



Town of Concord
Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

PUBLIC NOTICE

The attached General Bylaw Amendments under Articles 16, 42, and 43, and the Zoning Bylaw Amendments under Articles 35, 36, and 37 approved at the 2024 Annual Town Meeting held on April 29th, 30th, and May 1st 2024 Annual Town Meeting have been approved by the Office of the Attorney General. On Friday, August 30, 2024 the General Bylaw amendments will be in effect and the Zoning Bylaw amendments will be in effect retroactive to May 1, 2024.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment of zoning bylaws may only be made within ninety days of the posting date indicated below. Copies of the attached bylaw(s) may be obtained from the Town Clerk's Office, located at 22 Monument Square.

Kaari Mai Tari
Town Clerk

2024 Annual Town Meeting:

General Bylaw Amendments:

- **Article 16** – Stormwater Utility Enterprise Fund Bylaw
- **Article 42** – Tourist Bylaw
- **Article 43** – Departmental Revolving Funds Bylaw

Zoning Bylaw Amendments:

- **Article 35** – Two-family Dwelling Unit in Residence B Zoning District
- **Article 36** – Floodplain Conservancy District
- **Article 37** – Multiple Sections – housekeeping amendments

Constable Signature: _____

Date of Posting: _____



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 28, 2024

Kaari Mai Tari, Town Clerk
Town of Concord
22 Monument Square
Concord, MA 01742

**Re: Concord Annual Town Meeting of April 29, 2024 -- Case # 11450
Warrant Articles # 34, 35, 36, and 37 (Zoning)
Warrant Articles # 16, 42, and 43 (General)**

Dear Ms. Tari:

Articles 16, 35, 36, 37, 42, and 43 – We approve Articles 16, 35, 36, 37, 42, and 43 adopted at the Concord April 29, 2024 Annual Town Meeting. ¹

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Mina S. Makarious

¹ In a decision issued on August 26, 2024 we approved Article 34.



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

CREATE STORMWATER ENTERPRISE FUND

ARTICLE 16.

Upon a **MOTION** made by Mr. Weber and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 16 by:

1. accepting the provisions of Mass. Gen. Laws c. 44 § 53F½ to authorize the establishment of a Stormwater Enterprise Fund, effective July 1, 2025;
2. and adopting a bylaw regarding such Stormwater Enterprise Fund as printed in Appendix Three to the Finance Committee Report on page 29.

Appendix Three: Create Stormwater Enterprise Fund Stormwater Utility Enterprise Fund Bylaw

1: General Provisions

A. Title. This bylaw shall be known as the "Stormwater Utility Enterprise Fund Bylaw of the Town of Concord, Massachusetts," hereinafter referred to as the "bylaw."

B. Purpose. The stormwater management program of the Town shall be funded by revenue collected through the stormwater fee and such other revenue as may, from time to time, be appropriated. The stormwater management program is designed to collect and treat stormwater to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff, and to comply with federal and state stormwater management mandates and permits.

SECTION 2: Definitions

The following words, terms and phrases, when used in this bylaw, shall have the meanings ascribed to them in this section, except where the context clearly requires a different meaning:

STORMWATER: The surface water runoff from precipitation, whether or not collected and discharged via pipes.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating into the underlying soil, including without limitation roads, paved parking lots and driveways, sidewalks, and rooftops.

STORMWATER FEE: The user fee imposed pursuant to this bylaw by the Town of Concord for providing Stormwater Management.

STORMWATER MANAGEMENT: All services provided by the Town which relate to the:

- (1) Transfer, control, conveyance, treatment or movement of Stormwater runoff through Town-owned infrastructure;
- (2) Maintenance, repair, grading and replacement of existing Stormwater Management Systems and Facilities owned by the Town;
- (3) Planning, development, design and construction of additional Stormwater Management Systems and Facilities to meet current and anticipated needs, including grading of roads to facilitate the movement of Stormwater;
- (4) Regulation of the use of Stormwater Management services, systems and facilities;
- (5) Compliance with applicable local, state and federal Stormwater Management; and
- (6) Services addressing the quality of Stormwater runoff as well as the quantity thereof.

STORMWATER MANAGEMENT SYSTEMS AND FACILITIES: Natural and manmade channels, swales, ditches, rivers, streams, brooks, creeks, wetlands, branches, reservoirs, ponds, drainageways, drainage structures, conveyances, storm drains, catch basins, inlets, gutters, pipes, culverts, bridges, headwalls, storm sewers, lakes, outfalls, and other physical works, properties, and improvements that collect, transport, transfer, control, pump, treat, convey, detain, retain, dispose of, or otherwise influence the movement of Stormwater runoff.

SECTION 3: Responsibility for Stormwater Management

The Concord Public Works shall be responsible for Stormwater Management and all Town owned or accepted Stormwater Management Systems and Facilities.

SECTION 4: Stormwater Utility Enterprise Fund

- A. A Stormwater Fund shall be created to hold the revenue collected through Stormwater Fees and such other funds as may be appropriated or gifted to said Stormwater Utility Enterprise Fund from other sources, including grants and loans.
- B. The Stormwater Utility Enterprise Fund may be used for any lawful Stormwater Management purpose including:
 1. The acquisition by gift, purchase or condemnation of real and personal property, or interests therein necessary to construct, operate and maintain Stormwater Management Systems and Facilities;
 2. All direct and indirect costs of the Town applicable to the administration and implementation of Stormwater Management programs pursuant to generally accepted accounting practices (GAAP); and
 3. Inspection and enforcement pursuant to any applicable federal, state or Town law or regulation regarding Stormwater Management.

