by the town. Enabling voting on town warrant articles in a special election would furthermore be a much more efficient use of citizens' time in addition to encouraging greater participation in town decisions.*

## **CITIZEN PETITION: REMOTE PARTICIPATION AT ANNUAL AND SPECIAL TOWN MEETINGS**

**ARTICLE 28.** To determine whether the Town will authorize the Select Board to petition the General Court for special legislation as outlined below:

"An Act authorizing remote participation at Annual Town Meetings and Special Town Meetings in the Town of Concord"

SECTION 1. Notwithstanding chapter 39 of the General Laws, or any general or special law or charter provision to the contrary, the Town of Concord may hold Annual and Special Town Meetings with voters located in a common, physical location, fully remote or partially remote, to be known as a hybrid town meeting.

SECTION 2. Any Annual or Special Town meeting held remotely or in hybrid form in accordance with this act shall be recorded and the recording shall be made available for public viewing on the town's website or You Tube at the Town's preference for no fewer than 30 days following the conclusion of the meeting. The recording shall also be a permanent record of the Town, subject to disclosure upon request.

SECTION 3. All actions taken at a remote or hybrid Annual or Special Town Meeting held in accordance with this act shall be ratified, validated and confirmed to the same extent as if the Annual or Special Town Meeting had been conducted entirely in person.

SECTION 4. This act shall take effect upon its passage.

*Attendance at Town Meeting has declined significantly over the last 20 years. From 1997 through 2010 on average 10.79% of our registered voters attended Annual Town Meeting. From 2011 through 2023, excluding the Covid years of 2019 and 2020, attendance at Town Meeting has averaged 7.77%, a decline*

of 28%. Over 92% of registered voters do not participate in Town Meeting and are not included in making important decisions about spending and policies. We believe that remote voting at Town Meeting will encourage and enable more voters to attend and participate in our Town Meetings.

Massachusetts General Law, Chapter 39 requires Open Town Meeting voting to be in-person. This restriction limits attendance to a very small percentage of registered voters who have the time, energy, interest, freedom and desire to attend Town Meetings in-person. While in-person attendance remains required for Town Meeting, we no longer have to go to the polls on Election Day; we can vote by mail.

Concord provides for mail-in ballots on many important matters. Extensive advertising is used to promote mail-in ballots in an effort to increase participation in the democratic process. In stark contrast, Annual and Special Town Meetings are the only times in-person attendance is required to exercise our voting rights.

Remote voting technology has advanced as an alternative to in person voting. Electronic remote voting technology provides inclusiveness and convenience. This seems superior to the low turnout associated with mandatory in-person voting.

Wayland citizens and their Select Board have approved the pursuit of legislation to allow remote voting in their Town Meetings.

State Reps. Carmine Lawrence Gentile (13th Middlesex District including parts of Concord & Wayland) and David Paul Linsky (5th Middlesex District including parts of Wayland) and state Sen. James B. Eldridge (Parts of Middlesex and Worcester Counties including Wayland) have sponsored State House Bill No. 2053 that would permit Wayland to allow remote voting during Wayland Town Meetings.

Voting "yes" on this Article will request that the Select Board seek similar legislative authorization from the Commonwealth so that we can take advantage of the freedom and benefits to have remote participation in our Concord Town Meetings.

While the home rule petition moves forward through the state legislature, the Town, including the Moderator's Town Meeting Study Committee, can evaluate and guide a process to identify the best technology options to implement for remote voting in Concord Town Meetings.

## **CITIZEN PETITION: USE OF HAND-HELD ELECTRONIC VOTING AT TOWN MEETINGS**

**ARTICLE 29.** To determine whether the Town will vote to utilize "clickers", a smart device "app" or a similar form of electronic voting to tabulate and record votes at Concord Town Meetings and Special Meetings beginning in 2025 and thereafter; or take any other action relative thereto.

Towns cite speed, accuracy and privacy as the primary benefits of clickers with uniformly positive voter feedback. Importantly, the Town of Westford confirmed there were no complaints about security.

1) Clickers save time. The Town of Wayland, for example, reported that clickers saved an average of 3.36 hours per annual town meeting from 2012-2019.

2) Clickers are widely-used. Westford noted that 60 towns in Massachusetts with open town meeting use a form of electronic voting. More accurate voting is important particularly when votes are critical to the town's future.

3) Clickers are more private and encourage participation. Voting at Concord Town Meeting has become more contentious, and can pit neighbors and friends against each other. Hand-raising is likely suppressing voting as well as attendance.

The first step is to vote to recommend the use of "clickers" at our Annual and Special Town Meetings. Thereafter, the Town, including the Moderator's Town

Meeting Study Committee can evaluate and guide a process to identify the best technology option for Concord.

As a starting point, here are links to three experienced providers of electronic voting systems: <http://voatz.com/>; <http://meridiaars.com/>; and <http://optiontechnologies.com/>.

A “yes” vote will lead to faster and more accurate voting. A “yes” vote will respect the desire of some to keep their vote private and will likely increase voter attendance and participation. A “yes” vote will indicate your desire to use “clickers” at future Concord Annual and Special Town Meetings.

## **AUTHORIZE SELECT BOARD TO PETITION FOR CHANGES TO PREVIOUSLY APPROVED HOME RULE PETITION REGARDING A CHECK OUT BAG CHARGE**

**ARTICLE 30.** To determine whether the Town will authorize the Select Board to request an amendment of the petition for home rule legislation to authorize imposition of a check-out bag charge, previously submitted to the General Court in accordance with the vote of 2022 Annual Town Meeting on Article 37, by amending the definition of “Retail Establishment” as set forth below (amendment is highlighted in **bold italics** for illustration only):

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: (i) 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; (ii) a paper bag provided by a pharmacy to a customer purchasing a prescription medication; (iii) a non-handled bag used to protect items from damaging or contaminating other purchased items; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

“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 **but not including farm stands or vendors at a farmers’ market.**

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 Town Manager or his/her designee.

(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 Town Manager 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.

(b) The Town Manager or his/her designee 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.

*The Concord Agriculture Committee recommends this exemption because farm businesses are often unique from other small businesses, notably: 1) They are often very basic store set ups; in some cases, the cash registers are very old or very basic adding machines and cannot be modified to include a special "checkout bag charge" line on the receipt as required by the previous legislation. Upgrading these systems would be a hefty burden to a business that otherwise did not need an upgraded cash register machine for any other reason. 2) Many small farms do not sell anything other than fruits and vegetables, which are exempt from sales tax. Since paper bags are not an exempt good, sales tax must be collected on the bag fee and reported to the state – a burden for small farms that otherwise report no sales tax. Additionally, since many small farms only sell goods exempt from sales tax, and all their goods are EBT/SNAP eligible (formally known as food stamps), having to ask for an additional payment type to cover the bag fee and tax would add some logistical confusion and add a stigma to those paying by EBT/SNAP cards.*

### **UPDATE TOWN GOALS TO MEET THE CLIMATE CHALLENGE**

**ARTICLE 31.** To determine whether the Town will:

- a) Declare a Climate Emergency, in recognition that climate change threatens humanity and that we could do significantly more to mitigate the harms imposed by climate change.
- b) Update Concord's Energy Goals (2017 Annual Town Meeting, Article 51) to better align with the Commonwealth's greenhouse gas emission reduction goals by providing that Concord will strive to reduce emissions by 50% by 2030, 75% by 2040 and by 85% by 2050 from the baseline established in 2008.

*The Climate Action Committee urges Concord to make this declaration and update to Concord's Energy Goals to remain a leader in demonstrating our commitment to reducing greenhouse gas emissions in every sector of the economy and by our actions inspire communities across the Commonwealth to do the same.*

### **FOSSIL FUEL-FREE DEMONSTRATION: BYLAW AMENDMENTS FOR PROGRAM PARTICIPATION**

**ARTICLE 32.** To determine whether the Town will authorize amendments to the bylaw initially adopted by 2021 Annual Town Meeting Article 31, and later amended and reauthorized by January 2023 Special Town Meeting Article 1 to reflect suggestions from the Massachusetts Department of Energy Resources (DOER), as follows (deleted text is shown in ~~strikeout~~ and added text is shown in ***bold italics*** for illustration only):

#### PROHIBITION ON THE EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR NEW CONSTRUCTION ***AND MAJOR RENOVATIONS***

##### 1. Purpose

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

## 2. Definitions

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

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

“Effective Date” shall mean ~~December 1, 2022, or six months~~ **ninety (90) days** following the date by which the Town is authorized by the Massachusetts General Court Department of Energy Resources to regulate fossil fuel infrastructure, ~~whichever is later.~~

**“Fossil Fuel-Free Demonstration” shall mean codified by the entirety of 225 CMR 24.00, the Fossil Fuel-Free Demonstration**

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

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

**“Major Renovation” shall be defined as in 225 CMR 24:**

- (a) low-rise residential additions over 1,000 square feet and additions exceeding 100% of the conditioned floor area of the existing dwelling unit;**
- (b) additions over 20,000 square feet and additions that exceed 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential;**
- (c) Level 3 Alterations as defined in the International Existing Building Code (IEBC 2021) (which exceed 50% of the existing conditioned floor area) exceeding 1,000 square feet for low rise residential, or exceeding 20,000 square feet for all other building uses;**
- (d) Change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) § R505; or**
- (e) change of use of over 20,000 square feet or change of use of 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential, International Energy Conservation Code (IECC 2021) § C505.**

**“Specialized Energy Code” shall mean codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy**

**Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.**

3. Applicability and Exemptions

3.1. On and after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings **or Major Renovations** that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter. **With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the inspector of buildings or building commissioner and will go into effect for any project seeking a permit after the effective date.**

- a. Low-rise Residential Code (225 CMR 22 Appendix RC) 1. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.**
- b. Commercial and All Other (225 CMR 23 Appendix CC) i. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, excluding the exceptions identified in 3.2.**

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

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

~~4. Administration~~

~~4.4. Enforcement~~

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

**5. Waivers**

**5.1 The Building Commissioner may grant a waiver from the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:**

- a. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; or**
- b. technological or other factors would make the project unsuitable for its intended purpose.**

**5.2 Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.**

**5.3 Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.**

**5.4 In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.**

**5.5 The Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within twenty (20) days in accordance with policies established by the Select Board.**

**5.6 The Select Board shall, prior to the Effective Date issue, and may thereafter amend, guidance regarding the process for requesting and granting waivers, and describing reasonable conditions that may be placed on a waiver.**

## **5.2 6. Appeal**

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

## **6. 7. Severability**

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

## **7. 8. Reporting**

The Town Manager, or the Town Manager's designee, shall provide data and other information on the impacts of this Bylaw on emissions, building costs, operating costs, the number of building permits issued, and other information as required or requested by the Department of Energy Resources and the Secretary of Housing and Economic Development.

*This Bylaw was initially approved by voters at the 2021 Annual Town Meeting, and later amended and reauthorized at the Special Town Meeting in January 2023 to reflect new statutory guidance from the Massachusetts Department of Energy Resources (DOER).*

*This article seeks to further amend the bylaw to address suggestions received from DOER during the program application review process, including the specific suggestion to include 'major renovations' for buildings as defined by the program regulations. This article also presents the opportunity to remove the specific exemption for affordable housing projects, recognizing that the cost differential between traditional building construction and highly energy efficient construction has approached parity, and further demonstrating Concord's commitment to the comfort, health, safety, and economic well-being of all residents. The resulting bylaw will more closely align with the DOER program's recommendations and be consistent with other participating towns.*

*Pursuing this opportunity furthers the Town's sustainability goals as printed in the 2020 Sustainable Concord: Climate Action and Resilience Plan:*

*<https://concordma.gov/DocumentCenter/View/25318/Sustainable-Concord-Climate-Actionand-Resilience-Plan-2020?bidId=>.*

### **IN-TOWN SOLAR EXPANSION**

**ARTICLE 33.** To determine whether the Town will authorize the Town Treasurer with the approval of the Select Board, to borrow by the issuance of general obligation bonds or notes under the provisions of Mass. Gen. Laws c. 44 or any other authority, a sum not to exceed \$9,200,000 for the design and construction of solar energy systems with battery storage at 755 Walden St (Former Landfill) and 500 Walden St (Concord Carlisle Regional School District Campus), the funds so borrowed to be expended for engineering design and legal services; hearings; permits and other approvals; material, construction, and installation specifications; bid preparation; materials purchase; construction and installation services; control systems; and distribution and expansions, upgrades and improvements, and to be repaid in the first instance from revenues of the Concord Municipal Light Plant, or take any other action relative thereto.

*This article authorizes the Concord Municipal Light Plant to borrow money to pay for the design and construction of utility scale solar systems with battery storage at the capped landfill at Rt 2 and Walden St, and also for the design and construction of roof and ground mount arrays on the CCHS campus. While the project costs are still being developed, it is anticipated that additional monies from various federal and state incentive programs will be made available to help defray some of the costs of construction.*

*The addition of local solar energy to the Light Plant electricity supply is consistent with voters' intent for reducing total greenhouse gas emissions as set forth in the goals of Concord's Climate Action and Resiliency Plan.*

### **ZONING BYLAW AMENDMENT: ZONING MAP AND MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT**

**ARTICLE 34.** To determine whether the Town will amend the Zoning Bylaw and Zoning Map as follows: (1) add to Section 2.1 (Classification of Districts) the MBTA Communities Multi-family Overlay District; (2) add to Section 2.2 (Zoning Map) the MBTA Communities Multi-family Overlay District, which consists of five overlay subdistricts; (3) amend Table IV (Minimum Parking); and (4) add Section 7.11 MBTA Communities Multi-family Overlay District as follows (deletions are shown in ~~strikeout~~ and additions in ***bold italics*** for emphasis only); or take any other action relative thereto:

1. Add at the end of Section 2.1, Classification of Districts, the following:

#### ***MBTA Communities Multi-family Overlay District (MCMOD)***

2. Amend the last paragraph of Section 2.2 Zoning Map to read as follows:

**MBTA Communities Multi-family Overlay District, Town of Concord, April 2023, consisting of five subdistricts (Scale 1" to 1,400').**

The Conservancy Districts, and the Wireless Communication Facility(s) Overlay District **and the MBTA Communities Multi-family Overlay District (MCMOD)** are overlay districts whose boundaries are superimposed on the Residential, Commercial, Industrial and By-Pass Districts established by this Bylaw. Said zoning maps are hereby made part of this Bylaw and shall be filed in the Office of the Town Clerk.

3. Amend the Residential Uses row of Table IV, Minimum Parking as follows:

RESIDENTIAL USES

Single-, and two-family, <b>and multi-family</b> dwellings and planned residential developments	Two (2) spaces per dwelling unit or one and one-half (1-1/2) spaces per dwelling unit for subsidized low and moderate income housing or elderly housing developments.
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4. Add Section 7.11 MBTA MULTI-FAMILY OVERLAY DISTRICT as follows (all language is new, but not shown in **bold italics**):

**7.11.1 Purpose.**

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right, subject to site plan review, in accordance with this Section and M.G.L. c. 40A, § 3A.

**7.11.2 Standards.**

7.11.2.1 The MCMOD shall not replace existing zoning districts but shall be superimposed on the underlying zoning district(s) as shown on the Zoning Map. The regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Section 7.11 are governed by the requirements of the underlying zoning district(s).

7.11.2.2 The MCMOD contains the following subdistricts, all of which are shown on the MCMOD Map:

- Subdistrict #1: Lower Lowell Road & Keyes Road Area
- Subdistrict #2: Upper Lowell Road Area
- Subdistrict #3: Thoreau Street & Sudbury Road Area
- Subdistrict #4: Baker Avenue Area
- Subdistrict #5: Elm Street Area

**7.11.3 Definitions**

For purposes of this Section 7.11, the following definitions shall apply.

7.11.3.1. **Compliance Guidelines.** The Executive Office of Housing & Livable Communities' (EOHLC) *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* dated August 17, 2023, as further revised or amended from time to time.

7.11.3.2. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

7.11.3.3. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by uses, dimensional standards, development standards or location as identified in Section 7.11.2.2.

**7.11.4 Dimensional Requirements**

**SUBDISTRICT 1 – Lower Lowell Road & Keyes Road Area**

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	20,000 sq.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

**SUBDISTRICT 2 – Upper Lowell Road Area**

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	20,000 sq.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 3 – Thoreau Street & Sudbury Road Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	10,000 sq.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 4 – Baker Avenue Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	20 ft.
Minimum lot size	20,000 sq.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	20 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 5 – Elm Street Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	20 ft.
Minimum lot size	20,000 sq.	Secondary street	15 ft.

Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	20 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

### 7.11.5 Affordability Requirement

All residential developments, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion, where such development consists of ten (10) or more units shall have at least 20% of the dwelling units (and no fewer than one unit) available as affordable units at 80% area median income (AMI) and included on the Town's Subsidized Housing Inventory (SHI). For the purpose of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of .5 or above.

If EOHLC determines in writing that the Town has not shown this 20% requirement to be feasible, at least 15% of the dwelling units in any development shall be affordable units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory. If EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development shall be affordable units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.

### 7.11.6 Site Plan Review

Development under Section 7.11 requires Site Plan Review by the Planning Board under Section 11.8. The Planning Board shall adopt MBTA Communities Multi-family Zoning Site Plan Rules and Regulations to facilitate site layout, building design, and outdoor amenity spaces. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by EOHLC's Compliance Guidelines, to promote these objectives and serve the purposes of Section 7.11 and Section 11.8. Approval may reasonably condition matters such as vehicular and pedestrian access and circulation on site, stormwater management, architectural design of a building, site design and layout, lighting, and screening for adjacent properties. The Planning Board may require a performance guarantee to ensure compliance with these conditions.

*This Zoning Bylaw amendment would amend Section 2.1 (Zoning Districts) and Section 2.2 (Zoning Map) to add a new MBTA Communities Multi-family Zoning Overlay with five overlay subdistricts, amending Table IV (Minimum Parking) to include multi-family dwellings, and creating Section 7.11 "MBTA Communities Multi-family Overlay District" to bring the Town of Concord into compliance with M.G.L. c. 40A §3A (a)(1) before the end of 2024 as required under that section.*

*The MBTA Communities Act was passed into law to address the housing shortages facing Massachusetts residents. While this law does not compel any new housing to be built, it does require the creation of zoning*

which makes it easier to build or otherwise develop multi-family properties in areas where multi-family zoning was previously not allowed without a special permit. Such development would still be subject to site plan review during which reasonable conditions may be placed on a development. Any proposed project will be required to follow all local and state laws and go through the regular approval process.

The proposed zoning supports the goals from the Envision Concord Comprehensive Long-Range Plan and would allow for a range of housing types and sizes close to the MBTA Train Stations, a concrete action towards supporting Concord's goals for economic vitality, sustainability, diversity, equity, inclusion and belonging.

The proposed updates to the Bylaw are a result of a robust, yearlong process with many public engagement opportunities to examine what zoning changes within the State's parameters in this area could best support the goals of M.G.L. c. 40A §3A (a)(1) and the Town's long-term goals. Two specific goals of the Long-Range Plan are touched upon in this zoning: to revitalize Concord's town centers and to create housing for a range of needs and income levels. Furthermore, goals for housing provided through the 2022 Town's Housing Production Plan are also supported by this zoning.

For additional information, please visit the MBTA Communities website at [www.concordma.gov/MBTACommunities](http://www.concordma.gov/MBTACommunities).

### **ZONING BYLAW AMENDMENT:** **TWO-FAMILY DWELLING UNIT IN RESIDENCE B ZONING DISTRICT**

**ARTICLE 35.** To determine whether the Town will amend **Section 4.2.2.1 (Two-family or additional dwelling unit) of the Zoning Bylaw** to include the Residence B District in the scope of coverage of the Second Paragraph of that Section, so that the Section reads as follows (changes are shown in grey highlighted ***bold italics*** for emphasis only), or take any other action relative thereto:

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

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

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

*In accordance with the 2018 Envision Concord Comprehensive Long Range Plan Housing Goal #5, 2021 Town Meeting, Article 38, adopted zoning to allow two-family dwellings by special permit in the Residence C Zoning District.*

Since the adoption of the provision for two-family dwellings in Residence C, a total of four special permits have been issued. Two of the properties had an existing two-family dwelling and the other two lots had an existing single-family dwelling so that a total of two new dwelling units have been created under this Bylaw.

Over the past year it has been noted in public discussions held by the Planning Board that there continues to be broad support for more housing options within all areas of town, in particular where there is little concern about excessive density.

Note that the Maximum Floor Area Ratio (per Zoning Bylaw Table III Dimensional Requirements) limits the total Gross Floor Area to 6,000 sq. ft. on a minimum size conforming lot of 20,000 sq. ft. in the Residence B District. The maximum size of a structure on a lot is the same for either a single-family dwelling or a two-family dwelling.

## **ZONING BYLAW AMENDMENT:** **FLOODPLAIN CONSERVANCY DISTRICT**

**ARTICLE 36.** To determine whether the Town will amend **Sections 2.2 (Zoning Map) and 7.2 (Floodplain Conservancy District (7.2) of the Zoning Bylaw** so that the following Sections read as follows (deletions are shown in grey highlighted ~~strikeout~~ and changes in grey highlighted ***bold italics*** for emphasis only), or take any other action relative thereto:

### **2.2 Zoning Map**

Floodplain Conservancy District, Town of Concord, April 2019 (Scale 1"=1000' consisting of a single sheet). The Floodplain Conservancy District is an overlay district that includes all special flood hazard areas within the Town of Concord designated as Zone A, AE, or AH on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 6, 2016 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District ~~are~~ defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 6, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning & Land Management and Public Works Engineering Division.

#### **7.2.3 Standards.**

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

7.2.3.4 In Zone AE, along watercourses that have a regulatory floodway designated on the Town's FIRM Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge ***unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.***

7.2.6.1 Any person who desires to use land within the Floodplain Conservancy District for a use permitted subject to review by the Board shall submit a written application for a special

permit to the Board, with copies to the Planning Board and Natural Resources Commission. Each such application shall be accompanied by the following submissions:

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

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

(a) An evaluation of the proposed use, including its probable effect ~~and/or~~ impact upon the Town's water supply; the quality of water in the area; the natural flow pattern of watercourses; nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding; and the general health, safety and welfare of the inhabitants of the Town; and

*In 2021, Town Meeting amended the Floodplain Conservancy District Bylaw so that it met the National Flood Insurance Program (NFIP) mandatory requirements. Upon review by the State NFIP Coordinator, an additional requirement of the Federal Regulation was recommended in Section 7.2.3.4. The proposed article also corrects other housekeeping items in grammar and, punctuation.*

## **ZONING BYLAW AMENDMENT:** **GENERAL HOUSEKEEPING – MULTIPLE SECTIONS**

**ARTICLE 37.** To determine whether the Town will amend multiple sections of the Zoning Bylaw with housekeeping corrections for items such as spelling, grammar, syntax, and punctuation (deletions are shown in grey highlight ~~strikeout~~ and changes or additions are shown in grey highlight ***bold italics*** for emphasis only. Where a portion of a section is quoted, other sections shall remain unchanged), or take any other action relative thereto:

### **1.2 PURPOSE**

The purpose of this Bylaw is to implement the zoning powers granted to the Town of Concord under the Constitution and Statutes of the Commonwealth and includes but is not limited to, the following objectives: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town; to preserve and increase amenities; and to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community.

**2.3.1** Zoning boundaries, ~~which~~ ***that*** appear to follow streets, railroads, or rivers and streams, shall coincide with the centerline thereof.

**2.3.2** Zoning boundaries, which **that** appear to follow a property or lot line, the exact location of which is not indicated by means of dimensions shown in figures, shall coincide with the actual property or lot line.

**2.3.3** Zoning boundaries, which **that** appear to run parallel to the sidelines of streets or railroads, shall be regarded as parallel to such sidelines.

**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.

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 theater 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.

**3.3.2 Limitation on the number of formula businesses in the Concord Center, Thoreau Depot, West Concord Business and West Concord Village Districts:** 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 in the Thoreau Depot Business District is limited to 12. The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to 10. When the 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 ~~applicable-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.

**3.3.4 (b)** The formula business contributes to the diversity of uses to ~~ensure~~ assure a balanced mix of businesses available to serve residents and visitors;

**4.3.2.1** In the residential districts, such activities shall be permitted only on (a) a lot which, with all its structures, conforms to the requirements of the Bylaw, or (b) a lawfully nonconforming lot or structure ~~for as to~~ which the area of the lot is not less than ten thousand (10,000) square feet;

**4.3.2.2** In ~~the~~ residential districts or on lots which are not in a residential district but are adjacent to a residential district, no outdoor play area (an area designed or set aside for children in a

child care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback a principal use in the district in which it is located;

**4.5.3 Craft shop:** Shop or studio of an artist, potter, sculptor, silversmith, wood carver or similar ~~craftman~~**person**, provided that in ~~the Business Districts~~ all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

**4.7.1 Prohibited uses:** Salvage yard, junk yard, ~~and~~ all open-air storage of junk, waste products and salvage materials (including non-operable automobiles), ~~are expressly prohibited in all zoning districts of the Town as are~~ trailer without a valid registration, trailer used for habitation on the property, mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

**4.7.2 Restrictions:** Without limiting the generality of subsection 4.7.1 or any other section of this Bylaw or of any other Town Bylaw, all manufacturing, packaging, processing, testing, business and commercial activity shall be conducted ~~so such~~ as to confine disturbing sounds, fumes, dust, odors and noise to the premises, and no such activity shall be conducted so as to constitute a hazard by reason of the potential for fire, explosion, ~~or~~ radiation release, or by any bacterial, or viral agent.

## CONCORD ZONING – TABLE I – PRINCIPAL USE REGULATION

◆ ~~Except as provided by~~ Special Permit **required** in Limited Business District #8.

**5.4.1.1** In all districts, the Building Inspector may authorize the temporary use of a trailer or mobile home as a construction site office for not more ~~than that~~ two (2) years, provided that the authorization shall require the removal of such use within ninety (90) days after completion of the work for which the temporary use was permitted and provided further that, if construction is actively proceeding, the authorization for the trailer or mobile home may be renewed by the Building Inspector for successive one-year periods.

**5.4.1.2** In all districts, the use of a trailer or mobile home as a temporary dwelling shall be permitted for not more than seven (7) days in any calendar year, except:

(a) Where the Board ~~of Appeals~~ has by special permit authorized such use for more than seven (7) days, subject to a reasonable time limit; or

**6.2.5 Lot width:** Each lot shall have, in addition to the required frontage, a width of not less than eighty (80) percent of the required frontage at all points between the sideline of the right of-way along which the frontage of the lot is measured and the nearest point on the front wall of the dwelling upon such lot, ~~and, that~~ the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees. Such width shall be measured along lines, which are parallel to such sideline. [Lot width graphic on next page]

**6.2.11 Height:** [PARAGRAPHS 3, 4, 5,6 only]

In the Residence AA, Residence A, ~~Residence C and~~ Residence B **and Residence C** Districts, the height of a building shall be measured as the vertical distance from the ‘base elevation’ to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The ‘base elevation’ is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

In the Residence AA, Residence A, ~~Residence C and~~ Residence B **and Residence C** Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, ~~Residence C and~~ Residence B **and Residence C** Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the ~~Residence C and~~ Residence B **and Residence C** Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

**6.3.4.4** If a special permit is granted, the Board shall impose a condition that neither the special permit nor the conveyance of land to the Town shall be recorded until the **Select Board of Selectmen** votes to accept the proposed dedication of land to the Town for municipal or other public uses. A special permit granted hereunder shall be deemed to have been substantially used upon (1) the vote of the **Select Board of Selectmen** to accept the proposed dedication of land to the Town for municipal or other public uses and (2) upon the recording of both the special permit and the deed to the Town of Concord of the fee interest in the land for municipal or other public uses.

**CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS**

<b>Zoning Districts</b>	<b>Maximum Lot Coverage %</b>
Industrial Park A and Industrial Park B	50%, the same to include all paved areas and 20% maximum lot coverage by all structures.

**7.1.3 Nonconforming structures.** The Board may grant a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board:

(a) **Reconstruction, extension or structural change** ~~Reconstructed, extended or structurally changed;~~

(b) **Alteration** ~~Altered~~ to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

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

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

**7.6.1.4 Historical high groundwater table elevation:** A groundwater elevation that is determined from local historical data and/or **US Geological Survey (USGS)** monitoring wells and historical water table fluctuation data.

**7.6.2.3** To conserve the natural resources of the Town; ~~and~~

**7.6.2.4** To prevent temporary and permanent contamination of the environment.; ~~and~~

**7.6.4.2** Any institutional use, governmental and utility use, business use ~~or~~**and** industrial use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, whether by right or by special permit, provided,

**7.6.5.1** Any institutional use, governmental and utility use, business use ~~or~~**and** industrial use permitted under Section 7.6.4.2 which exceeds the maximum lot coverage permitted under Section 7.6.4.2(b) provided, in part, that the proposed lot coverage does not exceed the maximum permitted in the underlying district.

**7.6.6.10** (c) Waste oil retention facilities.; ~~and~~

**7.6.6.10** (d) Treatment works for the restoration of contaminated ground or surface waters.; ~~and~~

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

(b) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Fire Department; ~~and~~ ~~the~~ Board of Health. The plan shall include:

**7.6.7.2** The Planning Board, Public Works Commission, ~~the~~ Natural Resources Commission and Board of Health shall submit to the Board written recommendations including an evaluation that the project:

- (a) Minimizes any adverse effects ~~onto~~ the existing or potential quality or quantity of water that is available in the Groundwater Conservancy District;

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

**7.7.1 Purpose:** The purpose of this section is to ensure that all uses be provided with sufficient off-street parking and loading facilities to meet the needs of persons employed at or having commerce at such uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes, and headlight glare ordinarily associated with parking lots; ~~and~~ to reduce environmental deterioration to surrounding neighborhoods resulting from the glare, heat, dust, light spillover, light pollution, accelerated storm water run-off, and unattractive views associated with large expanses of pavement and vehicles.

**7.7.2.10 Off-street loading:**

However, an assisted living residence, as defined in Section 4.3.6, shall not be required to install more than one ~~off-street~~ loading space provided that the facility has no more than 100,000 square feet of gross floor area.

**7.7.2.12**

- (a) Documentation from parking studies and/or transportation industry publications that show the parking ratios required in the Zoning Bylaw for the proposed use ~~are~~ not aligned with current industry standards, if applicable;
- (c) The distance ~~to~~ and availability of on-street parking, public parking facilities and alternative transportation;

**7.7.3.2 Loading space dimensions:** Each loading space shall be at least ten (10) feet in width ~~and~~, thirty (30) feet in length, and shall be provided with a fourteen ~~(14)~~-foot-high ~~height~~ clearance.

**7.7.3.6 Small car spaces:** In parking lots with more than thirty (30) spaces, up to a maximum of thirty (30) percent of the total number of required spaces may be designed for small cars. In parking lots of thirty (30) or ~~fewer~~ spaces, up to a maximum of twenty (20) percent of the total number of required spaces may be designed for small cars.

**7.7.3.7 Handicapped parking:** Parking facilities shall provide specially designated parking spaces for the physically handicapped in accordance with the rules and regulations of the Architectural Access Board of the Commonwealth of Massachusetts.

**Spaces** Signs for the handicapped shall be clearly identified by a sign indicating that the spaces are reserved for physically handicapped persons. Such spaces shall be located nearest to the entrance to the use or building served.

**7.7.3.11 Lighting:** Exterior lighting shall be designed for safety and for personal security. Glare and light spillover, as defined below, shall be controlled to protect inhabitants from the consequences of stray light shining into inhabitant's eyes or onto adjoining properties. Light pollution, as defined below, control shall be required to minimize the negative effect of misdirected upward light. All exterior lighting shall be aimed, located, designed, fitted and maintained so that it illuminates the task intended and does not shine directly onto neighboring properties, ~~or~~ roadways or distribute excessive light skyward.

(b) Light spillover shall mean illumination produced by a light fixture, which extends beyond the boundaries of the lot or parcel upon which the light fixture is located.

**7.7.3.12 Maintenance:** Parking and loading facilities and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, curbing, markings and plantings shall be repaired or replaced with new materials, and drainage structures shall be cleaned or replaced in order to ~~ensure~~ insure continued compliance with the provisions of Section 7.7. Failure to maintain parking facilities properly shall be considered a violation of the Zoning Bylaw.

**7.7.3.13 Relief from design standards:** The Board may, upon advice of the Planning Board, grant relief from the design standards contained in ~~subsection~~ subsection 7.7.3 where the variation in the standards can be supported by a study prepared by a qualified consultant and where the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

#### **7.8.4.2 General requirements:**

(j) No new tower for a personal wireless communication facility, shall be located within:

i. One-thousand (1000) feet, on a horizontal plane, ~~of~~ any existing structure which is, or is able to be, occupied or habitable on the property of any existing child care facility or school;

(k) New personal wireless communication facilities in or on an existing, suitable, non- residential structure or tower for which an occupancy permit was issued as of January 1, 2000 shall be located at least:

iii. three hundred (300) feet, on a horizontal plane, from any structure in a Historic District or listed, ~~(or eligible to be listed,)~~ on the State or Federal Register of Historic Places.

(n) Subsequent applicants are required to co-locate and shall submit an application to add to existing towers, installed under the provisions of this Bylaw.

(p) Balloon test: Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three-foot diameter brightly colored balloon at the maximum height and at the location of the proposed tower. The date(s) (including a second date, in case of poor visibility on the initial date), times and location of the balloon test shall be advertised, by the applicant at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Town. The applicant shall inform the Board and the Planning Board in writing of the dates and times of the test at least fourteen days in advance. The balloon shall be flown for at least five consecutive hours between 7:00 a.m. and 5:00 p.m. on the date(s) chosen. The applicant shall bear any and all expenses associated with such balloon test.

**7.8.4.6 Approval criteria:** A special permit shall be issued under this section only if the Board ~~shall find~~ that the project is in harmony with the general purpose and intent of this Section. In addition, the Board, in consultation with the independent consultant referred to in subsection 7.8.4.3, shall make all the applicable findings before granting the special permit, as follows:

If a special permit is granted the Board shall impose any such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the independent consultant, **by** the Planning Board or upon its own initiative.

**7.9.1 Purpose and Intent:** The purpose of this ~~section~~**bylaw** is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic community resources.

**7.9.3.5 Utility Notification:** No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the Concord Municipal Light Plant (CMLP) has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer owned generator. Off-grid solar photovoltaic arrays shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this **subsection**.

**8.1 PURPOSE** To provide limited residential development within large tracts of land in a manner, which minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town.

**9.2.2 Number of Lots.** The number of lots permitted within any Residential Cluster Development shall be determined by the Planning Board to ~~ensure~~**assure** compliance with the purposes of this Section, and shall not exceed the basic density. The basic density of a Residential Cluster Development shall be the number of lots upon which a single-family dwelling could be constructed in the residential district in which the Residential Cluster Development is located without regard to the Residential Cluster Development, and without waivers of the design standards set forth in the Subdivision Rules and Regulations of the Planning Board.

**9.2.4.1** The open space shall have a shape, dimension, character, and location suitable ~~for~~**forte** ~~assure~~ use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Residential Cluster Development. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

**9.4.3.2 Planning Board Report and Recommendations.**

(c) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted as, open space for the benefit of the Town: provides or will in the future provide an addition to areas of open space between developed sections of the Town; makes available land desirable for other public use; and conforms to the Town's long-range land use plan.

**9.4.3.4 Special Permit ~~by Board~~ for Optional Provisions for Affordable Housing.**

**9.4.3.5 Conditions.** If a special permit is granted, the Board shall impose ~~as the following~~**as the following** conditions ~~thereof~~ **the following**:

**10.1 PURPOSE** Planned Residential Development allows by special permit from the Board an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area, and **that** incorporate Low Impact Development for stormwater design and green building practices. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, ~~however,~~ shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

**10.2.3 Diversity of Dwelling Units:**

(c) **at least** two of ~~these the~~ three styles of units: single-family, two-family or multi-family.

**10.2.3.5 Long-term availability:** The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to ~~ensure~~ **insure** the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.

**10.2.9.1** The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

(b) Land which **is** currently ~~is~~ in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;

**10.2.11 Sustainable Design Requirement:**

(a) Low Impact Development for Stormwater Design. Low impact development relies on natural features (indigenous to the site or bio-designed) to protect water quality and encourage on-site infiltration of stormwater. Such measures may include use of natural drainage flow paths, minimization of land clearance, incorporation of bioretention features/raingardens, and minimization of the creation of impervious surfaces (through building clustering, minimizing size and footprint of buildings and paved areas, **and** use of pervious surfaces where practical).

(e) Ways to Minimize Greenhouse Gas Emissions. **These may include** ~~M~~maintaining or proposing new vegetation to maximize carbon sequestration on site, ~~S~~selection of HVAC systems and appliances to encourage use of renewable energy sources, **and** ~~C~~construction design to minimize emissions from construction vehicles.

**10.3.1 Special Provisions for the Concord Housing Authority and Town of Concord Projects:** Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by the Concord Housing Authority or to a PRD application submitted by the Concord ~~Select Board of Selectmen~~ **Select Board of Selectmen** in which at least seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping

with the purposes of this Bylaw and with Town of Concord Housing Partnership Guidelines and Procedures as in effect from time to time.

**10.3.2 Special Provisions for Non-profit entity:** Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by a Non-profit entity in which seventy-five percent (75%) of the units will be of the type described in subsections 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw:

**10.3.4.1 Purpose:**

(d) Enable the Board to require adherence to the ~~Preliminary~~ Primary Site Development and Use Proposal approved by Town Meeting in the granting of a special permit.

**10.4.1.3 Low income and affordable dwelling unit marketing program including anticipated:**

(a) Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board) of family households or single individual residing in each low income or affordable dwelling unit;

**10.4.2.3** An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

**10.4.4 Board Issuance of Special Permit:** A special permit shall be issued under this section only if the Board shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall require sufficient security to ~~ensure~~ insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing.

**11.5 RULES AND REGULATIONS** The Board and the Planning Board shall adopt rules, not inconsistent with the provisions of this Bylaw and Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said rules with the Town Clerk.

**11.8.2 Site plan compliance:** No certificate of occupancy shall be issued by the Building Inspector until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such instances, the Building Inspector may issue a temporary occupancy permit and shall require sufficient security to ~~ensure~~ insure full compliance within six (6) months.

**11.8.5 Site Plan Review:** In reviewing the site plan submittal, the following matters shall be considered:

(g) Impact on the Town's resources including the effect ~~one~~ of the Town's water supply and distribution system, sewage collection and treatment, fire protection, and streets.

**11.8.6 Decision:** Where a special permit from the Board is required or a variance from the Bylaw is requested in connection with any action subject to Site Plan Review, a site plan decision shall be made by the Board. In such case the Planning Board shall submit a report to the Board concerning the matters described in subsection 11.8.5 prior to any public hearing. In considering a site plan, the Board shall ~~ensure~~insure a reasonable use of the site consistent with the uses permitted in the district in which the site is located. The Board shall give due consideration to the report of the Planning Board and where the decision of the Board differs from the recommendations of the Planning Board the reasons therefore shall be stated in writing.

Where a special permit or a variance is not required or requested, the Planning Board shall render a site plan decision and shall file its decision with the Town Clerk within ninety (90) days of receipt of an application, unless such time is extended in writing by agreement with the applicant and notice of such extension is filed with the Town Clerk. The Planning Board may impose such appropriate conditions, limitations, and safeguards as will ~~ensure~~insure compliance with the terms of approval.

**11.8.7 Site Plan Review for religious uses, educational uses and child care facilities:** The purpose of this section is to ensure that all religious and education uses, and all child care facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Board and the Planning Board have the authority to place reasonable conditions **with respect to**~~on~~ the aforementioned issues, but are not permitted to withhold approval of Site Plan Review.

**11.8.7.2** Where a special permit from the Board is required or a variance from the Bylaw is requested in connection with any action subject to site plan review for religious uses, educational uses and child care facilities, site plan approval shall be by the Board. In such case the Planning Board shall submit a report to the Board concerning the matters described in subsection 11.8.7 prior to any public hearing. In considering a site plan for religious uses, educational uses and child care facilities, the Board shall ~~ensure~~insure a reasonable use of the site consistent with the uses permitted in the district in which the site is located. The Board shall give due consideration to the report of the Planning Board and where the decision of the Board differs from the recommendations of the Planning Board the reasons therefore shall be stated in writing.

**11.8.7.3** Where a special permit or a variance is not required or requested, site plan approval for religious uses, educational uses and child care facilities shall be by the Planning Board. The Planning Board shall file its decision with the Town Clerk within ninety (90) days of receipt of an application, unless such time is extended in writing by agreement with the applicant and notice of such extension is filed with the Town Clerk. The Planning Board may impose such appropriate conditions, limitations, and safeguards as will ~~ensure~~insure compliance with the terms of approval.

**11.9 BYLAW CONSTRUCTION** This Bylaw shall not interfere with or annul any other Town Bylaw, rule or regulation, which is more restrictive, except **that** where this Bylaw is more restrictive, it shall control.

*This article addresses spelling errors, clarifies phrasing, updates references, and makes naming conventions consistent.*

**CITIZEN PETITION: CITIZEN SUPPORT FOR A NEW CELL TOWER LOCATED AT THE  
LANDFILL AT 755 WALDEN STREET**

**ARTICLE 38.** To determine whether the Town will urge the Select Board to direct the Town Manager to issue a Request for Proposals (RFP) for a multi-provider wireless communication facility at the Town-owned landfill parcel located at 755 Walden Street, to be designed and positioned to minimize visual impacts from Walden Pond, and further, that the RFP be issued as soon as possible, no later than 3 months from the passage of this resolution, and that the RFP be issued with intent to accept the most appropriate bidder, complete all necessary paperwork for permits and approvals, and facilitate the application to the Zoning Board of Appeals in the most expeditious manner possible, or take any other action relative thereto.

*The Town has been studying possible cell tower sites for more than 20 years. The landfill was identified as a suitable potential site in a 2003 report and the most recent 2023 analysis. The Town owns the landfill parcel and has full control over how it is used. It's time to move forward with a tower solution at the landfill.*

*The landfill site is the best option for a new tower location for the following reasons:*

- a. Will greatly improve cell coverage on the CCHS campus, the Walden Pond area, and potentially Alcott campus, as indicated by radio frequency (RF) coverage analyses commissioned by the Town.*
- b. Resides within the town's predetermined wireless communication district identified by our Zoning Bylaw for Personal Wireless Communication Facilities;*
- c. Complies with the setback distances from schools and homes outlined in our current Zoning Bylaw for Personal Wireless Communication Facilities;*
- d. Currently houses other utilities and services that support communal public needs, such as a solar facility, composting piles, and waste disposal;*
- e. May avoid delays from community opposition to other potential sites in more densely populated areas, and;*
- f. Tower will not take up significant space at the landfill and should leave plenty of room for solar expansion, if that is deemed necessary and appropriate by the Town.*

*An affirmative vote on this article will provide the town with strong community support to move forward and in solving our cell coverage needs.*

**CITIZEN PETITION: CITIZEN SUPPORT FOR A NEW CELL TOWER LOCATED AT THE  
PUBLIC WORKS PARCEL ON KEYES ROAD**

**ARTICLE 39.** To determine whether the Town will urge the Select Board to direct the Town Manager to issue a Request for Proposals (RFP) for a wireless communication facility at the Town-owned Public Works parcel located on Keyes Road, to be designed and positioned to minimize visual impacts on the historical viewshed from the North Bridge, and further, that the RFP be issued as soon as possible, no later than 3 months from the passage of this resolution, and that the RFP be issued with intent to accept the most appropriate bidder, complete all necessary paperwork for permits and approvals, and facilitate the application to the Zoning Board of Appeals in the most expeditious manner possible, or take any other action relative thereto.

*The Town has been studying possible cell tower sites for more than 20 years. The DPW yard was identified as a suitable potential site in a 2003 report and a 2018 analysis. The Town owns the Public Works Parcel and has full control over how it is used. It's time to move forward with a tower solution in the DPW Yard.*

*The public works parcel located on Keyes Rd is a good tower location for many reasons, including:*

- a. Will greatly improve cell coverage in Concord Center, according to Radio Frequency (RF) coverage analyses commissioned by the town;
- b. One area of the parcel resides within the town's predetermined wireless communication district identified by our Zoning Bylaw for Personal Wireless Communication Facilities;
- c. Is set back more substantially from schools and homes than other potential sites in Concord Center, which is as close to compliance with our Zoning Bylaw for Personal Wireless Communication Facilities as we can achieve in such a thickly settled area of town;
- d. Currently houses town buildings and operations, including a parking lot for public works vehicles. The areas of interest have already been disturbed and paved over and the parcel currently houses facilities and equipment not of historic character, minimizing effects on wetlands and historic areas.
- e. May avoid delays from community opposition to other potential sites in more densely populated areas.

An affirmative vote on this article will provide the town with strong community support to move forward in solving our cell coverage needs.

### **COMMUNITY PRESERVATION APPROPRIATION RECOMMENDATIONS**

**ARTICLE 40.** To determine whether the Town will appropriate the sum of \$1,878,320, or any other sum, from the Concord Community Preservation Fund, of which up to \$1,877,062 shall be appropriated from projected Fiscal Year 2025 Fund Revenues, and up to \$1,258 shall be appropriated from Prior Year Undesignated Fund Balance, in accordance with Mass. Gen. Laws c. 44B, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Category	Reserve Funds	Prior Year Fund Balance	FY25 CPA Fund Revenues	Total Amount Recommended
A	Concord Municipal Affordable Housing Trust – Adding affordable SHI units	Community Housing			\$500,000	\$500,000
B	Town of Concord/Planning – Regional Housing Services Office	Community Housing			\$33,500	\$33,500
C	Town of Concord/Planning – Assabet River Bridge Trail Design and Permitting	Open Space			\$100,000	\$200,000
		Recreation			\$100,000	
D	Town of Concord/Natural Resources – Hillcrest Conservation Land Steps Replacement	Open Space			\$36,250	\$72,500
		Recreation			\$36,250	
E	Town of Concord/Natural Resources – White Pond A-Pod Program	Open Space			\$15,000	\$30,000
		Recreation			\$15,000	
F	Concord 250 Permanent Memorials Subcommittee/ Town of Concord – 250 Trees for the 250 <sup>th</sup> Initiative	Open Space			\$41,667	\$125,000
		Recreation			\$41,667	
		Historic Preservation			\$41,666	
G	Town of Concord/Natural Resources – Heywood Meadow Wall Restoration	Open Space			\$60,800	\$60,800

H	Concord Prison Outreach – Bruce Freeman Rail Trail – Concord Prison Cemetery Naming the Unnamed	Recreation			\$45,000	\$45,000
I	Concord Public Schools – Athletic Fields / Concord Middle School	Recreation			\$250,000	\$250,000
J	Concord Art Association – Historic Structure Preservation at 37 Lexington Road	Historic Preservation			\$173,833	\$173,833
K	51 Walden, Inc. – Ventilation, AC, Painting and Roof Repair at 51 Walden	Historic Preservation			\$195,000	\$195,000
L	Town of Concord/ Planning/ Historical Commission – Historic Preservation Survey of Reported Pre-1775 Structures	Historic Preservation			\$50,000	\$50,000
M	Town of Concord/ Archives – Preservation and reproduction of Historic Town Documents	Historic Preservation			\$8,000	\$8,000
N	The Robbins House – Ongoing Preservation Needs of the Robbins House	Historic Preservation			\$30,687	\$30,687
O	Concord Scout House, Inc., Concord Scout House Floor Restoration Project	Historic Preservation			\$35,000	\$35,000
P	Town of Concord/CPW – Cemetery Metal Structures Assessment	Historic Preservation			\$22,500	\$22,500
Q	Staff and Technical Support	Administration		\$1,258	\$45,242	\$46,500
				<b>\$1,258</b>	<b>\$1,877,062</b>	<b>\$1,878,320</b>

or take any other action relative thereto.

*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 \$1,878,320 (with \$533,500 for Community Housing, \$253,717 for Open Space, \$487,917 for Recreation, \$556,686 for Historic Preservation, and \$46,500 for Administration). The estimated total available for appropriation at 2024 Annual Town Meeting is \$2,583,404. Therefore, \$455,084 will remain in CPC Undesignated Funds and \$250,000 will remain in Open Space Reserve Funds. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.*

**AUTHORIZE A TASK FORCE TO REVIEW AND UPDATE THE CHARGES, POLICIES, AND PROTOCOLS OF THE HISTORIC DISTRICTS COMMISSION AND THE HISTORICAL COMMISSION**

**ARTICLE 41.** To determine whether the Town will urge the Select Board, in close collaboration with the Diversity Equity and Inclusion Commission, to create a short-term task force to conduct a full and complete review of the charges, policies, protocols and enabling legislation of the Historic Districts Commission and Historical Commission, and recommend to the Select Board any updates, changes, and improvements needed, or take any other action relative thereto.

