

TOWN OF CONCORD

ANNUAL TOWN MEETING WARRANT

MONDAY, APRIL 27, 2026 AT 6:30 PM*
CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET

**And Subsequent Days As Needed*

Voter Registration Deadline: Friday, April 17, 2026 at 5:00 PM



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**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT ARTICLES FOR 2026 ANNUAL TOWN MEETING**

Monday, April 27, 2026 at 6:30 PM*
at Concord-Carlisle Regional High School

**Additional sessions at 6:30 PM on following nights as necessary
to complete the business of the Meeting*

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 Town Meeting Briefing Book to be mailed to all households, 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. Reclassify the title of "Financial Manager/Accountant" from Grade 12 to Grade LP-13, effective February 12, 2025.
2. Eliminate the title of "Lineworker Grade 1" from Grade LP-10, effective July 1, 2025.
3. Eliminate the title of "Lineworker Grade 2" from Grade LP-7, effective July 1, 2025.
4. Eliminate the title of "Lineworker Grade 3" from Grade LP-5, effective July 1, 2025.
5. Eliminate the title of "Lead Electrical Engineer" from Grade LP-13, effective July 1, 2025.
6. Eliminate the title of "Line Supervisor" from Grade LP-13, effective July 1, 2025.
7. Eliminate the title of "Electrical Engineer" from Grade LP-11, effective July 1, 2025.
8. Eliminate the title of "Senior Engineering Technician" from Grade LP-8, effective July 1, 2025.
9. Add the title of "Employee Development & Engagement Specialist" to Grade 6, effective August 13, 2025.
10. Reclassify the title of "Payroll & Finance Generalist" from Grade 6 to Grade 4, effective September 10, 2025.
11. Add the title "Production Coordinator" to Grade 2, effective November 12, 2025.
12. Add the title of "Advanced Metering Infrastructure (AMI) Analyst" to Grade LP-7, effective November 12, 2025.

13. Update to “Public Safety Dispatcher” (Non-Union) Pay Rate on Miscellaneous Compensation Schedule 7-1, effective December 15, 2025.
14. Update to “Seasonal Snow Plow Driver” Pay Rate on Miscellaneous Compensation Schedule 7-1, effective December 15, 2025.
15. Update to “Seasonal Snow Plow Driver w/CDL” Pay Rate on Miscellaneous Compensation Schedule 7-1, effective December 15, 2025.
16. Updates to “Library” Classification Pay Rates on Miscellaneous Compensation Schedule 7-1, effective December 15, 2025.
17. Add the title of “Library Maintenance Custodian (Non-Union)” and Pay Rate to Miscellaneous Compensation Schedule 7-1, effective December 15, 2025.
18. Make all other changes to the Classification and Compensation Plan voted by the Personnel Board between January 14, 2026, and the date the 2026 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 schedules published on the Town’s website under the 2026 Annual Town Meeting tab and included in the Town Meeting Briefing Book; or take any other action relative thereto.

CLASSIFICATION AND COMPENSATION PLAN

Revision Date: July 1, 2026

Hourly rates govern all compensation calculations. Annual rates are provided for illustrative purposes only and reflect base pay assuming a 40-hour workweek for 52 weeks. The minimum and maximum base pay for each range are published, and employees are assigned to one of 18 steps within the range, with a 2% increase between each step. Step 10 represents the maximum starting rate for newly hired employees.

Grade	Classification Title		Base Pay Rates		
			Step 1	Step 10	Step 18
18	Chief Financial Officer	Annual	\$139,832.68	\$167,112.92	\$195,799.24
	Deputy Town Manager	Hourly	\$67.2272	\$80.3427	\$94.1343
17	Assistant Town Manager	Annual	\$130,676.00	\$156,169.78	\$182,977.86
	Chief Information Officer	Hourly	\$62.8250	\$75.0816	\$87.9701
	Director of Public Works				
	Fire Chief				
16	Police Chief				
	Director of Community Development	Annual	\$122,129.80	\$145,956.46	\$171,011.10
	Director of Human Resources	Hourly	\$58.7162	\$70.1714	\$82.2169
	Director of Library Services				

15	Assistant Chief Financial Officer	Annual	\$114,130.90	\$136,397.04	\$159,810.82
	Assistant Fire Chief	Hourly	\$54.8706	\$65.5755	\$76.8321
	Building Commissioner				
	Facilities Manager				
	Highway & Grounds Superintendent				
	Recreation Director				
	Police Captain				
	Town Engineer				
	Water/Sewer Superintendent				
14	Public Health Director	Annual	\$103,269.40	\$123,416.28	\$144,602.12
	Special Projects Manager/Systems Manager	Hourly	\$49.6487	\$59.3348	\$69.5202
	Town Accountant				
	Town Assessor				
13	Assistant Town Engineer	Annual	\$98,343.70	\$117,529.88	\$137,704.84
	Assistant Water/Sewer Superintendent	Hourly	\$47.2806	\$56.5047	\$66.2043
	Beede Center General Manager				
	Emergency Communications Center Manager				
	IT Operations Manager				
	Natural Resources Director				
	Police Lieutenant				
	Council on Aging Director				
Town Planner					
12	Assistant Director of Library Services	Annual	\$93,649.66	\$111,920.12	\$131,132.04
	Assistant Facilities Manager	Hourly	\$45.0239	\$53.8077	\$63.0443
	Assistant Highway & Grounds Superintendent				
	Customer Service Manager				
	Financial Manager/ Accountant				
Town Clerk					
11	Assistant Council on Aging Director	Annual	\$89,208.34	\$106,611.96	\$124,912.84
	Assistant Human Resources Director	Hourly	\$42.8886	\$51.2558	\$60.0543
	Assistant Recreation Director				
	Budget & Purchasing Director				
	Business Manager				
	Deputy Treasurer/ Collector				
	GIS Program Manager				
	Operations Manager				
	Sustainability Director				
10	Childcare Services Manager	Annual	\$86,282.30	\$103,115.22	\$120,816.02
	Master Plumber/HVAC Technician	Hourly	\$41.4819	\$49.5746	\$58.0846
	Media Manager				
	Municipal Archivist/Records Manager				
	Procurement Manager				
	Public Health Nurse				
	Public Works Supervisor				

	Senior Public Works Engineer				
9	Assistant Natural Resources Director Aquatics Manager 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	<i>Annual</i> <i>Hourly</i>	\$81,398.72 \$39.1340	\$97,279.00 \$46.7688	\$113,978.02 \$54.7971

8	Assistant Assessor	<i>Annual</i>	\$76,809.98	\$91,795.08	\$107,552.38
	Assistant Town Accountant	<i>Hourly</i>	\$36.9279	\$44.1322	\$51.7079
	Assistant Town Clerk				
	Assistant Treasurer				
	Associate Financial Manager/Accountant				
	Crew Leader				
	Election and Census Manager				
	Electrical Inspector				
	HVAC Technician				
	Land Manager				
	Management Analyst				
	Master Electrician/Crew Leader				
	Public Works Engineer				
	Recreation Operations Manager				
	Senior Financial Analyst				
	Senior GIS Analyst				
	Senior Information Systems Technician				
Senior Master Mechanic					
Senior Planner					
Senior Utility Electrician					
7	Business Systems Analyst	<i>Annual</i>	\$72,431.58	\$86,562.58	\$101,421.84
	Aquatics Supervisor	<i>Hourly</i>	\$34.8229	\$41.6166	\$48.7605
	Facilities Custodial Supervisor				
	GIS Analyst				
	Management Specialist				
	Production Manager				
	Program Analyst				
	Public Health Inspector				
	Recreation Facilities Coordinator				
	Recreation Supervisor				
	Senior Facilities/Landscape Maintainer				
	Treatment Systems Operator				
	Utility Electrician				

6	Community Engagement Manager	Annual	\$68,516.50	\$81,883.62	\$95,939.48
	Employee Development & Engagement Specialist	Hourly	\$32.9406	\$39.3671	\$46.1248
	Energy Efficiency & Electrification Specialist				
	Executive Assistant to the Select Board				
	Executive Assistant to the Town Manager				
	Human Resources Generalist				
	Human Services Generalist				
	Information Systems Technician				
	Membership Coordinator				
	Office Administrator				
	Payroll & Finance Generalist				
	Senior Producer & Education Coordinator				
Skilled Carpenter					
5	Environmental & Regulatory Coordinator	Annual	\$65,232.70	\$77,958.92	\$91,341.64
	Equipment/Line Operator	Hourly	\$31.3619	\$37.4803	\$43.9142
	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				
4	Accounts Payable Specialist	Annual	\$62,138.44	\$74,260.94	\$87,008.74
	Associate Engineer	Hourly	\$29.8742	\$35.7024	\$41.8311
	Customer Services Specialist				
	Meter Technician				
	Payroll & Finance Generalist				
	Senior Administrative Specialist				
Senior Finance Specialist					
3	Administrative Specialist	Annual	\$59,191.34	\$70,739.24	\$82,882.28
	Finance Specialist	Hourly	\$28.4574	\$34.0093	\$39.8473
	Fitness Trainer				

2	Program Coordinator	Annual	\$56,370.86	\$67,368.60	\$78,932.62
	Customer Support Specialist	Hourly	\$27.1014	\$32.3887	\$37.9484
	Production Coordinator				
	Senior Building Custodian				
	Senior Crew Member				
	Senior Van Driver				
1	Building Custodian	Annual	\$53,676.48	\$64,148.50	\$75,160.02
	Crew Member	Hourly	\$25.8060	\$30.8406	\$36.1346
	Finance Assistant				
	Office Assistant				
LP-17	Director of Concord Municipal Light Plant	Annual	\$173,006.60	\$206,758.76	\$242,250.84
		Hourly	\$83.1762	\$99.4032	\$116.4667
LP-16	(No positions in grade)	Annual	\$150,420.66	\$179,766.60	\$210,625.22
		Hourly	\$72.3176	\$86.4262	\$101.2621
LP-15	Assistant Director of Concord Municipal Light Plant	Annual	\$130,802.36	\$156,320.84	\$183,154.66
		Hourly	\$62.8857	\$75.1543	\$88.0551
LP-14	Broadband Manager	Annual	\$123,224.40	\$147,264.52	\$172,543.80
	Power Supply & Rates Administrator	Hourly	\$59.2425	\$70.8002	\$82.9538
LP-13	Financial Manager/ Accountant	Annual	\$115,162.32	\$137,629.70	\$161,255.12
	Lead Electrical Engineer	Hourly	\$55.3665	\$66.1681	\$77.5265
	Line Supervisor				
LP-12	(No positions in grade)	Annual	\$107,647.80	\$128,648.78	\$150,732.66
	Lead Lineworker	Hourly	\$51.7537	\$61.8504	\$72.4676
LP-11	Electrical Engineer	Annual	\$100,596.08	\$120,221.66	\$140,858.64
	Senior Network Engineer	Hourly	\$48.3635	\$57.7989	\$67.7205
LP-10	Lineworker, Grade 1	Annual	\$97,754.28	\$116,825.80	\$136,879.60
	(No positions in grade)	Hourly	\$46.9973	\$56.1662	\$65.8075
LP-9	Network Engineer	Annual	\$90,955.28	\$108,700.02	\$127,359.44
		Hourly	\$43.7285	\$52.2596	\$61.2305
LP-8	Lead Broadband Technician	Annual	\$84,598.28	\$101,103.08	\$118,458.08
	Meter Supervisor	Hourly	\$40.6723	\$48.6072	\$56.9510
	Senior Engineering Technician				
LP-7	Advanced Metering Infrastructure Analyst (AMI)	Annual	\$78,704.60	\$94,059.16	\$110,205.16
	Lineworker, Grade 2	Hourly	\$37.8387	\$45.2207	\$52.9883
	Senior Broadband Technician				
LP-6	Broadband Technician	Annual	\$68,516.50	\$81,883.62	\$95,939.48
		Hourly	\$32.9406	\$39.3671	\$46.1248

LP-5	Lineworker, Grade 3 (No positions in grade)	Annual	\$65,232.70	\$77,958.92	\$91,341.64
		Hourly	\$31.3619	\$37.4803	\$43.9142
LP-4	(No positions in grade)	Annual	\$62,138.70	\$74,261.72	\$87,009.26
		Hourly	\$29.8744	\$35.7027	\$41.8314
LP-3	(No positions in grade)	Annual	\$59,191.86	\$70,739.76	\$82,883.06
		Hourly	\$28.4576	\$34.0095	\$39.8476
LP-2	(No positions in grade)	Annual	\$56,370.60	\$67,367.82	\$78,932.36
		Hourly	\$27.1012	\$32.3884	\$37.9482
LP-1	(No positions in grade)	Annual	\$53,676.48	\$64,148.50	\$75,160.02
		Hourly	\$25.8060	\$30.8406	\$36.1346

(End of new Classification and Compensation Plan)

The full Classification & Compensation Plan will be posted on the Town's website under the tab for 2026 Annual Town Meeting, presented at the pre-Town Meeting hearing before the Select Board on Monday, March 2, 2026, and included in the Town Meeting Briefing Book to be mailed to all households. 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. As part of this redesign, GovHR consultants provided the Town with a new scoring methodology for job classification which was used to evaluate and analyze positions. This scoring methodology is used consistently whenever a new position is added or when a request is made to reclassify a position, in order to maintain integrity of the plan developed by GovHR in 2022 and ensure fair and equitable pay. Pay ranges for each grade have remained the same since the plan was voted by 2024 Annual Town Meeting. 2026 Annual Town Meeting is asked to approve a 1.2% Cost of Living Adjustment to the wage chart, in addition to the additions/deletions of positions or reclassified positions as detailed in the Article.

FISCAL YEAR 2026 BUDGET LINE ITEM ADJUSTMENTS

ARTICLE 6. To determine whether the Town will amend appropriations made under Article 7 of the Warrant for 2025 Annual Town Meeting, Town Budget; or take any other action relative thereto.

The Town's budget is appropriated in fourteen (14) line items. Adjustments to these line-item totals may only be made through subsequent Town Meeting action or at the end of the fiscal year with the approval of the Select Board and Finance Committee, under the authority granted in Mass. Gen. Laws c. 44, §33B. This article seeks approval to make certain line-item adjustments to rebalance the budget to account for actual spending, while maintaining the total appropriation of \$63,630,061. This article does not seek a supplemental appropriation and approval of this article will not increase total FY26 spending.

RESTORE BALANCES CLOSED TO FREE CASH

ARTICLE 7. To see if the Town will transfer from available funds, the sum of \$519,696 to the Insurance Reserve and \$429,095 to the Salary Reserve; or take any other action relative thereto.

At the close of Fiscal Year 2024, there were two accounts that were closed from the budget that should have been encumbered or transferred at year end. The salary reserve account (\$755,000) was budgeted to include funds for the new Non-Union Merit Pay program, however the payments to employees were still being calculated after the books were closed for June 30, 2024. The distributions were made in August for work done in the previous fiscal year but charged to the FY25 reserve. Similarly, the FY25 non-union merit pay earnings were charged in FY26. This leaves the balance in the FY26 account \$429,095 short for FY26 obligations payable in June 2026.

Under Article 22 of Annual Town Meeting 1987, the Town voted to adopt a bylaw allowing the Town to establish an Insurance Reserve Fund and to transfer the balance of any appropriation for insurance purposes. At the end of FY24 there was \$519,696 available to transfer to the reserve that instead closed to Free Cash.

RETROACTIVE SALARY – DISPATCH UNION COLLECTIVE BARGAINING AGREEMENT

ARTICLE 8. To see if the Town will transfer from available funds, a sum for the payment of retroactive salaries for the members of Teamsters Local #25, Public Safety Dispatchers; or take any other action relative thereto.

The Teamsters Local #25 settled the Collective Bargaining Agreement for Public Safety Dispatch for the term July 1, 2024 through June 30, 2027 on December 31, 2025. Payment for year 1 of the agreement is due retroactively to all members of the Union, however funds that were set aside for this purpose in FY25 were closed to Free Cash as the agreement was still pending. The retroactive salaries will be submitted by the Chief Financial Officer and reviewed at a public hearing of the Finance Committee on Tuesday, March 10, 2026.

GRANT FUND BALANCE DEFICIT – 2020 – 2022 EXPENSES

ARTICLE 9. To see if the Town will transfer from available funds the sum of \$676,242.77, or any other sum, to the Special Revenue account, FEMA Corona Virus Relief, to cover unreimbursed spending from the years 2020-2022; or take any other action relative thereto.

The Town received funds to cover the costs of the COVID19 pandemic on a reimbursement basis. In total, the Town received over \$1.5 million. However, due to timing and changing regulations, there is a deficit left on the Town's balance sheet for expenditures that were ultimately not reimbursed. The Department of Revenue extended the reconciliation timelines through Fiscal Year 2026 and will be requiring that all deficits are settled prior to setting the Fiscal Year 2027 tax rate. Using Free Cash will alleviate extra tax burden for these prior expenses.

FISCAL YEAR 2027 TOWN BUDGET

ARTICLE 10. To determine whether the Town will raise and appropriate or transfer from available funds, the sum of \$65,331,467 for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2027, as detailed in the chart published on the Town's website and incorporated in the Town Meeting Briefing Book;

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 appropriation for Salary Reserve under Line Item 10 shall be transferred by the Town Manager to the various salary line items in accordance with Non-Union salary levels established

effective July 1, 2026 and the implementation of the Non-Union merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and any and all collective bargaining agreements in effect for FY27; 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 FY2027;

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 FY27. The text above also makes certain other appropriations from Stabilization and Enterprise Funds, as well as authorizes certain other transfers.

FISCAL YEAR 2027 CAPITAL IMPROVEMENT AND DEBT PLAN

ARTICLE 11. 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, or any other authority, \$2,294,420 as specified in Tier One (Capital Outlay) and \$2,400,000 as specified in Tier Two (Borrowed Funds) of the FY2027 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.

This article authorizes the FY2027 Capital Improvement and Debt Plan, all of which will be funded within the existing Levy Limit. The FY2027 Capital Improvement and Debt Plan is proposed to be funded through cash outlay, the issuance of debt, and/or transferring remaining balances in previously authorized debt articles where these balances are no longer needed for their original intended purpose. Items included in this plan include both Tier One (single item or bundled items, up to \$250,000) and Tier Two (single item, \$250,000 - \$2,000,000) capital purchases. The full FY2027 Capital Improvement and Debt Plan will be posted on the Town's website under the tab for 2026 Annual Town Meeting, presented at pre-Town Meeting hearing before the Finance Committee on Thursday, March 5, 2026, and included in the Town Meeting Briefing Book to be mailed to all households.

MUNICIPAL FACILITIES PLANNING

ARTICLE 12. To determine whether the Town will raise and appropriate or transfer from available funds a sum of money to be expended under the direction of the Town Manager to fund site evaluations, feasibility studies, or other legal, administrative, or other consulting needs regarding repurposing, renovation, construction, acquisition or disposal of various municipal facilities; or take any other action relative thereto.

This article requests funding to be expended under the direction of the Town Manager for professional services needed to evaluate options for the renovation, consolidation, relocation, acquisition, construction, or disposal of municipal facilities. This work builds upon and advances the analysis and recommendations by the Land Use Working Group. Funds may be used for site assessments, feasibility studies, cost estimates, environmental review, legal analysis, and other consulting services. The purpose of this article is to ensure the Town has the necessary technical and financial information to make informed decisions about future municipal facility planning. No construction or property acquisition is authorized under this article.

CONCORD PUBLIC SCHOOLS OPERATING BUDGET

ARTICLE 13. To determine whether the Town will raise and appropriate the sum of \$48,941,915 for the necessary and expedient purposes of the public schools of the Town for the fiscal year ending June 30, 2027; and that the same be expended only for such purposes and under the direction of the Concord School Committee and further that an additional sum of \$183,680 be transferred from Free Cash, representing the specific amount anticipated to be received by the Town in June 2026 on behalf of Concord Public Schools through the McKinney-Vento Homeless Transportation program for the purpose of reimbursing additional transportation expenses arising from homeless students attending Concord Public Schools; or take any other action relative thereto.

This article provides for the annual operating budget for Concord Public Schools, which serves students in pre-school, kindergarten, and grades 1 to 8, as well as for the transfer to the schools of state funds received to reimburse transportation costs for students temporarily housed in Concord. Transfer of the state funds for transportation requires authorization by Town Meeting. The budget appropriation presented for Town Meeting approval is aligned with the spending guideline established by the Finance Committee in December 2025.

CONCORD PUBLIC SCHOOLS CAPITAL BUDGET

ARTICLE 14. 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 money by the issuance of bonds or notes under the provisions of Mass. Gen. Laws c. 44, or any other authority, the sum of \$501,430, 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. This capital request falls within the Town Manager's 10-year Capital Plan.

CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 15. To determine whether the Town will raise and appropriate, or transfer from available funds, the sum of \$26,995,441, or any other sum, as the Town's apportioned share of the Concord-Carlisle Regional School District budget for the fiscal year ending June 30, 2027; to be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee; 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. The budget appropriation presented for Town Meeting approval is aligned with the spending guideline established by the Finance Committee in December 2025.

ESTABLISH SPECIAL EDUCATION RESERVE FUND

ARTICLE 16. To determine whether the Town will establish a Special Education Reserve Fund under the provisions of Mass. Gen. Laws c. 40, § 13E under the direction of the School Committee; or take any other action relative thereto.

This article provides for the establishment of a special education reserve fund for Concord Public Schools. The fund can be used in future years for unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation costs. Funding is not requested at this time; this article is solely to create such a fund.

MINUTEMAN REGIONAL TECHNICAL HIGH SCHOOL DISTRICT BUDGET

ARTICLE 17. To determine whether the Town will raise and appropriate, or transfer from available funds \$1,886,548 for the necessary and expedient purposes of the Minuteman Regional Technical High School District for the fiscal year ending June 30, 2027; or take any other action relative thereto.

This article provides Concord's assessed share of the annual operating budget for the Minuteman Regional Technical High School District. Each of the member town assessments is calculated by a formula established pursuant to the regional agreement. Concord's enrollment at Minuteman is currently 40 high school students and 2 post-secondary students. The formula for assessments relies in part upon a rolling 4-year average of enrollment for member communities.

TRANSFER FROM MIDDLE SCHOOL STABILIZATION FUND

ARTICLE 18. To determine whether the Town will transfer from the Middle School Stabilization Fund \$1,500,000 to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2027; or take any other action relative thereto.

This article seeks Town Meeting approval to transfer from the Middle School Stabilization Fund the amount of \$1,500,000 to smooth the FY27 tax impact of the debt service associated with the Middle School Construction project.

ESTABLISH A CAPITAL STABILIZATION FUND

ARTICLE 19. To determine whether the Town will establish a Capital Stabilization Fund as authorized by Mass. Gen. Laws c. 40, § 5B; or take any other action relative thereto.

At Annual Town Meeting 2025, vigorous discussion resulted in a comprehensive review of the Town's financial reserves policies. Since then, the Financial Policy Working Group has drafted a thorough Financial Reserve Policy, which was accepted by the Select Board on December 22, 2025. The final policy can be found at <https://concordma.gov/2562/Financial-Policies>. Following acceptance of this policy, the working group has encouraged the establishment of a Special Purpose Stabilization Fund for future capital needs. Establishing a Capital Stabilization fund for future large building projects will allow the Town to start setting aside funds when available to alleviate future planning, design and construction costs or borrowing on large projects.

APPROPRIATION TO CAPITAL STABILIZATION FUND

ARTICLE 20. To determine whether the Town will transfer from available funds \$1,250,000 to the Capital Stabilization Fund; or take any other action relative thereto.

The newly adopted Financial Reserve Policy leaves the target funds for Capital as to be determined for future projects by the Town Manager and Chief Financial Officer. However, while known projects are under consideration, the Financial Policy Working Group encourages setting aside funds in anticipation of need. In order to balance the distribution of available funds to meet target balances in savings, the Working Group, Town Manager and CFO have determined that \$1,250,000 is an appropriate beginning balance for the Capital Stabilization fund.

APPROPRIATION TO GENERAL STABILIZATION FUND

ARTICLE 21. To determine whether the Town will transfer from available funds \$750,000 to the General Stabilization Fund; or take any other action relative thereto.

The newly adopted Financial Reserve Policy indicates that the minimum funding target for the General Stabilization Fund is 4% of the budget, or \$5,950,000. The current balance in the fund is \$1,102,855. The Financial Policy Working Group has discussed the total funds availability in reference to the policy and a plan to meet the target. The recommendation of the Group is to transfer \$750,000 and work toward a 10-year funding plan. This article is one step forward in achieving a healthy reserve balance for future needs and is highly advantageous in maintaining the Town's AAA bond rating.

OPEB TRUST FUND APPROPRIATION

ARTICLE 22. To determine whether the Town will raise and appropriate, or transfer from available funds \$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 suggests that both the General Fund and Enterprise Fund contributions to the OPEB Trust Fund should be appropriated by Town Meeting. Based upon the results of the January 1, 2025, OPEB Liability Valuation Report (GASB Statements No. 74 and 75), the following contributions will be made to the OPEB Trust Fund in FY27: General Fund, \$1,387,565; Water Fund \$21,431, Sewer Fund \$9,139, Swim & Fitness Enterprise Fund \$10,410, and Broadband Fund, \$39,306. Based, upon the results of the January 1, 2025, valuation, no annual contributions are required from the Light Fund.

OPEB TRUST FUND EXPENSE

ARTICLE 23. To determine whether the Town will appropriate \$275,000 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 to 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 OF PFAS SETTLEMENT FUNDS RECEIVED FROM MULTI-DISTRICT LITIGATION

ARTICLE 24. To see if the Town will appropriate \$657,526.79 received in calendar year 2025 by the Town as part of settlements resulting from Multi-District Litigation against manufacturers of per- and polyfluoroalkyl substances (PFAS), including but not limited to 3M,

DuPont, BASF & Tyco, to be expended under the direction of the Town Manager for the purpose of offsetting costs associated with PFAS contamination in the Concord water supply, including but not limited to:

- Water quality testing
- Treatment system design and installation
- Ongoing remediation efforts
- Other capital expenses related to ensuring compliance with current and future drinking water standards;

or take any other action relative thereto.

This article appropriates \$657,526.79 from settlement proceeds held in the PFAS Special Revenue Fund for the purpose of offsetting costs associated with PFAS contamination in the Concord water supply, including but not limited to water quality testing, treatment system design and installation, ongoing remediation efforts, and other expenses related to ensuring compliance with current and future drinking water standards. The funds will be held for these purposes until there are eligible costs to be offset.

ADOPT CONSERVATION FUND BYLAW

ARTICLE 25. To see if the Town will vote to adopt a Conservation Fund Bylaw to establish a Conservation Fund pursuant to Mass. Gen. Laws c. 40, § 8C, to be administered by the Natural Resources Commission for the purposes of conservation, natural resource protection, and passive recreation; to authorize the expenditure of funds for the acquisition, preservation, protection, management, and improvement of land and interests in land for such purposes; to provide for the custody, investment, accounting, and expenditure of the Fund; or to take any other action relative thereto.

Town of Concord, Massachusetts
CONSERVATION FUND BYLAW

SECTION 1. CONSERVATION FUND

In the Town of Concord, there shall be a Conservation Fund (the "Fund") created by this Bylaw and pursuant to, and governed by, Mass. Gen. Laws c. 40, § 8C. The Natural Resource Commission may, in accordance with this Bylaw, expend money in the Fund for purposes of conservation, natural resources protection and related purposes in the Town of Concord for the benefit of Concord residents and visitors to Concord.

SECTION 2. USE OF THE FUND

- A. The Fund shall be administered by the Natural Resources Commission (the "NRC") pursuant to its authority under Mass. Gen. Laws c. 40, § 8C, Mass. Gen. Laws c. 131, §40, and this Bylaw.
- B. The NRC is authorized to expend from the Fund for the following purposes:
 - i. Acquisition of conservation restrictions and agricultural preservation restrictions, easements in land for conservation and passive recreational purposes, or options for the same;
 - ii. Preservation, protection, management, and improvement of land for conservation and passive recreational purposes in the Town of Concord;
 - iii. Appraisal, engineering, planning, and legal services in connection with the purposes provided in this Section 2; and

- iv. Subject to the approval of the Select Board, the acquisition of fee interests in land including options to purchase.
- C. Prior to utilizing the Fund for the purposes of acquiring any real estate interest, the Natural Resources Director shall consult with the Concord Municipal Affordable Housing Trust, Town Manager and the Public Works Director to assess other potential interests in the subject real estate.

SECTION 3. INVESTMENT AND ACCOUNTING; TREASURER AS CUSTODIAN OF FUNDS

The Town of Concord Treasurer shall be the custodian of the Fund’s financial assets and shall maintain separate accounts and records for the Fund’s financial assets.

The Treasurer shall invest the funds in the manner authorized by the Mass. Gen. Laws c. 44, § 55 (Public Funds on Deposit; Limitations; Investments,) § 55A, (Liability of Depositor for Losses Due to Bankruptcy), and § 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Fund. All moneys paid to the Fund in accordance with any Town appropriation or private contribution shall be paid directly into the Fund and need not be appropriated or accepted and approved into the Fund. General revenues appropriated into the Fund become Fund property and to be expended these financial assets need not be further appropriated. All moneys remaining in the Fund at the end of any fiscal year, whether or not expended by the NRC within one year of the date they were appropriated into the Fund, remain Fund property.

Expenditures by the Fund shall be processed through the Town’s payment warrant but shall be subject to the provisions of Mass. Gen. Laws c. 44, § 55C.

As the custodian of the Fund, the Treasurer shall issue checks as directed by the NRC.

This article proposes the adoption of a Conservation Fund Bylaw to establish a dedicated fund for the protection and stewardship of Concord’s natural resources. The fund would be administered by the Natural Resources Commission and used for purposes such as acquiring conservation restrictions, preserving and managing conservation land, and covering related planning, appraisal, and legal costs, as authorized by state law. Establishing this fund allows conservation-related revenues and appropriations to be set aside and expended efficiently over multiple fiscal years, providing a flexible and transparent tool to support the Town’s long-term conservation goals.

COMMUNITY PRESERVATION APPROPRIATION RECOMMENDATIONS

ARTICLE 26. To determine whether the Town will appropriate or reserve from the Concord Community Preservation Fund annual revenues, prior year fund balance, and reserves in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2027; and further to rescind prior appropriations in the sum of \$482,978 from the Community Preservation Fund, appropriated at the 2020 and 2021 Annual Town Meetings, and appropriate that amount to the Open Space Reserve Fund, with each item to be considered a separate appropriation, in accordance with Chapter 44B of the Mass. Gen. Laws, to be expended under the direction of the Town Manager as follows:

Item	Project/Description	Category	Specific Reserve Funds	Prior Year Fund Balance	FY27 CPA Fund Revenues	Total Amount Recommended
	APPROPRIATIONS					
A	Town of Concord/Planning – Regional Housing Services Office	Community Housing		\$39,000		\$39,000
B	Concord Municipal Affordable Housing Trust – Implement Housing Production Plan	Community Housing			\$785,500	\$785,500
C	Town of Concord/Natural Resources – Conservation Fund	Open Space	\$482,978		\$17,022	\$500,000
D	Town of Concord/Planning – Assabet River Bridge	Open Space	\$250,000			\$250,000
		Recreation			\$240,570	\$240,570
E	Concord-Carlisle Regional School District – CCHS Amenities Building	Recreation		\$1,417,655		\$1,417,655
F	Town of Concord/Recreation – Rideout Park-Court Renovations	Recreation			\$497,153	\$497,153
G	Thoreau Farm Trust – Thoreau Farm Trail	Recreation			\$300,000	300,000
		Open Space			\$300,000	300,000
H	Town of Concord/Planning/– Concord Reformatory and West Concord Thematic Preservation Study	Historic Preservation	\$45,175		\$54,825	\$100,000
I	Concord Free Public Library –Storm Window Installation	Historic Preservation			\$50,000	\$50,000
J	Town of Concord/Archives – Conservation and Digitization of Town Record Books	Historic Preservation			\$36,000	\$36,000
K	Wright Tavern Legacy Trust –Wright Tavern Energy Project	Historic Preservation			\$81,200	\$81,200
L	Concord Free Public Library –Thoreau Surveys Preservation and Access Project	Historic Preservation			\$27,975	\$27,975

M	CPC Staff and Technical Services	Administration			\$50,000	\$50,000
	TOTAL APPROPRIATIONS					\$4,675,053
	RESERVES					
	Budgeted Reserves	Budgeted Reserves		\$79,532	\$51,699	\$131,231
	TOTAL RESERVES					\$131,231

The Town of Concord anticipates a total CPA revenue of \$2,491,944 in fiscal year 2027. Additionally, the prior year's Budgeted Reserve of \$1,536,187 is available, as are \$250,000 in existing Open Space Reserve Funds and \$103,928 in existing Historic Preservation Reserve Funds. The estimated total available for appropriation at 2026 Annual Town Meeting is therefore \$4,382,058, plus \$482,978 in proposed rescinded funds.

This article authorizes the appropriation of funds from the Community Preservation Fund for the completion of specific projects, the Concord Municipal Affordable Housing Trust, Conservation Fund, administrative expenses and reserves as listed in the above chart and allowed under the Community Preservation Act. These appropriations will expend a total of \$4,675,053 (with \$824,500 for Community Housing, \$1,050,000 for Open Space, \$2,455,378 for Recreation, \$295,175 for Historic Preservation, and \$50,000 for Administration).

This article further proposes to rescind and reappropriate a total of \$482,978 in Community Preservation Funds originally appropriated for Warner's Pond Dredging and Access Improvements projects. At the April 27, 2020 Annual Town Meeting, Article 44 (G) appropriated \$500,000 from which \$3,022 was spent and \$264,000 remains appropriated for Warner's Pond Boat Launch Improvements, leaving a balance of \$232,978 unused and available to be rescinded. At the June 13, 2021 Annual Town Meeting, Article 34 (M) appropriated \$250,000 which remains unused and available to be rescinded. As both appropriations were made under the Open Space restriction, these funds will be rescinded to the Open Space Reserve and reappropriated to the Conservation Fund.

\$58,753 will remain in Historic Preservation Reserve Funds, and \$131,231 will be placed in CPA Budgeted Reserves. Town Meeting may reduce or reject but may not increase the appropriation from the Community Preservation Fund for any item proposed by the Committee.

AMENDMENT OF SOLICITATION BYLAW

ARTICLE 27. To see if the Town will amend the Town of Concord General Bylaws by deleting the Solicitation Bylaw in its entirety and adopting in its place the following new Door-to-Door Solicitation and Sales Bylaw, including provisions defining solicitors and canvassers; requiring licensure for door-to-door solicitation and canvassing (with stated exemptions); establishing an application process, review criteria, licensing term, renewal and revocation standards; setting hours of solicitation; and providing penalties for violation; or take any other action relative thereto.

Town of Concord, Massachusetts
DOOR-TO-DOOR SOLICITATION AND SALES BYLAW

SECTION 1. Definition

For the purposes of this Bylaw, a “solicitor” or “canvasser” is defined as any person who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or to take orders for retail sale of goods, wares, merchandise, or services, including, without limitation, the selling, distributing, exposing for sale or soliciting orders for articles of sale, contracting, or for services to be performed in the future.

SECTION 2. Enforcement

The Police Officers of the Town of Concord shall enforce this Bylaw. The Chief of Police shall issue solicitation licenses through the Police Department. The Chief of Police may designate any individual within the Police Department to perform all or a part of the duties of the Chief of Police under this Bylaw.

SECTION 3. License Required

It shall be unlawful for any solicitor or canvasser as defined in this Bylaw to engage in such business within the Town of Concord without first obtaining a license therefore in compliance with this Bylaw.

This Bylaw shall not apply to any person engaged in the soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted as a Transient Vendor, Hawker and Pedler under Chapter 101 of the Mass.Gen. Laws, nor to any person duly licensed under Chapter 101 of the General Laws, nor to any person exempted by any other General Law.

This Bylaw shall not be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

SECTION 4. Licensing Process

- A. Each person seeking licensure as a solicitor or canvasser under this Bylaw is required to possess an individual license.
- B. Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:
 - i. Name of applicant.
 - ii. Address of applicant (local and permanent address).
 - iii. The length of time for which the right to do business is desired.
 - iv. A brief description of the nature of the business and the goods to be sold or services to be provided.
 - v. The name and home office address of the applicant's employer, if self-employed, it shall so state.
 - vi. If operating a motor vehicle, the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.

At the time of filing the application, each applicant shall pay a fee of \$5, payable to the Police Department.

An applicant must submit the application within ten (10) business days of the requested start day of door-to-door solicitation.

SECTION 5. Licensing Review Criteria

- A. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation to determine from prior business practices whether the applicant is a suitable person to be licensed.
- B. The Chief shall not issue a license to any person who:
 - i. has failed to fully comply with the requirements for issuance of a license, including submission of a registration application and payment of the applicable fee,
 - ii. has falsified information in its submittal(s) to the Chief of Police
 - iii. has been convicted in any state or federal court of the United States or territory thereof for any of the following crimes or offenses, by whatever named called, within seven (7) years prior to the date of application: burglary; stalking; breaking and entering; larceny; kidnapping; robbery; home invasion; buying, receiving or concealing stolen property; assault; fraud; conduct as specified in General Laws c. 265, §§ 13B and 22-24; sexual assault, rape or other sex-related offenses; unlawfully carrying weapons; or the attempt of any such crime or offense, or
 - iv. has violated this Bylaw or any state law or regulation or municipal ordinance, bylaw or regulation regulating canvassing or soliciting.
- C. After such investigation the Chief of Police shall endorse on such application the Chief of Police's approval or disapproval within ten (10) business days upon receipt of the application. If disapproved, the applicant shall have the right of appeal to the Select Board.
- D. When issued, such license shall contain the signature of the Chief of Police or the Select Board and shall show the name, address, and photograph of said licensee, the date of issuance, and the length of time the same shall be operative, as well as the license number.
- E. The Police Department shall keep a record of all licenses issued for a period of six (6) years.

SECTION 6. Maintaining License Records

- A. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Police Department, by wearing said badge on an outer garment.
- B. Each license issued under this Bylaw shall be in effect for a period not exceeding ninety (90) days, unless sooner revoked by the Select Board or the Police Department.

SECTION 7. Renewing License

Any license issued under this Bylaw may be renewed by the Chief of Police. An applicant requesting a renewal of their license must apply for renewal with the Police Department, and provide the materials requested or required by the Chief of Police for their application.

SECTION 8. Transfer or Revocation of License

No license shall be transferred. The Chief of Police may revoke a license for any violation of this Bylaw.

SECTION 9. Hours of Solicitation

No solicitation shall occur before the hours of 8:00 am or after the hours of 8:00 pm.

SECTION 10. Penalty, Violation

Upon conviction, any person found violating this Bylaw shall be punished by a fine by the Police Department not to exceed fifty dollars (\$50) for each and every offense. Each day in which a person solicits without a proper license shall constitute a separate offense.

This article proposes an update to the Town's bylaw regulating door-to-door solicitation and sales activity in Concord. The amended bylaw defines solicitation and canvassing activities and requires individuals engaging in door-to-door solicitation or canvassing to obtain an individual license through the Concord Police Department, unless exempt under state law or specific categories such as charitable, religious, or political activity.

The proposed bylaw outlines the license application requirements, review process, issuance timeframe, term of license, renewal procedures, and grounds for denial or revocation. It also establishes allowable hours for door-to-door solicitation (8:00 a.m. to 8:00 p.m.) and provides enforcement authority and penalties for violations.

If approved, the amended bylaw would replace the existing local bylaw provisions related to door-to-door solicitation with a modernized licensing and enforcement structure.

SELECT BOARD TO ACCEPT EASEMENTS

ARTICLE 28. To determine whether the Town will authorize the Select Board, until July 1, 2027, 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; or take any other action relative thereto.

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, 2027). 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.

**BETTERMENTS FOR TEMPORARY IMPROVEMENTS TO A PRIVATE WAY –
DARTON AND DOVER STREETS**

ARTICLE 29. To determine whether the Town will (a) raise and appropriate, 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, or any other authority, the sum of \$195,000, or any other sum, for the purpose of making repairs pursuant to the Town's Private Ways in White Pond Watershed: Temporary Repairs Bylaw for the purpose of making roadway repairs along Darton Street while mitigating regular flooding impacts identified near the intersection of Darton and Dover Streets, provided that such appropriation, transfer or borrowing, and all associated costs of the improvements, shall be repaid by property owners on the streets where the improvements are made, but that any bonds or notes issued pursuant to this Article shall be the general obligation of the Town, to be expended under the direction of the Town Manager; and (b) authorize the Select Board to take by eminent domain, purchase or otherwise acquire, any fee, easement or other interests in land necessary to make such improvements; or take any other action relative thereto.

This borrowing authorization request is made in support of a petition for temporary repairs on a private way submitted to the Commission in February of 2024 (as amended on November 5, 2025). The project has been designed to mitigate extreme flooding impacts identified near the intersection of Darton and Dover streets while allowing for roadway improvements, at the expense of abutters. If passed, the public works department will serve as the project manager while the finance department will serve as the financing agent with betterments assessed to all direct abutters to cover related costs. Staff will continue to work with the CFO and Town Manager for additional guidance on this matter.

This action is taken in accordance with Article 18 of the April 1996 Annual Town Meeting, Private Ways In White Pond Watershed: Temporary Repairs which stipulates, "The Department of Public Works is authorized to make temporary repairs to the publicly-traveled, currently improved private ways laid out or created prior to February 28, 1938 in the White Pond watershed area, said publicly-traveled, currently improved private ways being named Granby Street, Mitchell Road, White Avenue, Seymour Street, Tracy Street, Dover Street, Bolton Street, Darton Street, Eaton Street, Shore Drive and Fern Street".

CITIZEN PETITION: SOLAR ROOFTOP BYLAW

ARTICLE 30. To see if the Town will vote to adopt the following bylaw requiring integrated solar rooftop systems on all newly constructed Town buildings:

Town of Concord, Massachusetts SOLAR ROOFTOP BYLAW

All new public buildings constructed by the Town shall include rooftop solar in their design and construction. The intent is to pursue a strategy of single, integrated bids for the design, and construction of new buildings, which minimize duplicative efforts by multiple town departments. As such, these systems are built-out at time of initial constructions, as opposed to separate, post-construction implementation.

- Applies to electrified buildings which can support a solar capacity of 7.500kW or greater.
- Includes both Concord Public Schools (CPS) and town-government buildings.
- Systems shall be 'behind-the-meter' and will not directly involve the Concord Municipal Light Plant, except as required by CMLP policy.
- To the extent possible, consistent with financial objectives, these rooftop systems should be designed to blend seamlessly with the building's architecture, serving as both functional and aesthetic elements of the exterior.
- The Select Board shall include a reference to this bylaw in the charge to all future Town Building Committees (School and Town Buildings)
- Exceptions to this bylaw may be granted by the Town of Concord Select Board.

This policy implements a recommendation from the Solar Implementation Task Force 2024 final report that all new Town and School buildings include rooftop solar as an integral component of the building design and panels are included in the primary construction bidding process. Using new municipal rooftops helps Concord achieve its sustainability goal of up to 20MW of solar generation on Town owned property. It will reduce operating costs and is consistent with Concord's aim of minimizing the carbon footprint of public buildings. Financial payback without any subsidies is expected to be 6-8 years based on current construction costs and CMLP rate structure.

CITIZEN PETITION: REVOLUTIONARY WAR MONUMENT

ARTICLE 31. To authorize the Concord250 Corporation to design, finance and build a suitable memorial recognizing the residents of Concord who died in the Revolutionary War on Parcel 1693 subject to any necessary approvals or permits from the HDC or Planning Board, or take any other action relative thereto.

Article 31 asks the Town Meeting to authorize the non-profit Concord250 Corporation to design, finance, and build a suitable memorial on Parcel 1693, across from the Civil War Monument, recognizing by name the residents of Concord who served and died in the Revolutionary War. Monument Square contains memorials for the Concordians who gave their lives in every American war with the exception of the American Revolution, the war that gave the Town its place in history. As a result of research by Concordian Beth van Duzer, whose activities as a member of the Town's 250 History and Education Subcommittee were funded by the Corporation, we now know the names of 21 Concordians (including two Patriots of color) who died fighting to establish these independent United States. There is no better occasion than the country's 250th birthday to finally provide the narrative they deserve. Parcel 1693, adjacent to and in the midst of the other memorials is an ideal location. The funds have been raised and we have assembled a distinguished group of Concordians from the Historic Districts Commission, the Concord Historical Commission, the Concord Museum and the Board of the 250 Corporation to direct and manage the project, which will be constructed at no cost to the Town.

ZONING BYLAW AMENDMENT: EXTERIOR LIGHTING BYLAW

ARTICLE 32. To determine whether the Town will delete entirely Section 7.7.3.11 (Lighting) of the Town's Zoning Bylaw and renumber the following sections accordingly, and add a new Section 7.13 (Exterior Lighting); or take any other action relative thereto:

7.13 EXTERIOR LIGHTING

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

- 7.13.1.1 Correlated Color Temperature (CCT):** A specification of the color appearance of the light emitted by a light source, measured in Kelvin (K).
- 7.13.1.2 Environmentally sensitive area:** Any conservation land held by the Natural Resources Commission or non-profit land trust, land subject to a conservation restriction, agricultural land, or any land that contains threatened or endangered species habitats.
- 7.13.1.3 Foot-candle:** One (1) foot-candle (fc) is defined as enough light to uniformly illuminate one square foot with one (1) lumen.
- 7.13.1.4 Fully shielded:** An outdoor luminaire constructed so that, in its installed position, all the light emitted by the luminaire is projected below the horizontal plane that passes through the lowest light-emitting part of the luminaire.
- 7.13.1.5 Glare:** The sensation produced by a luminaire within the visual field with sufficient intensity to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of the sensation of glare depends on factors such as the size, position, and luminance of the source.
- 7.13.1.6 Illuminance:** Density of luminous flux (the rate of transfer of energy) incident on a surface, often measured on horizontal or vertical surfaces in foot-candles (fc or lumens/ft²).
- 7.13.1.7 Lamp:** The bulb or other light-emitting portion of a luminaire, not including any reflective or refractive optics used to direct light.
- 7.13.1.8 Light pollution:** Any adverse effect of manmade/artificial lighting at night including glare, light trespass, and skyglow.

7.13.1.9 Light trespass: Any light emitted by a luminaire that shines beyond the property on which the luminaire is located.

7.13.1.10 Lumen: A unit that measures light energy generated by a light source. For the purposes of this Section, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

7.13.1.11 Luminaire: A complete lighting assembly, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

7.13.1.12 Skyglow: A measurable glow in the night sky deriving from an artificial source.

7.13.2 Applicability:

The provisions of this Section shall apply to projects requiring site plan review as specified in Section 4, Table I Principal Use Regulations, and Section 11.8 Site Plan Review.

7.13.3 Administration:

Projects subject to Site Plan Review shall be required to submit a lighting plan unless the requirement is waived by the Planning Board. All lighting plans shall include the following information:

- (a) Location, orientation, and type of any luminaires to be installed including details of the height of the pole and base.
- (b) Luminaire manufacturer specifications that include lamp type, lumen output, correlated color temperature (CCT) and type of lamp, such as metal halide, compact fluorescent, LED or high-pressure sodium.
- (c) Photometric plan showing the intensity of illumination expressed in foot-candles.
- (d) Evidence that light trespass onto any street or abutting lot will not occur in excess of 0.5 foot-candles within 25 feet beyond the lot line. This may be demonstrated by manufacturer's data, cross-section drawings, or other means.

7.13.4 General Requirements:

- (a) All luminaires shall be fully shielded to prevent light pollution and protect environmentally sensitive areas from light trespass.
- (b) All luminaires shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light-emitting luminaire.
- (c) All luminaires shall be equipped with whatever additional shielding, lenses, or cutoff devices are necessary to eliminate light trespass onto any street or abutting property and to eliminate glare perceptible to persons on any street or abutting property.
- (d) Light trespass onto abutting property is prohibited, except for light associated with street, roadway or public safety lighting, unless waived as part of Site Plan Review under Section 11.8.
- (e) Correlated color temperature for any lamp shall not exceed 2,700K.
- (f) New lighting shall be LED or equivalently sustainable.
- (g) Illumination levels shall be limited to what is needed for visibility and safety. Illuminance resulting from all non-residential lighting installations shall conform to the relevant edition of the recommended practices of the Illuminating Engineering Society of North America current at the time of installation.
- (h) All non-residential site lighting shall be turned off no later than one hour after close of business and turned on no earlier than one hour before the business opens. Low-level lighting sufficient for the security of persons or property may be in operation at any time provided the illumination on the ground at any location is not greater than 2 foot-candles.

7.13.5 Exemptions:

- (a) All luminaires lawfully in place prior to the effective date of this Section shall be allowed to remain. A noncompliant luminaire and/or associated mounting pole shall not be permitted to be relocated, replaced, or modified unless it is in compliance with Section 7.13.
- (b) Municipal Lights: Municipal street lighting, lights that control traffic or other municipal lighting for public safety on Town streets and ways are exempt from this Section.

Concord's current lighting bylaw is extremely limited in its scope and only applies to off-street parking and loading areas. The proposed bylaw amendment expands the scope of the zoning bylaw to cover exterior lighting for all projects subject to Site Plan Review. The bylaw amendment follows the contemporary DarkSky Massachusetts model lighting bylaw along with several other Massachusetts communities with more comprehensive lighting bylaws. Creating a more robust lighting bylaw section and a better framework for dealing with exterior lighting in town is a step toward addressing issues and concerns of light pollution, protecting natural habitats, and preserving Concordians' view of the night sky.

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

ARTICLE 33. To determine whether the Town will 1) amend Section 2.2 (Zoning Map) of the Town's Zoning Bylaw, MBTA Communities Multi-family Overlay District boundary (amendment shown in ***bold italics*** for emphasis only) and 2) add a new Section 7.11.7 Other Sections Requiring a Special Permit to Section 7.11 (MBTA Communities Multi-family Overlay District) as follows; or take any other action relative thereto:

1. Amend Section 2.2 Zoning Map as follows:

MBTA Communities Multi-family Overlay District, Town of Concord, April ~~2023~~**2026**, consisting of 5 subdistricts (Scale 1" to 1,400').

2. Add new Section 7.11.7 Other Sections Requiring a Special Permit (all language is new, but not shown in ***bold italics***):

7.11.7 Other sections requiring a special permit. An application for a development within the MBTA Communities Multi-family Overlay District is not required to apply for a Special Permit for the purposes of the uses listed in Section 7.11.3.2. However, the following section(s) in the Zoning Bylaw may require a Special Permit. For the purposes of this Section 7.11, the procedures and criteria for granting a Special Permit for the Section below are incorporated into the Planning Board's Site Plan Review Process, as described in Section 7.11.6:

(a) Section 7.2 Floodplain Conservancy District

This article would bring the town into compliance with some requirements that the State's Executive Office of Housing and Livable Communities has stated are left unfulfilled by Concord's original MBTA Communities District, which was created in 2024. The article would satisfy area requirements by adding Concord Greene to subdistrict 4 and move certain floodplain requirements from Special Permit to Site Plan Review.

On June 12, 2025, the Town received notice from the EOHLC Secretary stating that the Town is conditionally compliant with Section 3A and 760 CMR 72.00. The Town has one year to bring the District into full compliance. EOHLC has determined that the following items need to be addressed for the Town to be found in full compliance:

(a) The District's geography is less contiguous than the flexibilities provided in Section 72.05(1)(a)(3) of the Regulations permit. At least half of the District land areas must comprise contiguous lots of land.

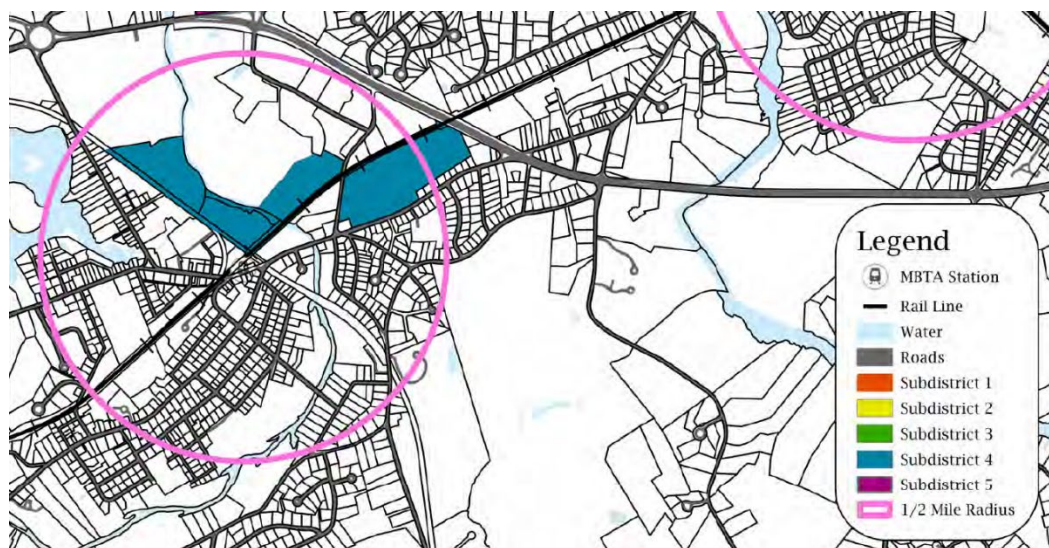
(b) Several areas of the District appear subject to special permit requirements, including §7.2 Floodplain Conservancy District, and §6.2.2 Minimum Lot Area. These two sections together subject a large portion of the District to special permit requirements due to the presence of flood zone areas. The Town can either exempt the District from this requirement and move the substantive requirements into Site Plan Review or another non-discretionary process or remove the affected parcels from the District's unit capacity.

(c) The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.

Item (c) has been addressed in the GIS Compliance Model by the Town's GIS Team so that abutting streets and rail right-of-way areas are included.

A complicated set of calculations is needed to ultimately be able to address EOHLC's Comment (a) above regarding the contiguity of the MBTA Overlay District. The current MBTA Overlay District totals 84.4 acres, which means that the Town is required to have at least one contiguous area that is 42.2 acres, but the largest area is Subdistrict 4 at 31.5 acres. Furthermore, it is not just the single 50% contiguous district requirement that goes into the GIS Compliance Model; the District is also required to have a density of 15 units per acre, zone for 1,094 units in total, and be at least 50 acres with at least fifty percent of the required District land area and estimated unit capacity with the ½ mile radius transit station areas. As different scenarios were prepared, including and/or excluding one parcel or another through the GIS compliance model, a parcel might get added and the 50% contiguous area requirement is satisfied, but because the parcel has floodplain, which gets excluded from the calculation, the unit requirement may fall below 1,094 units. That is, the issue with getting the analysis to work is that when one requirement is addressed, it may throw another requirement off.

The Planning Board reviewed multiple alternative scenarios to address item (a) and determined that adding the land area associated with Concord Greene to Subdistrict 4 is the preferred solution. By adding only Concord Greene to Subdistrict #4, the MBTA District is compliant with the State's Compliance Model requirements (unit count, transit area, contiguous area, and density). This option means that other commercially zoned land does not get included, protecting existing commercially zoned property from being redeveloped by-right into a multi-family residential use.

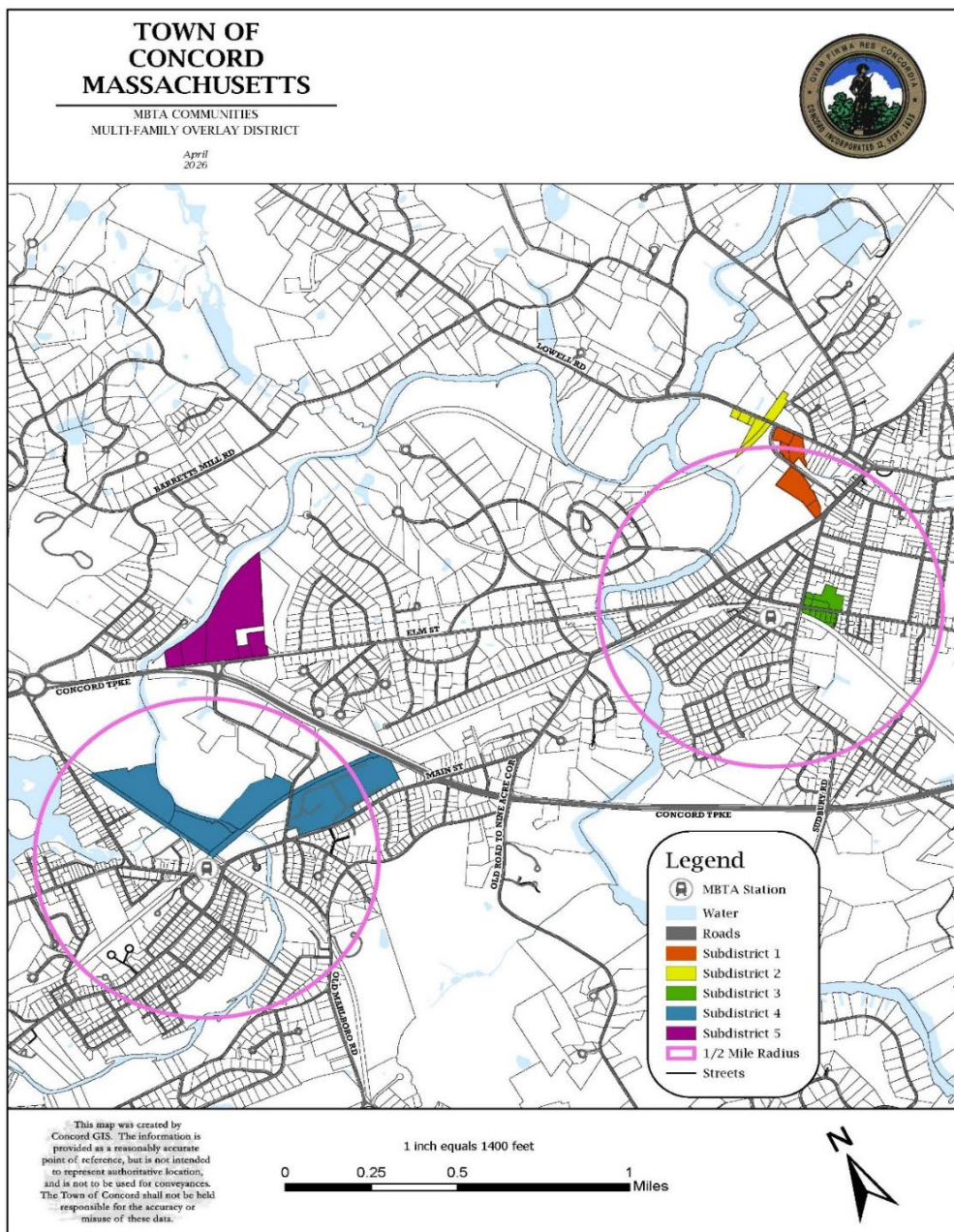


Including Concord Greene into the MBTA District does not mean there is going to be additional development. If Concord Greene were to be redeveloped, all 221-unit owners of Concord Greene would have to agree to sell their unit.

To address item (b), the Board is proposing to add Section 7.11.7 which clarifies that an MBTA Communities multi-family project is not required to get a special permit but still must meet all the standards for Section 7.2.

If EOHLC does not find the Town in compliance by June 12, 2026, the Town will not be eligible for certain grants, such as a MassWorks grant that could be used for upgrades to the Town's wastewater facility or towards the construction of a new water treatment facility.

ARTICLE 33 – SUPPLEMENTAL MATERIALS – ZONING MAP MBTA Communities Multi-Family Overlay District



ZONING BYLAW AMENDMENT: MIXED-USE DEVELOPMENT BYLAW

ARTICLE 34. To determine whether the Town will delete entirely Section 4.2.3 (Combined Business/Residence) in the Town’s Zoning Bylaw and amend the Zoning Bylaw as follows: (1) amend Section 1.3 to add a definition for Streetscape; (2) amend Table I Principal Use Regulations Section 4.2.3 to change the Principal Use name from Combined Business/Residence to Mixed-use Development, allow Mixed-use Development in Limited Business District 1, and delete the words “residential use” from Footnote *** for WCV Commercial District; and (3) insert a new Section 4.2.3 (Mixed-use Development) as follows (deletions are shown in ~~strikeout~~ and amendments are shown in ***bold italics*** for emphasis only); or take any other action relative thereto:

1. Amend Section 1.3 Definition to add a new Section 1.3.26 Streetscape definition and renumber remaining definitions accordingly as follows:
1.3.26 Streetscape: The visual elements of a street that give it a sense of identity and vitality.

2. Amend Table I Principal Use Regulations Section 4.2.3 to change the Principal Use name from Combined Business/Residence to Mixed-use Development, allow Mixed-use Development in Limited Business District 1, and delete the words “residential use” from Footnote *** for WCV Commercial District to remove the prohibition of residential use on the first floor as follows:

Concord Zoning – Table I – Principal Use Regulations

	Principal Uses	Residential Districts				Commercial Districts					Industrial Districts				
		RAA	RA	RB	RC	WCV	B, CCB, TDB, NACB	WCB	LB	MP	WCI	I	IPA	IPB	LIP#1 LIP #2
4.2.3	<i>Mixed-use Development</i> Combined business/residence	No	No	No	No	Yes ***	Yes	Yes	Yes <i>1,2,3,&7</i>	SP	No	No	No	No	No

*** Except no ~~residential use~~, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

3. Insert a new Section 4.2.3 (Mixed-use Development) as follows (all the language is new and not shown in ***bold italics***):

4.2.3 Mixed-use development: A dwelling unit or units may be located on the same lot where business uses are conducted, provided that:

4.2.3.1 Location of mixed-use: Uses on the site may be mixed within a single building or in more than one building on the site. Combinations of residential and non-residential uses shall be permitted on a site as follows:

- (a) In buildings with façades that front a public right-of-way, the ground floor shall be occupied by non-residential uses for a minimum depth of 30 feet, measured perpendicular from the front building façade. Residential uses may be permitted beyond this 30-foot depth.

- (b) Any additional rear building(s) located behind building(s) that front a public right-of-way may contain residential, non-residential, or mixed uses. These rear building(s) must be connected to the public right-of-way by an adequate pedestrian connection.

4.2.3.2 Open space: Twenty percent (20%) of the lot shall be maintained as open space. The open space may include publicly available space for use by the customers or clients of the non-residential uses, and must include a certain amount of space, as detailed below, whose use shall be dedicated to the residents of the residential units.

- (a) Public spaces may include outdoor dining areas, sitting areas, pocket parks, gardens, and similar features. Such spaces shall be connected to the public pedestrian network, where available, and shall have a shape, dimension, character and location suitable to ensure their usability by the public.
- (b) A minimum of twenty-four (24) square feet per dwelling unit shall be provided as open space reserved for residential use. Such minimum residential open space may be provided for individual units, for example a 24 sq. ft. balcony or patio, or combined into one or more spaces accessible to all residents. Combined spaces may include patios, terraces, or rooftop decks. Any combined residential open space shall have a shape, dimension, character and location suitable to ensure its usability by all residents. If any individual units are not afforded a private open space, no less than 25% of the minimum required open space must be allocated to a single communal space available to all residents, unless the communal residential space exceeds the residential open space minimum, in which case the developer may opt to split the space into multiple usable spaces of no less than 150 square feet each.
- (c) Landscaped areas contained within parking areas, such as islands, stormwater drainage areas, or other isolated areas not available for public or resident uses shall not count toward the required minimum open space.

4.2.3.3 Development standards: The following additional development standards shall be met.

- (a) All developments shall be subject to the provisions of this section in addition to the requirements of the underlying district.
- (b) Where feasible, a single driveway shall provide access to parking for all uses, unless additional curb cuts are required by the Concord Fire Department or Concord Public Works for safe access.
- (c) On-site pedestrian networks shall connect building entrances to the public pedestrian network, where present.
- (d) The parking for the non-residential uses in a mixed-use development shall be based on Table IV Minimum Parking for each individual non-residential use and the parking for the residential uses shall be calculated at 1.5 spaces per residential unit, unless joint parking facilities pursuant to Section 7.7.2.4 or relief from parking pursuant to Section 7.7.2.12 is granted.
- (e) Site landscaping, including landscaping in parking areas, shall follow the principles of Low-Impact Design. Diverse native plants or plants adapted to the New England climate shall be used. Plants listed on the Massachusetts Prohibited Plant List are not permitted.
- (f) Lighting shall be dark-sky compliant and shall meet the requirements of Section 7.13.
- (g) Multi-tenant sign plan for all proposed signs for the development shall be coordinated for the entire project.

- (h) Stormwater shall be managed on-site and in accordance with the Concord Public Works Design & Construction Standards & Details and applicable state laws and regulations.
- (i) New buildings shall be sited such that any non-residential ground floor spaces along a public right-of-way contribute to a vibrant streetscape.
- (j) The placement of building(s) shall take into consideration the existing neighborhood development patterns of setbacks, massing, height variations, styles, and form. New buildings and significant rehabilitation shall take into consideration the architectural qualities of the existing neighborhood structures on adjacent or nearby properties while allowing for appropriate contemporary design elements.

4.2.3.4 Design guidelines: The Planning Board may adopt and amend, by simple majority, design guidelines to illustrate the development standards in Section 4.2.3.3, above.

4.2.3.5 Affordable housing: All mixed-use developments, whether new construction, substantial rehabilitation, expansion or reconstruction, or residential conversion, where such development contains ten (10) or more new dwelling units, shall have at least 20% of the total number of dwelling units available as affordable units at 80% area median income (AMI) and included on the Town's Subsidized Housing Inventory (SHI), except as provided below.

- (a) To calculate the number of affordable units required, the unit requirement shall be rounded up to a whole unit for any fraction of 0.5 or above. For fractional unit requirements of less than 0.5, a payment in lieu of fractional units may be paid to the Concord Municipal Affordable Housing Trust (CMAHT) as an alternative to building a whole unit.
- (b) The payment shall be calculated by multiplying the fractional unit by the market value of an equivalent unit at the time of occupancy.

4.2.3.6 Development standards for affordable housing: The following additional development standards shall be met for affordable units.

- (a) Affordable units shall be distributed equally throughout the development in terms of both location and unit size/type.
- (b) Affordable units shall be comparable to market-rate units in exterior building materials and finishes, construction quality, and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. However, affordable units may have different interior finishes and features, provided that such finishes and features are durable, of good quality and consistent with contemporary standards for new housing. The Building Commissioner has the right to verify the durability and quality of interior finishes proposed and to require reasonable changes to better achieve comparability of units.
- (c) Affordable units shall have access to all residential amenities on terms equal to those of the market-rate units.
- (d) Each affordable unit shall have a designated parking spot on equal basis with market-rate units and in comparable locations.
- (e) Affordable units shall not be more negatively affected by noise, dust, odors, or poor views than market-rate units.
- (f) If the development is phased, affordable units shall be constructed and made available at the same rate as the market-rate units.

4.2.3.7 Special permit waiver provision: Except in Limited Business District #2, in a mixed-use building where more than twenty (20%) percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow less than the required amount of open space if there is publicly accessible open space within a reasonable walking distance to the residential units, an increase in the height of the building to forty (40) feet to reduce impervious coverage and provide more open space and landscaped areas, and/or a decrease in the number of parking spaces if adequate justification for a reduction in parking is provided.

This bylaw amendment seeks to allow mixed-use developments in more than one building on a site, change the required amount of affordable housing and open space, create new development standards for mixed-use projects and the associated required affordable housing, and create criteria for the granting of waivers.

This amendment seeks to create opportunities, should a property owner decide to utilize this provision, to create vibrant commercial areas and meet the goals of the community as defined in the Envision Concord Comprehensive Plan to:

- 1) *“renew and improve Concord’s village centers as vital pedestrian-friendly, economic and social hubs that enable community engagement on a wider scale by expanding zoning policies to allow mixed-use and appropriately dense development in and around village centers” (Action Item 4.2(1)(1));*
- 2) *“enhance quality of life to support the strong commercial successes throughout town and attract and retain a constant workforce by supporting growth of existing and complementary businesses within existing industrial and commercial areas in town...” (Action Item 4.2(2)(2));*
- 3) *“encourage developers to build housing the Town wants/needs ... and support sustainable development practices by adopting zoning provisions to encourage the redevelopment....to allow mixed-use, multi-family redevelopment” (Action Item 4.3(6)(1)); and*
- 4) *“explore zoning alternatives that enable higher density, mixed-use, more walkable and economically diverse neighborhoods within/near village centers....through zoning changes to encourage greater mixed-use development within the village centers” (Action Item 4.4 (2)(3)).*

The current language in Section 4.2.3.1 restricts the flexibility of where and how mixed uses¹ are achieved on a site. The proposed amendment seeks to allow multiple buildings on a site that is large enough to accommodate all the site requirements, such as open space, parking, landscaping, trash, loading areas, and sidewalks. The proposed amendment will also clarify that mixed-use is permitted in existing or new buildings and will allow ground-floor residential with protection for commercial uses on principal streets.

The current language in Section 4.2.3.2 is a financially infeasible affordable housing requirement. It currently equals 25% mathematically for multiples of 4. As documented in the Economic Feasibility Analysis (“EFA”), the current bylaw is not financially feasible. The proposed amendment (Section 4.2.3.5) reduces the threshold number of affordable units to make smaller developments more feasible and allow payments-in-lieu for partial affordable unit calculations and reduces the required open space (Section 4.2.3.2) and parking (Section 4.2.3.3). The EFA shows that the proposed bylaw amendment addresses the financial impacts of the current requirements without excessive profits. Additionally, the proposed amendment (Section 4.2.3.6) establishes Design Standards for affordable units, ensuring that they are treated equally to market rate units.

The current open space requirement in Section 4.2.3.3 has proven onerous and unachievable in many circumstances. The proposed amendment (Section 4.2.3.2) will define green/landscaped space, open space, and pervious areas, as well as help control the intensity of building on the site (number of buildings or footprint of a single building), manage stormwater and reduce the heat island effect through landscaped areas, provide publicly accessible open space areas for customers of the commercial uses, and provide privately accessible open space for tenants of the buildings. The amendment provides

¹ The proposed amendments use the term “Mixed-use” rather than the current “Combined Business/Residence” because it is shorter and is more typically used in zoning.

clarification that open space does not include landscaped areas within parking areas, stormwater drainage areas, or other isolated areas not available for public or resident uses. The amendment to lower the open space requirement aims to find a balance between having a requirement sufficient for the needs of the residents and customers but also understanding the other design considerations that must be met when developing a mixed-use project, such as parking, stormwater drainage, commercial delivery areas, dumpsters, and pedestrian walkways.

The current language in Section 4.2.3.4 does not create the desired flexibility needed to allow for the development of projects that fit the site and the community. Additionally, the special permit requirements are not well-defined. The proposed amendment (Section 4.2.3.3) creates Development Standards that provide guidance on items such as lighting, stormwater, parking, signage, placement of building(s), massing, height variations, styles, and form that should respect the architectural qualities of the existing neighborhood structures on adjacent or nearby properties.

The adoption of zoning does not mean that developments are going to immediately be built and force the community to deal with their impacts in short order. Zoning is just one tool to advance larger goals for the community, providing options and structure for how those goals can be achieved. Any proposed mixed-use development will still require Site Plan Review through the Planning Board where findings have to be made regarding the adequacy of stormwater drainage, sound and sight buffers, vehicular and pedestrian movement and safety, parking and loading spaces, exterior lighting, layout, architectural design, sustainability, and the impacts to the natural landscape, community assets and the Town's resources, including water and sewer service, traffic and other services. To mitigate impacts, the Planning Board can include reasonable conditions as part of any Site Plan decision.

Mixed-use development is currently permitted by right, and will continue to be permitted by right, in the following Zoning Districts: West Concord Village, Business, Concord Center, Thoreau Depot, Nine Acre Corner, West Concord Business, and Limited Business Districts #2, #3, and #7. It will continue to be allowed by special permit in the Medical-Professional District. This article will allow mixed-use by right in the Limited Business District #1 (Elm St. and Rt. 2), adding flexibility and supporting a diverse tax base now that LB #1 is part of the MBTA Communities Multi-family Overlay District. Please go to the Planning Board's Goals & Projects webpage at www.concordma.gov/2193/Planning-Board-Goals-Projects to view maps of the permitted areas.

ZONING BYLAW AMENDMENT: WIRELESS COMMUNICATIONS BYLAW

ARTICLE 35. To determine whether the Town will amend the Town's Zoning Bylaw to: (1) delete the Personal Wireless Communications Facilities Overlay District from Section 2.1 Conservancy and Overlay Districts and Section 2.2 Zoning Map; and (2) delete entirely Section 7.8 (Personal Wireless Communications Facility) of the Zoning Bylaw and replace it with a new Section 7.8 (Personal Wireless Communications Facility); or take any other action relative thereto:

7.8 PERSONAL WIRELESS COMMUNICATIONS FACILITY

7.8.1 Definitions: As used in this Section 7.8, the following terms shall have the following meanings:

7.8.1.1 Antenna: A device for transmitting and receiving electromagnetic waves, attached to a tower or other structure.

7.8.1.2 Available space: The space on a tower or other structure to which antennas of a personal wireless communications service provider are both structurally able and electromagnetically able to be attached.

7.8.1.3 Base station: A fixed-location sending and receiving site serving a coverage area within a wireless communications network.

7.8.1.4 Communications equipment shelter: A structure located at the base of a tower or other structure designed principally to enclose equipment used in connection with a personal wireless communications facility.

7.8.1.5 Facility site: A property, or any part thereof, which is owned or leased by one or more personal wireless communications service providers and upon which one or more personal wireless communications facility/ies and required landscaping are located.

7.8.1.6 Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of galvanized or other painted metal, or a wooden pole with below-grade foundations.

7.8.1.7 Personal wireless communications services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. These services include but are not limited to cellular services, personal communications services (PCS), specialized mobile radio services and paging services.

7.8.1.8 Personal wireless communications facility/ies: All equipment (including any repeaters, micro-cells, or other similar technology) with which a personal wireless communications service provider broadcasts and receives radio-frequency waves that carry personal wireless communications services and all locations of said equipment or any part thereof.

7.8.1.9 Personal wireless communications service provider: An entity licensed by the Federal Communications Commission (FCC) to provide personal wireless communications services.

7.8.1.10 Repeater: A small receiver or relay transmitter that has no significant visual impact on the surrounding area and is designed to provide personal wireless communications services to areas which cannot receive adequate coverage from a base station in a wireless communications network.

7.8.1.11 Structurally able: The determination that a tower or other structure can carry the load imposed by the new antennas under all reasonably predictable conditions as determined by professional structural engineering analysis.

7.8.1.12 Tower: A freestanding lattice structure or framework, or monopole, which is self-supporting, fixed to the ground and designed to support personal wireless communications transmissions, receiving or relaying antennas or other personal wireless communications equipment.

7.8.2 General Requirements for personal wireless communications facilities

7.8.2.1 Maximum height: The height of a facility and its supporting base structure shall not exceed one hundred fifty (150) feet.

7.8.2.2 Height from a structure: A facility placed on another structure shall not exceed the height of the structure upon which it is to be placed by more than twenty (20) feet.

7.8.2.3 Vegetated buffer: If the facility site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained around the entire perimeter of the personal wireless communications facility site for at least the lesser of (a) the distance to the lot line or (b) fifty (50) feet. The landowner shall enter into a recordable easement, restriction, or similar instrument enforceable by the Town to ensure that the buffer strip is retained while the facility site is in place.

7.8.2.4 Security fencing and signage: The area around a facility's communications equipment shelters shall be completely fenced for security to a height of six feet and gated

(unless the communications equipment shelter is otherwise secured). Use of razor or barbed wire is not permitted. A sign shall be posted adjacent to the entry gate listing the facility owner(s) and a 24-hour emergency telephone number, and any legally required radio-frequency warning sign shall be posted in an appropriate location. Commercial advertising on any antenna, tower, fencing, accessory building or communications equipment shelter is prohibited.

7.8.2.5 Camouflaging: Communications equipment shelters and accessory buildings shall be designed to be architecturally similar to and compatible with others on the site and with the surrounding area to the extent feasible, and shall be used only for the housing of equipment related to the site. Additional supplemental landscape screening may be required by the Board or Planning Board to lessen adverse visual impacts.

7.8.2.6 Lighting: Unless required by the Federal Aviation Administration or a hospital helicopter medical flight program or other applicable law, no exterior night lighting of towers or the facility is permitted except for manually operated emergency lights for use when operating personnel are on the facility site.

7.8.2.7. Radio frequency emissions: All facilities shall comply with the appropriate FCC Regulations regarding emissions of electromagnetic radiation.

7.8.3 Personal wireless communications facilities permitted as-of-right

7.8.3.1 Facilities on existing structures other than utility poles: A new facility, not including a new tower, may be located on an existing structure other than a utility pole within the Town right-of-way where:

- (a) there is sufficient available space for the facility on the existing tower or structure;
- (b) the new facility first obtains site plan approval from the Planning Board pursuant to Section 11.8; and
- (c) the facility meets the requirements of Section 7.8.2.

7.8.3.2 Facilities on utility poles: A facility may be located on an existing or proposed utility pole within a Town right-of-way provided:

- (a) there is sufficient available space for the facility on the utility pole;
- (b) the antenna is designed to appear like transformers or utility boxes that are located on other nearby utility poles;
- (c) the facility obtains a “grant of location” from the Select Board in accordance with the provisions of MGL c. 166, § 22 (or any related or successor provisions thereto); and
- (d) the facility meets the requirements of Section 7.8.2.

7.8.3.3 Facilities not requiring site plan review or special permit: The Building Commissioner may issue a building permit, without site plan review, for:

- (a) co-location of antennas on any structure on which there is an existing facility;
- (b) the replacement of an existing facility;
- (c) a decrease in height of a facility, or the structure on which it is located;
- (d) a one-time increase in the height of a facility by up to twenty (20) feet or by ten (10) percent, whichever is greater; or
- (e) any other modification or addition to a facility or personal wireless services equipment required to be permitted by right under federal law; provided, however, that

the structure on which the facility is to be located is structurally able to support the additional facility and that the facility and the structure, as modified, meet the requirements of Section 7.8.2.

7.8.3.4 Conditions: The Planning Board may impose reasonable conditions on a facility permitted under Sections 7.8.3.1 and 7.8.3.2 pursuant to the provisions of Section 11.8.5.

7.8.4 Personal wireless communications facilities permitted by special permit

7.8.4.1 Special permit requirements: No new tower for personal wireless communications facilities shall be located in the town except upon issuance of a special permit. Such a tower may be located in any zoning district in the town, provided that:

- (a) The proposed facility meets the requirements of Section 7.8.2.
- (b) The proposed tower is set back a distance at least equal to its height from all lot lines of the site on which the tower is located, unless the tower has been designed to break away at a certain point above the ground, in which case the new tower may be set at least the breakaway distance from all lot lines.
- (c) In areas where there is no significant tree canopy, the tower, including the rest of the facility if it extends the height of the tower, does not exceed one hundred twenty (120) feet above finished grade of the ground elevation. Such finished grades shall not be distorted above the pre-existing natural grade as a way to achieve additional height. In areas where there is significant tree canopy, the maximum height of a tower shall not exceed twenty (20) feet above the average height of the natural pre-existing tree canopy within a one hundred fifty (150) foot radius of the tower.
- (d) The proposed tower is not located within three hundred (300) feet on a horizontal plane of:
 - i. any structure in a Historic District (except with the approval of the Historic District Commission) or listed, or eligible to be listed, on the state or federal Register of Historic Places (except with the approval of the Historical Commission); and
 - ii. the habitat of any Massachusetts listed rare or endangered wildlife or rare plant species.
- (e) No new tower that requires striping or lighting per Federal Aviation Administration requirements shall be located within one thousand (1000) feet of an existing school, day care center, residential dwelling, or historic resource.

7.8.4.2 Procedure for review by the Board: Any person who desires to construct or install a tower for installation of a personal wireless communications facility shall submit a written application for a special permit and site plan approval to the Board, with copies to the Planning Board. Applications shall be submitted in accordance with the requirements outlined in any Rules and Regulations for a Personal Wireless Communications Facility adopted by the Board.

7.8.4.3 Evaluation by qualified wireless engineer: If a new facility is needed to fill a significant gap in a personal wireless communications service provider's current or anticipated offerings of personal wireless communications services, the coverage gap shall be identified in the application. Upon submission of a complete application for a special permit under Section 7.8.4, the Board may engage the services of a qualified wireless engineer to review the application. The Board shall provide said qualified wireless engineer with the completed application and existing documentation for analysis and review. The qualified wireless engineer shall gather additional documentation and conduct additional

research as necessary to support the analysis and review. Access to the facility site to conduct any necessary site visits shall be provided to the qualified wireless engineer. The qualified wireless engineer shall submit to the Board a written recommendation and an opinion as to the conformance of the application with the requirements of Section 7.8.4.

7.8.4.4 Approval criteria: A special permit shall be issued under this section, and shall not be required to meet the approval criteria in Section 11.6, if the Board makes all the following findings:

- (a) The proposed facility and tower meet the applicable requirements listed in Section 7.8.4.1.
- (b) The proposed location of the facility will allow the personal wireless communications service provider to reduce or eliminate a significant gap in personal wireless communications services coverage or will provide backup or emergency coverage.
- (c) The proposed facility and tower minimize adverse impacts on historic resources, scenic views, and natural or human-made resources through the use of camouflage, stealth or other methods.
- (d) The applicant has agreed to rent or lease available space on the tower, under commercially reasonable terms and conditions, without discrimination to other personal wireless service providers.

7.8.4.5. Reasonable conditions: The Board may impose any additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by an independent consultant, by the Planning Board or other Town boards or committees, or upon its own initiative, provided that no such conditions effectively prohibit closing a significant gap in coverage for the provision of personal wireless communications services.

7.8.5 Form of decision: Any decision by the Planning Board, the Board, or the Building Commissioner under this Section shall be in conformance with the 1996 Telecommunications Act, in that it shall be in writing and, if a denial, supported by substantial evidence contained in a written record.

7.8.6 Fees and insurance: Personal wireless service facilities shall be continuously insured by the owner(s) against damage to persons or property. The facility owner(s) shall provide a Certificate of Insurance to the Building Commissioner on an annual basis. A schedule of fees for personal wireless service facilities permitting and renewal, inspection of structures, and any other fees may be established by the Board as part of the Rules and Regulations for Personal Wireless Communications Facilities.

7.8.7 Structural inspection: Prior to a final inspection and thereafter in accordance with this Section, a tower owner shall provide proof of an inspection by an independent licensed professional structural engineer of the tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the structural engineer and submitted to the Building Commissioner. Any modification of an existing facility that increases tower dimensions or antenna numbers or types shall require a new structural inspection pursuant to this Section.

7.8.8 Unsafe structure: Should the inspection of any tower reveal any structural defect(s) that, in the opinion of the independent structural engineer or the Building Commissioner, render the tower unsafe, the following actions shall be taken. Within ten (10) business days of written notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten (10) business days of the submission

of the remediation plan and completed as soon as feasibly possible, provided that nothing herein shall be construed to limit the Town's or any other governmental bodies authority to take all necessary action to mitigate or address risks to public health and safety, or to prevent property damage as a result of an unsafe structure.

7.8.9 Removal requirements: Any personal wireless communications facility that ceases operating for a period of two (2) years may be ordered removed by the Board upon the request of the Building Commissioner. At the time of removal, the facility site shall be remediated such that all facility improvements that have ceased to operate are removed. If all facilities on a tower have ceased to operate, the tower (including the foundation to a depth of three feet below grade) may also be ordered removed and the facility site shall be revegetated at grade by the owner of the tower. Existing trees shall only be removed if necessary to complete the required removal of the facility.

7.8.10 Exemptions: The following wireless communications facilities are exempt from the application of Section 7.8: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing commercial radio tower; and radio dispatch for local businesses and small cell wireless services located entirely in the Town right-of-way to the extent otherwise regulated by the Select Board; provided, however, that no personal wireless communications facility shall be considered exempt from this Section 7.8 because it is proposed to share a tower or other structure with such exempt uses.