SECTION 5: Establishment of Stormwater Fees

- A. There shall be a fixed schedule of prices or rates established by the Public Works Commission which shall not be changed more often than once each year. Changes in rates shall not be made unless the proposed new rates are first published in a newspaper in general circulation in Concord, which may be an internet-based newspaper, and considered at a public hearing held for this purpose.
- B. The Director of Public Works shall, on an annual basis, recommend an annual budget for stormwater Management to the Town Manager for inclusion in the Annual Town Budget.
- C. The Stormwater Management budget shall, beginning no earlier than the fiscal year beginning July 1, 2025, include proposed Stormwater Fees established pursuant to the authority in Mass. Gen. 31 Laws c. 83, § 16, which, along with other revenues in the Stormwater Fund, are sufficient to pay for the Town's annual Stormwater Management budget, including operating and capital expenses.
- D. The Stormwater Fee shall be imposed on each parcel within the Town whether occupied or not, and whether owned by the Town, another public entity, or a private entity. The Stormwater Fee shall not be imposed on public streets, highways and public rights-of way.

SECTION 6: Billing, Stormwater Utility Enterprise Fund, Credits

- A. Stormwater Fees shall be billed at least annually and no more frequently than in twelve monthly increments, as determined by the Public Works Commission.
- B. The Town may impose a late fee for unpaid Stormwater Fees and may utilize any other remedy for enforcement of unpaid Stormwater Fees under applicable law.
- C. Failure of the Town to send a bill for Stormwater Fees shall not relieve a property owner from the obligation to pay Stormwater Fees.
- D. The Town may back bill for Stormwater Fees not previously billed in prior billing cycles, but may not bill for late fees or delinquency charges in connection with such back billing.
- E. Stormwater Fees shall be billed to the record owner of a property and may be consolidated in the same bill as is sent to a property owner for other services provided by the Town.
- F. The Public Works Commission shall develop a proposed Stormwater Management credit policy which shall provide credits or adjustments for Stormwater Fees to be applied to properties with Stormwater improvements made by the property owner, land retained without impervious surface, or properties based on an owner's income.

SECTION 7: Appeals

- A. In the event a property owner believes that a Stormwater Fee applied to it has been incorrectly charged, the property owner may, within thirty (30) days of the issuance of an invoice for a Stormwater Fee, and after full payment of the Stormwater Fee charged, apply to the Concord Public Works for an abatement of all or part the Stormwater Fee. Such application shall be supported by such information as is necessary for a reasonable person to conclude that the Stormwater Fee was incorrectly charged.

- B. Concord Public Works shall have sixty (60) days to consider an application for abatement and render a written decision approving or denying the application, in whole or in part.
- C. A property owner aggrieved by Concord Public Works' denial of its application for an abatement under this Section 6 may request a hearing before the Public Works Commission within thirty (30) days of the date of the Concord Public Works' decision. The request for a hearing shall be in writing and shall specify the basis for the property owner's dispute of the Concord Public Works' decision.
- D. The Public Works Commission shall set a date for a hearing which shall be within sixty (60) days of the filing of the appeals, and notice setting forth the place, date and time of hearing shall be sent to the property owner at least ten (10) day prior to the hearing date.
- E. The Public Works Commission shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the decision of the Concord Public Works or reversing the action in whole or in part and specifying the amount of Stormwater Fees (if any) to be paid or credited the property owner.
- F. Nothing herein shall limit the ability of a property owner to seek an abatement of Stormwater Fees pursuant to the provisions of Mass. Gen. Laws c. 83, § 16E.

Passed by a Substantial Majority
April 29, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

Zoning Bylaw Amendment: Two-family Dwelling Unit in Residence B Zoning District

ARTICLE 35.

Upon a **MOTION** made by Mr. Boardman and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 35 as printed in the Warrant.

WARRANT

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.

Passed by a two-thirds majority
May 1, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

ZONING BYLAW AMENDMENT: FLOODPLAIN CONSERVANCY DISTRICT

ARTICLE 36.

Upon a **MOTION** made by Mr. Patel and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 36 as printed in the Warrant.

WARRANT

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 ~~ensure~~ ***assure*** that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and, c) adequate drainage is provided to reduce exposure to flood hazards.

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

Passed Unanimously under the Consent Calendar
April 29, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

ZONING BYLAW AMENDMENT: GENERAL HOUSEKEEPING – MULTIPLE SECTIONS

ARTICLE 37.

Upon a **MOTION** made by Mr. Patel and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 37 as printed in the Warrant.

WARRANT

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 ~~ere~~ 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 ~~foras 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~~ **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~~ **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

Zoning Districts	Maximum Lot Coverage %
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 ~~sub~~section 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~~ finds 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~~ ~~to 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~~ 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~~ ~~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~~ 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 ~~on~~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.

Passed Unanimously under the Consent Calendar
April 29, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

TOURIST BYLAW AMENDMENTS

ARTICLE 42.

Upon a **MOTION** made by Mr. Patel and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 42 as printed in the Warrant.

WARRANT

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.

Passed Unanimously under the Consent Calendar

April 29, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

AMEND DEPARTMENTAL REVOLVING FUNDS BYLAW

ARTICLE 43.

Upon a **MOTION** made by Mr. Patel and duly seconded, it was **VOTED**:

That the Town take affirmative action on Article 43 as printed in the Warrant.

WARRANT

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.

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges, or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Restrictions/ Conditions on Expenses Payable from Fund	<u>F</u> Other Requirements/ Reports	<u>G</u> Fiscal Years
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

Passed Unanimously under the Consent Calendar

April 29, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk