

**TOWN OF CONCORD
SELECT BOARD
AGENDA
November 29, 2016**

6PM – Select Board Room/Public Hearing Room – Town House	
1.	Call to Order
2.	Executive Session to consider matters of Litigation
3.	Adjourn Executive Session to reconvene in Public Hearing Room for Joint Public Hearing – Select Board/Finance Committee/Planning Board
4.	7:00 PM Joint Public Hearing – Select Board/Finance Committee/Planning Board
5.	Reconvene in Select Board Room in Open Session to address Select Board positions on Warrant Articles for Special Town Meeting

PENDING

Tuesday	November 29	7 PM	Joint Public Hearing Select Board/Finance Committee/Planning Board	Town House
Thursday	December 8	7 PM	Special Town Meeting	High School
Monday	December 12	7 PM	Special Town Meeting <i>Adjourned Session/Snow Date</i>	High School
Monday	December 12	7 PM	Select Board Meeting	Town House

**TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742**

**BULK RATE
U.S. POSTAGE PAID
PERMIT NO. 51**

**RESIDENTIAL CUSTOMER
LOCAL 01742**

WARRANT FOR SPECIAL TOWN MEETING

THURSDAY, DECEMBER 8, 2016

7:00 PM

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL
500 WALDEN STREET**

**ADJOURNED SESSION/SNOW DATE IF NECESSARY
MONDAY, DECEMBER 12, 2016**

JOINT PUBLIC HEARING

FINANCE COMMITTEE, PLANNING & BOARD SELECT BOARD

NOVEMBER 29, 2016 AT 7:00 PM

TOWN HOUSE – HEARING ROOM

CANCELLATION INFORMATION

IN CASE OF SNOW VISIT THE TOWN'S WEBSITE AT www.concordma.gov OR CALL 978 318-3006.

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
Thursday, December 8, 2016**

Middlesex, ss.

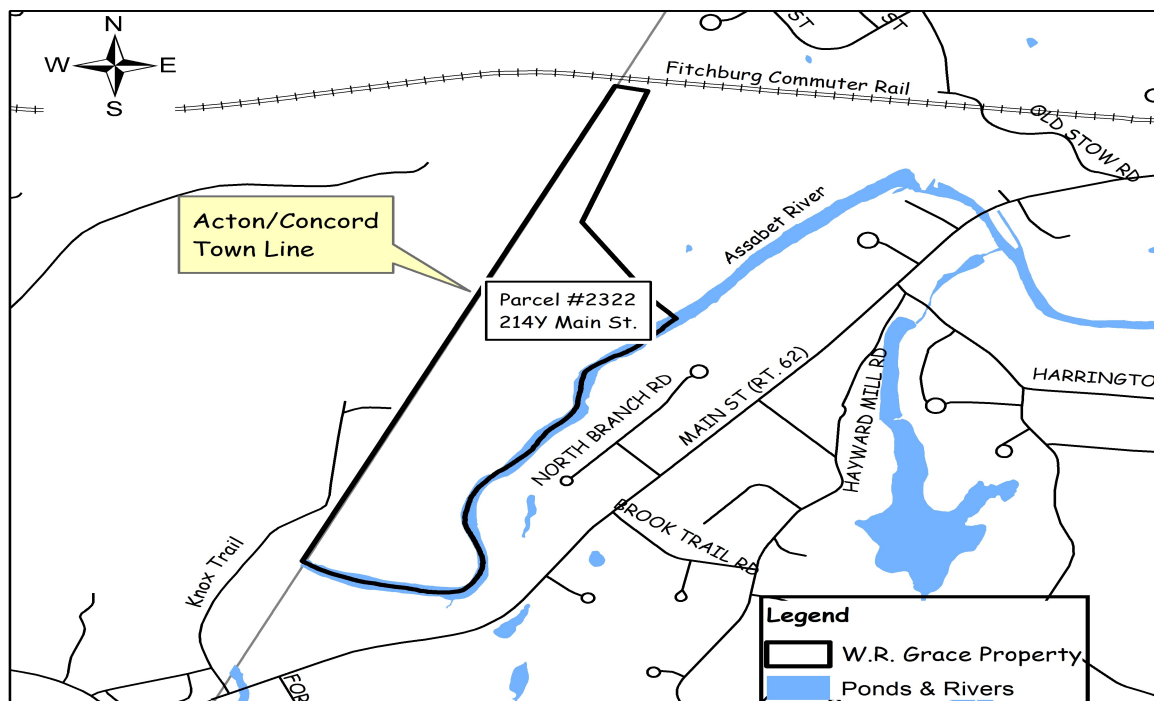
To any of the Constables of the Town of Concord, in said County,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Thursday, the eighth day of December, 2016, at 7:00 o'clock in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord, and by mailing a copy thereof to every household fourteen days, at least, before said 8th of December, 2016, then and there to act upon the following Articles:

PILOT AGREEMENT – SOLAR PROJECT AT 214Y MAIN STREET

ARTICLE 1. To determine whether the Town will vote to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager with the selected solar project developer for proposed solar energy generating facilities to be located at 214Y Main Street, the former WR Grace property, and further to authorize the Select Board and Town Manager to take such actions as may be necessary under State law to effectuate said Agreement, or take any action relative thereto.

Town Meeting voted under Article 37 of the 2012 Annual Town Meeting to authorize the leasing of land for the installation of a utility-scale photovoltaic electric generating system on a portion of the property at 214Y Main Street (shown on the figure below). As municipal property, the land is tax-exempt, but the electric generating equipment will be privately-owned and will therefore be subject to local property taxes. Setting the value of electric generating equipment is not an exact science, and the value of the equipment can vary depending on a number of factors that cannot be known in advance, such as the demand for energy, the regional economy and changes in regulations. Massachusetts General Laws chapter 59, section 38 allows electrical generators to negotiate a payment in lieu of taxes "... which shall be the result of good faith negotiations and shall be the equivalent of full and fair cash valuation..." Such an agreement provides the opportunity to determine a predictable tax revenue stream for the Town and predictable tax payments for the generating company. Negotiation of that agreement was authorized under Article 37 as well. The agreement must be ratified by the municipal legislative body.



BRUCE FREEMAN RAIL TRAIL - EASEMENTS OVER TOWN LAND

ARTICLE 2. To determine whether the Town will vote to authorize the Select Board to grant or deed easements over certain Town property located at 30Y Powder Mill Road for an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, or take any other action relative thereto.

This Article authorizes the Select Board to deed easements over town-owned land for the proposed use as a multi-use rail trail for non-motorized transportation, open space and recreation purposes. This Article fulfills a housekeeping requirement established by MassDOT to grant an easement over town land to ensure the land may be used as part of the rail trail.

BY PETITION ALTERNATIVE PRD PRELIMINARY SITE DEVELOPMENT AND USE PROPOSAL FOR LOT 4A AND PARCEL A FOREST RIDGE ROAD

ARTICLE 3. To determine whether the Town will vote pursuant to Section 10.3.4 of the Zoning Bylaw to approve the Phase II Black Birch Alternative PRD Preliminary Site Development and Use Proposal for Lot 4A and Parcel A Forest Ridge Road dated September 12, 2016, as filed with the Town Clerk and Planning Board, or take any other action relative thereto.

Petitioner's Explanation: Concord's Long-Range Plan and Housing Production Plan have set goals for the Town to facilitate development of housing options for residents looking to downsize. Town Meeting approval of the Phase II Black Birch Alternative Planned Residential Development Preliminary Site Development and Use Proposal (herein "Site Development Proposal") will enhance these housing opportunities and is the same type of approval voted in 2001 under Article 41 for the residences at Riverbend and in 2015 under Article 20 for the residences in Phase I of Black Birch.

Approval of this Article is based conditioned upon: a maximum of 16 units each occupied by at least one individual who is 55 years or older; the establishment of not less than 4.6 acres of Common Open Space; and either (a) the provision of two (2) affordable units, or in the alternative, (b) the donation by Black Birch II of one million dollars (\$1,000,000.00) to the Town earmarked for affordable housing purposes and subject to the control and management of the Select Board all as set forth in the Site Development Proposal. With respect to the foregoing alternatives, following the Planning Board's Public Hearing pursuant to this Article, the Petitioner will seek Planning Board approval under Section 10.3.4.3(d) of the Zoning Bylaw to amend the Site Development Proposal in order to agree upon one of the alternatives as summarized under (a) and (b) above.

BY PETITION RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 4A AND PARCEL A FOREST RIDGE ROAD

ARTICLE 4. To determine whether the Town will vote to authorize the Select Board to enter into an agreement to release Lot 4A Forest Ridge Road containing 5.79 ± acres and Parcel A Forest Ridge Road containing 3.32 ± acres, both as shown on a plan entitled "Plan of Land in Concord, Massachusetts, Owned by: Todd A. Pulis, Trustee of Thoreau Realty Trust" dated August 25, 2016 to be recorded with the Middlesex South District Registry of Deeds, from a certain Easement and Restrictive Covenant Agreement dated September 19, 1990 and recorded with said Registry Deeds in Book 20781, Page 75 and to agree that said Lot 4A and Parcel A may be used for residential purposes as a primary use, or take any other action relative thereto.

Petitioner's Explanation: This article requests that the Town vote to authorize the Select Board to enter into an agreement to release Lot 4A and Parcel A from a

1990 covenant and agree that Lot 4A and Parcel A may be used for residential purposes as a primary use. Lot 4A and Parcel A are a portion of the property located at 275 Forest Ridge Road.

BY PETITION AMENDMENT OF THE ZONING BYLAW TABLE III – DIMENSIONAL REGULATIONS UNDER MAXIMUM FLOOR AREA RATIO IN THE LIP#2 DISTRICT

ARTICLE 5. To determine whether the Town will vote to amend **Zoning Bylaw Table III – Dimensional Regulations under Maximum Floor Area Ratio in the Limited Industrial Park #2 District (LIP #2)** by deleting after the word “Educational”: the words “in LIP #2,” and substituting in place thereof the words “and Residential uses in the LIP #2, provided such Residential uses are located within an Alternative PRD,” so that the first part of the provisions under Maximum Floor Area Ratio in the LIP District would read as follows:

6,000 sq. ft. gross floor area per acre
for Educational and Residential
uses in the LIP #2, provided such
Residential uses are located within an
Alternative PRD,

or take any other action relative thereto.

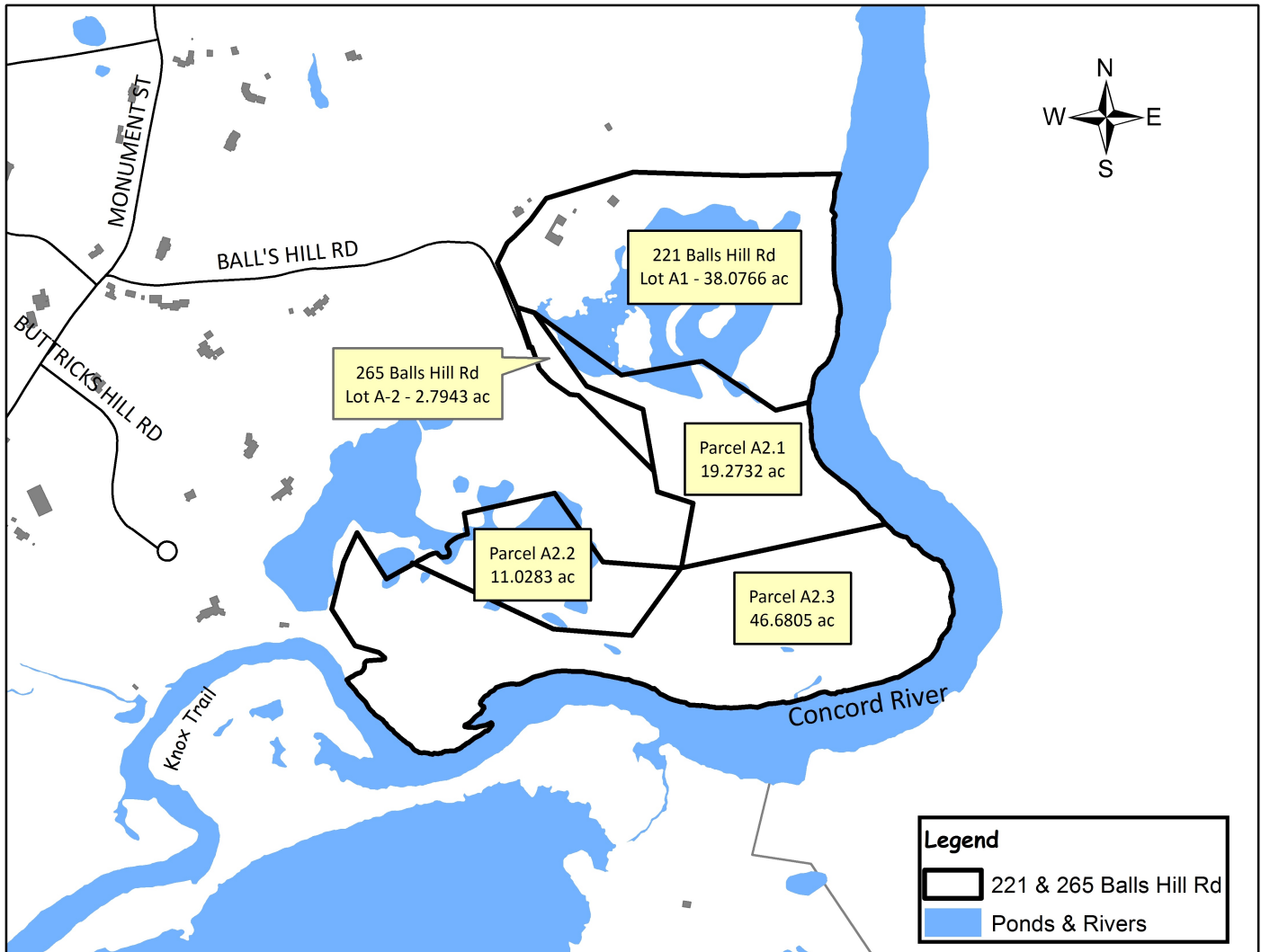
Petitioner’s Explanation: This article would increase the maximum floor area ratio for Residential uses within an Alternative Planned Residential Development (PRD) in the LIP #2 District from 3,000 square feet to 6,000 square feet per acre.

LAND ACQUISITION – BALLS’ HILL ROAD

ARTICLE 6: To determine whether the Town, will vote to appropriate, and authorize the Treasurer with the approval of the Select Board to raise and appropriate, or to transfer from available funds in the Treasury, or to borrow by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws Chapter 44, Section 8C, the sum of \$400,000 for the purpose of purchasing for conservation and passive recreation purposes, and water and water supply purposes, by eminent domain or purchase or otherwise, the property or portions thereof at 221 and 265 Ball’s Hill Road, the acquisition of same having been authorized pursuant to Article 23 of the 2016 Annual Town Meeting and as amended hereby; that the amount borrowed will be reduced by any grant funding received towards the property acquisition; that a portion of said land be conveyed to said Town of Concord to be managed and controlled by the Public Works Commission acting as Water Commissioners; that a portion of said land be conveyed to said Town of Concord under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, as it may hereafter be amended and other Massachusetts statutes relating to conservation, to be managed and controlled by the Concord Natural Resources Commission, acting as its Conservation Commission; and that the Natural Resources Commission be authorized to file on behalf of the Town of Concord any and all applications deemed necessary for grants and /or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 and/or any others in any way connected with the scope of this Article, and the Town of Concord, the Town Manager, and the Natural Resources Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Concord to affect said purchase, or take any other action relative thereto.

The Town has submitted a Local Acquisitions for Natural Diversity (LAND) grant to the Commonwealth of Massachusetts in the amount of \$400,000 to assist in the acquisition of the 80 acres of undeveloped land at 221 and 265 Ball’s Hill Road (shown on the figure

below), as approved at 2016 Annual Town Meeting. To be eligible for LAND grant funding, a portion of the land must be dedicated to conservation purposes, to be managed by the Natural Resources Commission. The LAND grant is a reimbursement grant, and this article will allow the Town to borrow \$400,000 for the property acquisition if the state awards the grant to the Town, which will then be reimbursed to the Town upon payment by the state. LAND grants are awarded in mid-November, so the Town will know by the December 8 Special Town Meeting whether this interim borrowing is needed. LAND grant reimbursements are made by June 30, 2017. If the grant is not received the Select Board does not expect to move this article.



Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

Given under our hands this 17th day of October in the year two thousand-sixteen.

Alice Kaufman

Jane Hotchkiss

Michael Lawson

Thomas McKean

Steven Ng

SELECT BOARD

Commonwealth of Massachusetts Middlesex, ss.

Concord _____
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

SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION

THE DEADLINE FOR UNREGISTERED RESIDENTS TO REGISTER TO VOTE AT THE SPECIAL TOWN MEETING IS:

MONDAY, NOVEMBER 28, 2016

IN ADDITION TO REGULAR OFFICE HOURS, A SPECIAL EVENING REGISTRATION SESSION WILL BE HELD ON MONDAY, NOVEMBER 28, 2016 UNTIL 8:00 PM AT THE TOWN CLERK'S OFFICE, 22 MONUMENT SQUARE FOR RESIDENTS WHO ARE CURRENTLY NOT REGISTERED VOTERS IN CONCORD.

Voter registration may be done online, by mail or in person.

For online registration or to download a mail-in registration form, visit the Town's Web Site (www.concordma.gov – click "Elections & Voting") or call the Town Clerk's office and ask that a form be mailed.

For in-person registration, visit the Town Clerk's office at the Town House
22 Monument Square – 978-318-3080
Mondays-Fridays, 8:30 am-4:30 pm