*Both commissions were formed in 1960 and 1973 respectively and their charges have not been updated since 1982. The recommendation for revision and revised charges would focus primarily on ways to update the protocols and procedures of said commissions to ensure they reflect 21st-century priorities and the Town's commitments to diversity, equity, inclusion, promote economic, vitality, and historic preservation that is welcoming and inclusive of all people.*

*Recognizing the significance of the Historic District Commission and Historical Commission's role in preserving our town's rich history, this task force would be aimed at enhancing the inclusivity of the town's historical preservation efforts. Our intent is to foster an environment where the stories of all community members, regardless of background, are acknowledged and preserved.*

*The scope of these commissions can be expanded to more explicitly include a wider understanding of our community's history that represents all of us (Black, Indigenous, Woman, Immigrant and the LGBTQ+ communities) Some framing questions that could facilitate the task forces discussion include What do we value as a Town? Who are we today? Whose history have we preserved? What do we mean by the "literary and historic tradition of Concord"? Whose "literary and historic tradition? Who is not represented and why? How does our interpretation reflect the makeup of America and our Town? What internal improvements can we make? What positive changes can we begin to collectively advocate for?*

*The task force would be empaneled by June 30, 2024 with its report due to the Select Board in no less than 90 days.*

## **TOURIST BYLAWS AMENDMENTS**

**ARTICLE 42.** To determine whether the Town will amend the Tourist Bylaws as follows, or take any other action relative thereto (changes shown in ***bold italics*** or ~~strikeout~~ for clarity purposes only):

### LICENSING OF TOURIST VEHICLES BYLAW

No person shall use ***provide tour guide services via vehicle*** ~~a carriage or other vehicle for the transportation of tourists for hire~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time, and shall be revocable by the Select Boardmen within that time.

### TOURIST GUIDE LICENSE BYLAW

No person shall, in any of the public places in said Town, solicit tourists ~~to ride in carriages or other vehicles, to take meals, to employ guides, or to buy any articles~~ without first obtaining a license so to do from the Select Boardmen, which license shall be issued for a definite time and shall be revocable by the Select Boardmen within that time.

*This article is to adapt the 1905 Bylaw to provide a wider regulation to allow for current ways of tour guiding such as walking and bus tours and to reflect that any vehicle may be used to transport visitors. Current modes of transportation may include tour buses, boats, or bicycles. As tourism numbers have grown, so has the number of people interested in providing tours in Concord. With the continued increases expected due to the popularity of the upcoming Concord250, the above recommendations are submitted.*

**AMEND DEPARTMENTAL REVOLVING FUNDS BYLAW**

**ARTICLE 43.** To determine whether the Town will amend the Departmental Revolving Funds Bylaw to add a new Ambulance Revolving Fund to the table of authorized Departmental Revolving Funds, as follows, or take any other action relative thereto.

<b><u>A</u></b> <b>Revolving Fund</b>	<b><u>B</u></b> <b>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b><u>C</u></b> <b>Fees, Charges, or Other Receipts Credited to Fund</b>	<b><u>D</u></b> <b>Program or Activity Expenses Payable from Fund</b>	<b><u>E</u></b> <b>Restrictions/ Conditions on Expenses Payable from Fund</b>	<b><u>F</u></b> <b>Other Requirements/ Reports</b>	<b><u>G</u></b> <b>Fiscal Years</b>
Ambulance Revolving Fund	Fire Department, under the direction of the Town Manager	Ambulance Receipts	Expenses associated with operation of the Town's Ambulance Service, including capital cost, such as for purchase and/or replacement of ambulances and other related equipment	None	None	FY25 and subsequent

*This article amends the existing Departmental Revolving Funds Bylaw to add a new Ambulance 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 § 53 E1/2**

**ARTICLE 44.** To determine whether the Town will 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, 2025, to be expended in accordance with the Town's Revolving Fund Bylaw, or take any other action relative thereto.

<b>Revolving Fund</b>	<b>Annual Spending Limit</b>
Ambulance	\$1,000,000
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.*

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

**ARTICLE 45.** 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 \$459,000 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, 2025; 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 long with other departmental income to be used for the purposes of operating the department for the fiscal year ending June 30, 2025. This is a routine annual action. Further, this article authorizes the transfer of \$459,000 from the operating fund of the Light Plant to the General Fund and amount consistent with past years and designed to represent what a private utility would pay in property taxes.*

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

**ARTICLE 46.** 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, 2025 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 47.** 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 2025 revenue for the operation and maintenance and improvement to 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 48.** 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 2025 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 49.** 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, the article authorizes the Town Manager to use cash on hand in the Water Fund and fiscal year 2025 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 50.** To determine whether the Town will appropriate the amount required for the total expenses of the PEG Access and Cable-Related Fund, to be expended during the fiscal year ending June 30, 2025 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 FY2025 Budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance committee on March 21, 2024. 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 2023 be appropriated, to be used only for cable-related purposes in accordance with the Town's license agreement. PEG Access services are Public, Educational and Governmental local cable television channels. The fund balance as of July 1, 2023 was \$1,805,291.50.*

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

**ARTICLE 51.** To determine whether the Town will appropriate the amount required for the total expenses of the Community Pool Enterprise Fund for the fiscal year ending June 30, 2025 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 FY25 budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on March 21, 2024.*

**UNPAID BILLS**

**ARTICLE 52.** To determine whether the Town will 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**

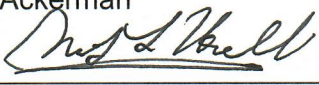
**ARTICLE 53.** To determine whether the Town will rescind any unused borrowing authorizations or take any other action relative thereto.

*If needed, this article 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.*

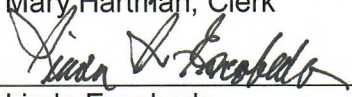
Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 23 day of January in the year two thousand twenty-four.

  
\_\_\_\_\_  
Henry Dane, Chair

  
\_\_\_\_\_  
Terri Ackerman

  
\_\_\_\_\_  
Mark Howell

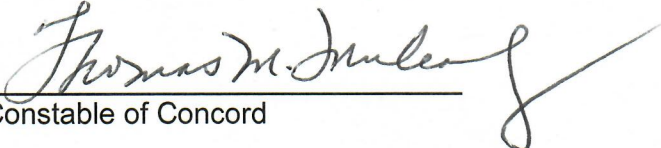
  
\_\_\_\_\_  
Mary Hartman, Clerk

  
\_\_\_\_\_  
Linda Escobedo

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.  
Concord January 23, 2024  
*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, along with a list of Board and Committee vacancies: <https://concordma.gov/739/Vacancies---Member-Positions>.

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.

## **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 contacting the Town's Americans with Disabilities Act (ADA) Coordinator, Jessica Porter, at 978-318-3028 or via email at [jporter@concordma.gov](mailto:jporter@concordma.gov) and let her know what services you might need. While every attempt will be made to provide reasonable accommodations, requests should be made with as much advance notice as possible.

**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**  
**Monday, April 29, 2024**  
**7:00 PM**

**Concord-Carlisle Regional High School**  
**500 Walden Street**

The deadline for unregistered residents to register to vote at the Annual Town Meeting is Friday, April 19, 2024.



Scan the QR Code to visit the 2024 Annual Town Meeting webpage or visit [www.concordma.gov/ATM2024](http://www.concordma.gov/ATM2024)



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

You can also watch online by visiting [minuteman.media](http://minuteman.media) or [concordma.gov/TM2024](http://concordma.gov/TM2024)

Follow the proceedings through social media!

**@TownofConcordMA**