7.8.11 Relief from requirements: The Planning Board, through site plan review pursuant to Section 7.8.3, or the Board, through Special Permit and Site Plan Review pursuant to Section 7.8.4, may grant a waiver from any requirement contained in Section 7.8 where the Planning Board or Board (as applicable) finds that:

- (a) the extent of the granted relief is necessary to allow the facility to provide a viable means of reducing or eliminating a significant gap in coverage for the provision of personal wireless communications services; or
- (b) the desired relief may be granted without substantial detriment to the neighborhood.

The Current Bylaw was written during a time of immense proliferation of wireless infrastructure around the country and corresponding concern about the effects of that infrastructure on the natural and built environment. Accordingly, the Current Bylaw was designed to limit the number of personal wireless communications facilities ("Facilities") in the Town. It focused largely on minimizing their impacts, rather than encouraging service. When wireless phones first came out, coverage along major roadways was the concern. No one would have thought that smartphones and the need for adequate cell coverage would be part of everyday life for most people and in all places, not just cars.

The Current Bylaw accomplished these purposes in part by imposing permissible, but somewhat stringent, requirements on applicants seeking to install Facilities in the Town. Most notably, the Current Bylaw included provisions that require an applicant to eliminate the possibility that it could provide adequate cellular coverage utilizing other Facilities outside the Town. If they could not, the Current Bylaw requires applicants to seek locations in "overlay districts" in the Town as the first option, subject to a handful of additional provisions that further limit where Facilities could be located. The result is a significant limitation on the number of available sites that an applicant could use to fill coverage gaps. Provisions implementing this paradigm include the following provisions of the Current Bylaw:

- 7.8.4.2(e): New towers may not exceed the minimum height necessary to provide adequate coverage for the Facilities proposed for use on the tower.*
- 7.8.4.2(f): If primary coverage from the proposed facility (greater than 50%) is outside the Town, the permit may be denied unless the applicant can show it is unable to locate within the Town if the Town is the community primarily receiving service from the proposed facility.*

- 7.8.4.2(j): No new tower for a facility may be located within one thousand feet of childcare facilities and schools, single-family detached dwellings, structures in a Historic District, vernal pools, and habitats of any endangered wildlife or plant species. Note that many of these areas are already protected under the jurisdiction of other bodies (e.g., the Natural Resources Commission or the Historic Districts Commission).

- 7.8.4.2(k): New Facilities in or on an existing, suitable, non-residential structure or tower for which an occupancy permit was issued as of January 1, 2000 must be located at least: 500 feet from habitable structures and 300 feet from any structure in a Historic District.

- 7.8.4.2(m): Facilities must be located so as to provide adequate coverage and adequate capacity with the fewest number of base stations, towers and antenna arrays that are technically feasible.

Further, an applicant seeking relief from any of these requirements is currently required to demonstrate its need for such relief and provide the Board with "a written statement describing why the requested relief is in the best interest of the Town", rather than in the interest of service to its customers or potential customers.

These types of requirements, as explained below, may be unenforceable in particular circumstances and preempted by federal law, which expressly permits wireless carriers to override local zoning to close coverage gaps. An applicant today could ignore these requirements and argue their lack of enforceability to the Town. However, the presence of these provisions is not helpful to the Town's goals of promoting additional coverage. Applicants reviewing the Current Bylaw may be discouraged from pursuing the citing of Facilities in Town due to the apparent resistance to them, or the effort involved in citing them.

II. Recommended Changes to Maintain Compliance with Federal Law

The following are current provisions that should be eliminated because they would likely be unenforceable if challenged:

- 1) Section 7.8.4.2(l), which ranks various locations for a personal wireless communications system in order of preference;
- 2) Section 7.8.4.1(e), which requires an applicant to document its decision not to place its facility in a designated overlay district.

Under 47 U.S.C. § 332(c)(7)(B)(i)(II), municipalities cannot adopt policies that prohibit or have the effect of prohibiting the provision of personal wireless services. An applicant could argue that these two Sections prevent providers from filling a significant gap in their coverage, thereby effectively prohibiting the provision of wireless services in that geographic area. Although these provisions do not fully prohibit the placement of a facility, the stated preference for certain locations leaves that point unclear. Removing these provisions would more effectively bring the bylaw into compliance with federal law, as well as signaling to applicants that they are welcomed to provide additional coverage in the Town.

Additionally, the Current Bylaw's provisions require a special permit for certain minor changes to an existing facility, such as co-locating an antenna on an existing tower, changing out equipment, and minimally changing the height of a tower. It is likely that such provisions requiring a discretionary special permit would be unenforceable. In 2012, Congress passed the "Spectrum Act" to further the development of a nationwide wireless network and further reduced local control over facility siting. Under Section 6409 of the 2012 Spectrum Act, "a state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station," including requests to "collocat[e] new transmission equipment." Moreover, these provisions do not further the Town's goals of promoting solutions to gaps in cellular coverage.

III. Additional Changes to Promote Additional Coverage

- 1) Differentiate between applications to add antennas versus applications for new towers, which would allow desirable actions by right

As discussed above, certain actions are not only required to be permitted as-of-right under federal law but should also be as-of-right under the paradigm of encouraging wireless providers to close the Town's

coverage gap by reasonable means. Accordingly, the proposed Bylaw allows wireless providers that wish to co-locate a new antenna on an existing tower, swap out old equipment, etc. to do so via a non-discretionary building permit.

2) *Allow Facilities subject to site plan review rather than a special permit*

The Current Bylaw requires a special permit for all Facilities in the Town, whether they are on standalone towers or on existing buildings. It also requires applicants to take extensive steps to demonstrate why a facility cannot be located within the overlay district as a prerequisite to being located anywhere else. This process has the advantage of providing for robust public review of these Facilities, but the significant amount of information needed to apply for and obtain a special permit can create a burden for wireless carriers looking to increase service in the Town. There is also a suggestion that the current special permit criteria are too stringent in some cases, and vague in others, which further discourages applications. Rather than continuing to require applicants to obtain a special permit, the proposed Bylaw uses site plan review as the primary manner to site Facilities. This would be preferable for a few reasons. As described above, there are certain categories of uses the Town may want to encourage: for example, co-locating antennas on existing Facilities or placing them out of sight in steeples, cupolas and other existing structures. Requiring applicants to comply with location/siting requirements for these uses is redundant and unnecessary, since implementing these uses requires no new structures to be built.

3) *Utilizing conditions in site plan review, rather than waivers from requirements, to address site conditions*

Where there is nevertheless a special concern about a particular location, however, those site-specific concerns can be addressed through reasonable conditions on site plan review in a more appropriately tailored way. This would also have the advantage of significantly simplifying the bylaw by removing many, if not all, of the design and other siting criteria in the Current Bylaw and leaving a few basic ones that are likely to matter for all Facilities such as a reasonable height limitations, camouflaging and screening requirements, and safety "fall" zones for towers (see § 7.8.4.2(a) of the Current Bylaw). It would also remove the need for limitations on Facilities in particularly sensitive areas such as historic districts or near wetland areas. Placement of Facilities in those areas would still trigger review by other bodies and the conditions of their decisions can be incorporated into the site plan review as enforceable conditions of zoning as well, with more sensitivity to particular locations and circumstances.

4) *Limiting the use of special permits for Facilities of a certain size or in certain locations*

The proposed Bylaw will still require a special permit for new towers or for Facilities in particularly sensitive locations, while utilizing site plan review for all other Facilities. This will preserve the public hearing for applicants proposing a new tower, providing the transparency desired for larger projects and putting a greater burden on applicants to justify such Facilities.

ZONING BYLAW AMENDMENT: JOINT PARKING BYLAW

ARTICLE 36. To determine whether the Town will delete entirely Section 7.7.2.4 (Joint parking facilities) in the Town's Zoning Bylaw and amend the Zoning Bylaw as follows: (1) insert a new Section 7.7.2.4 (Joint parking facilities); and (2) amend Section 7.7.2.7 (Location) as follows (for Section 7.7.2.7 only, deletions are shown in ~~strikeout~~ and changes or additions are shown in ***bold italics*** for emphasis only; where only a portion of a section is quoted, other sections shall remain unchanged) or take any other action relative thereto:

7.7.2.4 Joint parking facilities: Shared or joint use of off-street parking is strongly encouraged. Off-street parking facilities for two (2) or more buildings or uses may be provided and used collectively or jointly in any zoning district in which the separate uses would be permitted, subject to Site Plan Review and the following provisions:

(a) A written joint parking agreement shall be approved as to form by the Planning Board and executed by all parties concerned prior to the issuance of an occupancy permit.

(b) Off-street parking spaces for one (1) building and/or use shall not be considered as providing the required spaces for another building and/or use, except when it can be clearly demonstrated that the need for parking occurs at different times. The Applicant may propose a reduction in off-street parking requirements based on an hour-by-hour analysis, or a credible combination of hours, of parking demand. The establishment of projected parking demand will be based on the following characteristics:

i. The joint parking spaces for the uses shall be within six hundred (600) feet as measured from the subject building and/or uses to the parking spaces that serve them.

ii. Evidence that parking demand values have been projected based on data published through the transportation engineering and planning profession such as, but not limited to, the latest edition of the Institute of Transportation Engineers *Parking Generation* publication or the latest edition of the Urban Land Institute *Shared Parking* publication. The Planning Board may allow for empirical parking demand data from comparable uses to be utilized where the data is found to be satisfactory by the Building Commissioner. The Planning Board may require review of such data by an Outside Consultant pursuant to MGL Ch. 44, Section 53G.

iii. Parking demand data by use shall be documented based on a joint parking demand analysis through an hour-by-hour and/or creditable combination analysis worksheet. The typical weekday, Saturday, and/or Sunday documentation for parking demand shall be defined for seasonal characteristics in consultation with the Planning Board based on the uses.

iv. The minimum allowable off-street parking spaces to service the building(s) and/or uses shall be equal to the largest of the use totals by timeframe presented in the joint parking demand analysis worksheet(s).

(c) Reduction in the minimum parking requirement shall not pertain to individual land uses where assigned parking is in effect unless it can be demonstrated that the assigned parking occupant(s) are not affected by the use of joint parking in the corresponding spaces.

(d) If a lower number of parking spaces than the cumulative number of minimum required parking spaces defined in Table IV is approved, no change in any use shall thereafter be permitted without review and approval by the Building Commissioner of further documentation that the parking will remain adequate following occupancy of the new use(s) and receipt of an executed joint parking agreement by all parties. If the Building Commissioner determines that said documentation is not satisfactory or that additional parking spaces are required, then additional parking spaces shall be provided prior to the change in use.

(e) The approval of joint parking facilities may be rescinded, and additional parking shall be provided by the owners, in the event that the Planning Board, after notice and public hearing thereon, determines the joint use is resulting in a public nuisance or other adverse effects on the public health, safety, and welfare.

(f) Joint parking facilities may be located on separate lots subject to the provisions of Section 7.7.2.7.

7.7.2.7 Location Off-site parking: All required parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where, in the opinion of the Planning Board, there are practical difficulties in

satisfying the requirement for parking spaces and/or if the public safety and convenience would be served better by another **off-site** location, the Planning Board may authorize an alternative location **off site** for nonresidential parking subject to the following provisions:

(a) The property to be occupied as parking shall be in the same possession as the facility served either by deed, by easement, or by long-term lease. If the property is leased, the terms of the lease shall be subject to Planning Board approval as to form and length of time and a copy of the lease, **executed by all owners and tenants**, shall be filed with and made part of the application for a building or occupancy permit.

(b) ~~The distance between the use or building and its parking area shall not be more than six hundred (600) feet.~~ **All parking spaces shall be within six hundred (600) feet as measured from the subject building or uses that those parking spaces are intended to serve.**

(c) The separated parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic due to travel between it and the use or building to which it is appurtenant.

(d) The parking area shall be located on property zoned for the same or less restrictive use as the principal uses or building it serves.

This proposed Zoning Bylaw Amendment is substantially similar to the amendment that the Planning Board brought forth under Article 37 at the 2025 Annual Town Meeting. There was an issue with the wrong presentation being shown and the presenter's comments therefore not following what was shown on the screen. The Planning Board was informed by various citizens that this created confusion about the always complicated topic of parking and was the reason they did not vote in favor of the amendment. The Planning Board believes that this bylaw amendment is important, and that the citizens of Concord deserve to have the correct presentation, understand what the Board is trying to accomplish and then vote. This is the reason the Board is bringing this amendment back to Town Meeting.

The current Zoning Bylaw allows for a decrease in the minimum parking requirements up to 50% for joint parking facilities, but only for educational, religious, lodge and club, indoor amusement, and restaurant uses whose parking is used jointly by banks, offices, retail stores, repair shops, service establishments, and other uses not normally open, used, or operated during similar hours. In other words, the Zoning Bylaw limits the overall decrease in the minimum parking requirements while also limiting the potential uses that can utilize joint parking.

In July 2019, the Metropolitan Area Planning Council completed the Concord Parking Policy Analysis, which included a recommendation to "build on the existing joint parking bylaw to allow developers to build less on site if they can demonstrate how parking demand varies over the course of the day."

This Zoning Bylaw amendment would allow any uses to utilize joint parking if it can be clearly demonstrated that larger levels of off-street parking are not truly needed based on credible industry parking demand data and an hour-by-hour analysis. This analysis must show that the number of spaces that are proposed for all the uses can accommodate the highest hourly parking demand. A business will not be permitted to change use until the Building Commissioner receives a new hour-by-hour analysis that once again clearly demonstrates that there is sufficient parking.

In the event that a joint parking use results in a public nuisance or other adverse effects on the public health, safety, and welfare, the approval of joint parking facilities may be rescinded, and additional parking shall be provided by the owners.

If a property owner is unable to provide additional parking, the Planning Board can require operational changes for the joint uses that reduce the overall demand for parking. For joint uses, an example would be a change in the hours of operation to reduce overlap.

The benefits of this amendment are in line with the Town’s sustainability and economic vitality goals.

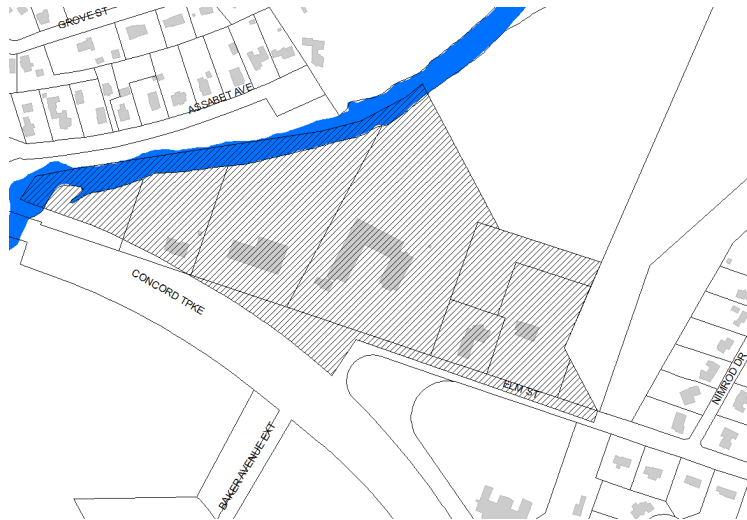
ZONING BYLAW AMENDMENT: LIMITED BUSINESS #1 DISTRICT HEIGHT REQUIREMENT

ARTICLE 37. To determine whether the Town will amend Table III of the Town’s Zoning Bylaw to increase the maximum height in Limited Business District 1 as follows (deletions are shown in ~~strikeout~~ and changes or additions are shown in ***bold italics*** for emphasis only) or take any other action relative thereto:

TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	Maximum Height in Feet
Limited Business 1	<i>35</i> 25

This article would bring the maximum height of Limited Business District 1 into alignment with other zoning districts in Concord. Most other districts have a height limit of 35 feet, and a few have a higher limit. Heights under 35 feet do not allow for three stories and are therefore inconsistent with other zoning districts and with principles of economic vitality and sustainability. Limited Business District 1 is located along Elm Street where it meets Route 2.



ZONING BYLAW AMENDMENT: BUILDING INSPECTOR TO BUILDING COMMISSIONER

ARTICLE 38. To determine whether the Town will amend the Town’s Zoning Bylaw throughout to replace “Building Inspector” with “Building Commissioner” and “Building Inspector’s” with “Building Commissioner’s” or take any other action relative thereto.

In 1995 the title of the Building Inspector/Zoning Enforcement Officer was changed to Building Commissioner/Zoning Enforcement Officer. However, this change was never corrected in 26 different places in the Zoning Bylaw.

**AUTHORIZE EXPENDITURE OF REVOLVING FUNDS UNDER
MASS. GEN. LAWS c. 44 § 53 E1/2**

ARTICLE 39. To determine whether the Town will authorize the total expenditures for the following revolving funds pursuant to Mass. Gen. Laws c. 44, § 53E 1/2 for the fiscal year ending June 30, 2027, to be expended in accordance with the Town’s Revolving Fund Bylaw; or take any other action relative thereto.

Revolving Fund	Annual Spending Limit
Ambulance	\$1,000,000
Regional Housing Services	\$ 400,000
Road Repair	\$ 120,000
Senior Services	\$ 50,000
Tree Preservation	\$ 50,000
Visitor’s Center & Tourism	\$ 100,000

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

LIGHT PLANT EXPENDITURES AND PAYMENT IN LIEU OF TAXES

ARTICLE 40. To determine whether the Town will authorize that the income from sales of electricity and from servicing and jobbing during the 2027 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 \$453,500 or any other sum, from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for the fiscal year ending June 30, 2027; 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, 2027. This is a routine annual action. Further, this article authorizes the transfer of \$453,500 from the operating fund of the Light Plant to the General Fund as a payment in lieu of taxes (“PILOT”), and an amount consistent with past years designed to represent what a private utility would pay in property taxes.

STORMWATER SYSTEM EXPENDITURES

ARTICLE 41. To determine whether the Town will appropriate the amount required for the total expenses of the Stormwater Enterprise Fund for the fiscal year ending June 30, 2027 for the operation of the Stormwater System, in accordance with Mass. Gen. Laws c. 44, § 53F 1/2, to be expended under the direction of the Town Manager; or take any other action relative thereto.

Pursuant to Article 16 of the 2024 ATM, this article authorizes the Town Manager to use cash on hand in the Stormwater Enterprise Fund and fiscal year 2027 revenue for the operation and maintenance and improvement of the Town's stormwater system. Similar to the Town's Water, Sewer and Light Plant Funds, the Sewer Fund is an enterprise fund. The entire cost of operations, maintenance, and capital replacement and renewal is funded by user fees. The Stormwater System Expenditures Budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on Thursday, March 12, 2026.

CITIZEN PETITION: PROPOSED COMPOSTING RATE PAYER PLAN

ARTICLE 42. To urge the Town will adopt and negotiate a ratepayer composting plan for households and commercial buildings, through a pre-existing organic waste disposal company, or act on anything relative thereto.

This article urges the Town to evaluate a public-private partnership with a composting company with the purpose of negotiating a ratepayer plan for town-wide adoption. This type of preferred vendor model is a low-cost option where implementation and management can be handled by the vendor and tailored to our Town's needs, similar to the existing trash and recycling model.

Adopting this plan aligns with Massachusetts' broader environmental mandates, as the state aims for a 90% waste diversion goal in anticipation of all in-state landfills reaching maximum capacity limits by 2030. Currently, food waste accounts for over 21% of all trash disposed of in the Commonwealth—totaling 930,000 tons annually—leading the Department of Environmental Protection to designate it as a top priority for diversion.

By establishing a formal composting program, Concord can leverage existing state resources and follow the successful lead of neighboring communities like Bedford, Lexington, and Arlington. Bedford recently found that participating households divert an average of 9.51 pounds of food waste per week from the trash stream.

Furthermore, this initiative supports Concord's Climate Action and Resilience Plan, which calls for the Town to "create opportunities town-wide to increase the waste diversion rate by 30%." We are asking the Town to further research this option to help our community reach local and state sustainability goals.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 43. To determine whether the Town will authorize the income from user fees for solid waste disposal services, associated services, and jobbing services by Concord Public Works during the 2027 fiscal year, together with the balance of operating cash in the Solid Waste Disposal Fund, to 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, 2027 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 44. To determine whether the Town will authorize the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the 2027 fiscal year, together with the balance of operating cash in the Sewer Fund, to 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 2027 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 45. To determine whether the Town will authorize the income from sewer improvement fees during the ensuing 2027 fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, to 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 2027 fees for constructing, reconstructing, and expanding the Town's sewer lines and treatment plants, and other related facilities or reducing infiltration or inflows. Sewer improvement fees are charged to for all connections to the Town sewer system which will generate a sewage flow rate in excess of the flow rate contemplated in wastewater management plans.

WATER SYSTEM EXPENDITURES

ARTICLE 46. To determine whether the Town will authorize the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the 2027 fiscal year, together with the balance of operating cash in the Water Fund, to 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 2027 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 47. 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, 2027 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.

Contract negotiations with Comcast are in their final stages. Currently, 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 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 Fiscal Year 2027 PEG Access Budget will be submitted and reviewed at a public hearing of the Finance Committee on Thursday, March 12, 2026.

BEEDE SWIM AND FITNESS CENTER ENTERPRISE FUND EXPENDITURES

ARTICLE 48. 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, 2027 for the operation of the Community Pool, in accordance with Mass. Gen. Laws Ch. 44, § 53F 1/2, to be expended under the direction of the Town Manager; or take any other action relative thereto.

The Fiscal Year 2027 Beede Swim and Fitness Center Enterprise Fund Budget will be submitted by the Town Manager and reviewed at a public hearing of the Finance Committee on Thursday, March 12, 2026.

UNPAID BILLS

ARTICLE 49. 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.

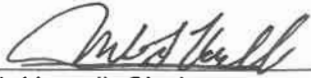
If there are unpaid bills of a prior fiscal year, State Law requires that such bills be presented to the Town Meeting. There are no records of unpaid bills of a prior year at the time of printing.

DEBT RESCISSION

ARTICLE 50. 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.

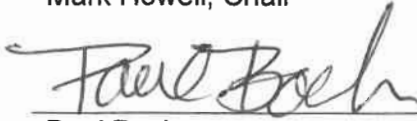
Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of meeting aforesaid. Given under our hands this 2nd day of February in the year two thousand twenty-six.




Mark Howell, Chair



Wendy Rovelli, Clerk



Paul Boehm



Mary Hartman



Cameron McKennitt

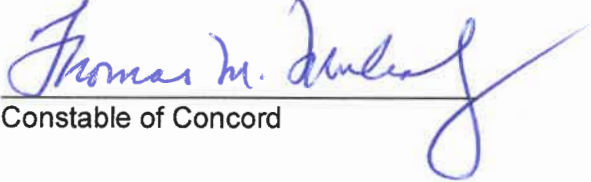
SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord February 2, 2026

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

Electronic Voting with Clickers at 2026 Annual Town Meeting

Frequently Asked Questions about Electronic Voting

Why is Concord adopting electronic voting? The Town Meeting Study Committee (“TMSC”), formed by vote of 2024 Concord Annual Town Meeting, recommended that Concord adopt the use of an electronic voting system (“clickers”) at town meetings to improve voter experience. TMSC’s recommendations were formed following a town-wide survey, input from the public at TMSC’s meetings and hearings, investigation of the experience of the (over 70) other Massachusetts towns using electronic voting, and discussion by TMSC members. The Select Board accepted TMSC’s recommendations and the Town Manager provided an electronic voting system for use at 2025 Annual Town Meeting. Although electronic voting was not universally embraced by voters, a sizeable majority were in favor and found use of the system to be a positive experience. Accordingly, electronic voting will be used for Town Meeting going forward.

How will Town Meeting use electronic voting? Consistent with the “rule of the meeting” adopted by 2025 Annual Town Meeting after robust discussion, the Moderator’s practice going forward will be generally to take votes on main motions and amendments under Warrant articles using clickers, unless the absence of discussion by the Meeting makes clear that voters are broadly in favor of a motion so that a faster vote by show of paper placards is appropriate. Votes on procedural motions (e.g., to take up no new business after a certain time or to “call the question”) will be taken by show of paper placards.

What electronic voting system will Concord Town Meeting be using? With input from the Moderator, Town Clerk, and Chief Technology Officer, Concord has selected the Meridia voting system through its procurement process. This system has been used with good results by over thirty other Massachusetts towns. Town IT Department staff will provide technical support during Town Meeting.

How does the electronic voting system work? At check-in, each voter will receive a pre-tested battery-powered handset (“clicker”) that resembles a TV remote controller. Each handset will have a unique number. When the Moderator announces that it is time to register a vote by clicker, voters will press one of **two** buttons on the clicker (YES or NO) to register a vote. The clicker display will allow the voter to confirm that their vote was transmitted. Each clicker vote will be transmitted by radio frequency to a receiver in the hall for tabulation. The receiver will accept votes only from the uniquely numbered clickers distributed at the meeting. When the Moderator announces that voting has closed, the results of the vote will be displayed on a screen in the hall.

What if I accidentally press the wrong button when voting with my clicker? If you accidentally press the wrong button, or change your mind about your vote, simply re-vote by pressing the correct button. Only the LAST vote transmitted on your clicker will be registered by the receiver and tabulated.

What if my clicker malfunctions? And how will I know? Every handset will be tested before each session of Town Meeting, so the probability of a handset failing is very low. In addition, we will have test votes at the start of the Meeting so that everyone may see that their clicker is

working. In the unlikely event that there is no display in the window of your clicker when you vote during the Voting Window, you may raise your paper voting placard and Town IT staff will come to assist you. We will either replace the batteries in your clicker or provide you with a substitute.

May I leave my clicker with someone else to register my vote if I have to leave the hall? **NO!** Only YOU may vote on the clicker given to you. You may not register a vote on anyone else's clicker.

May I take my clicker with me if I need to leave the hall? **NO!** Please deposit your clicker with one of the Clicker Clerks if you have to leave the hall. You may retrieve it upon your return.

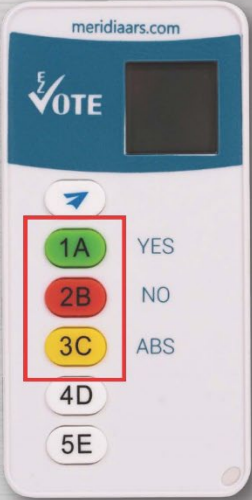
What if the whole electronic voting system malfunctions? All voters will be given both a clicker and a paper voting placard at check-in. If the electronic voting system malfunctions, voting by raised paper voting placards will be our back-up system.

How are results displayed? The breakdown of the YES and NO votes will not be shown until after the vote closes. After voting closes, the vote breakdown will be displayed as total numbers in each vote category. The Meridia system also permits voting results to be viewed by individual clicker number (a number known only to the individual voter in possession of that clicker), should there be any need to do so.

Is the Meridia voting system secure? In the 30+ Massachusetts towns using Meridia voting systems for town meeting, Meridia has had no reports of a vote compromised by the failure or breach of its equipment. Meridia has numerous built-in security features that help prevent various intrusion or interference efforts. Specifics on security measures can be viewed on Meridia website: <https://www.meridiaars.com/electronic-voting-security/>.

HOW TO VOTE

- The Moderator will announce **Opening** and **Closing** of the Window for Voting (30 seconds)
- To **VOTE**, press the button on the keypad that corresponds to your desired vote:
 - 1A = YES**
 - 2B = NO**
 - 3C = ABSTAIN**
- Votes are submitted/sent automatically. No need to press "Send" (the blue paper plane).
- You can change your vote so long as the voting window is open. Only your last vote is counted.



The image shows a white handheld voting device with a screen at the top displaying 'meridiaars.com' and 'VOTE' with a checkmark icon. Below the screen is a keypad with five buttons: a blue paper plane icon, a green button labeled '1A', a red button labeled '2B', a yellow button labeled '3C', a white button labeled '4D', and a white button labeled '5E'. A red rectangular box highlights the '1A', '2B', and '3C' buttons. To the right of the device, the text 'MERIDIA INTERACTIVE SOLUTIONS' is visible in the top right corner.

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 here: <https://concordma.gov/VolunteerConcord>.

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 childcare during the meeting? On-site childcare will be provided by Concord Recreation. Childcare is available for children 3 years to 11 years. Registration in advance and payment is required, with the cost being \$10.00 per child or \$20.00 maximum per family. Please visit www.concordma.gov/TM26 for registration information in the coming weeks.

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 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.