

**TOWN OF CONCORD
SELECT BOARD
AGENDA
November 2, 2020
4:00PM
VIDEO CONFERENCE CALL**

Join Zoom Meeting

<https://us02web.zoom.us/j/84092395810?pwd=TnMyWmprWHBlA21CczdQM0EvWVVFZz09>

Meeting ID: 840 9239 5810

Passcode: 865209

One tap mobile

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1.	Call to Order
2.	Consent Agenda <ul style="list-style-type: none"> - September 28, 2020 Executive Session #2 (not to be released); October 5, 2020; October 19, 2020; October 19, 2020 Executive Session (not to be released) - Town Accountant Warrants - October 9, 2020 - Gift Acceptance: Middlesex School gift of \$50,000 for emergency equipment purchases
3.	Town Manager's Report
4.	Chair's Remarks
5.	Public Hearing: FY21 Tax Levy Classification Hearing – Board of Assessors
6.	Review Application for permission to fire the Town of Concord Cannons by the Concord Independent Battery
7.	Delegate Town Manager authority for Right of First Refusal – 333 Walden Street
8.	Review the Local Initiative Plan for 930 Main Street
9.	Concord Middle School Building Committee request to resume committee work
10.	Outdoor Dining License Extension
11.	Committee Nominations: Adrienne Boardman of 110 Hillcrest Road to the Bruce Freeman Rail Trail Advisory Committee for a term to expire on April 30, 2023.
12.	Committee Appointments: Dan Schmid of 44 Baker Farm Road to the Agricultural Committee for a term to expire on April 30, 2023.
13.	Town Manager Appointment with Select Board Approval: Brendan O'Neill Kemeza of 30 Davis Court to the Board of Assessors for a term to expire on April 30, 2023.
14.	Committee Liaison Reports
15.	Miscellaneous Correspondence
16.	Public Comments
16.	Adjourn to Executive Session, not to return to open session, to discuss ongoing litigation regarding Estabrook Road. Doing so in Open Session may have a detrimental effect on the Town's litigation strategy.

**TOWN OF CONCORD
SELECT BOARD
MINUTES
October 5, 2020
4:00PM
VIDEO CONFERENCE CALL**

Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on October 5, 2020 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Linda Escobedo called the meeting to order at 4:00pm.

Roll call vote

Ms. Escobedo: Here

Ms. Ackerman: Here

Ms. Bates: Here

Ms. Hotchkiss: Here

Mr. Johnson: Here

Consent Agenda

- One Day Liquor License Application: Luke Hill Media at Concord Country Club, October 19th from 12:00pm-6:00pm, Wines & Malt Beverages Only
- Town Accountant Warrants
- Minutes to approve: February 10, 2020

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the consent agenda.

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

Ms. Bates: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Town Manager's Report

Mr. Crane reported there was another successful sidewalk sale downtown last weekend.

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Mr. Crane reminded the community that the holiday shopping season is right around the corner, and that the holiday lighting will begin in early November.

The Town is planning for Halloween in accordance with state and CDC issued guidance. The Recreation Department is discussing a drive up trick-or-treat event ahead of Halloween.

The Transportation Advisory Committee is meeting on Wednesday at 2:00pm.

Chair's Remarks

Select Board Chair Linda Escobedo encouraged residents to continue to take advantage of parks, conservation land, and outdoor dining while the weather still allows. Ms. Escobedo reminded follow all residents to follow the postings and stated rules for conservation space.

Public Hearing: Grant of Location application from National Grid for the installation and maintenance of approximately 30 feet of a new 2" CS gas main at 39 Barnes Hill Road

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to open to the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Not Present
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Mary Mulrone from National Grid attended to explain that the application was for a residential property applying for a gas main for heat for the winter. Residents can view the full application and Concord Public Works' recommendation and conditions for the project in the [meeting materials](#).

Mr. Johnson questioned whether the project aligned with the Town's sustainability goals.

Karlen Reed of 83 Whits End Road asked if the home could get heat if the Select Board did not approve the project. Ms. Mulrone stated that they could not.

Tanya Gailus of 62 Prescott Road asked if the Town has a bylaw or formal grounds to reject these types of projects for sustainability reason. Mr. Crane responded that the Town does not.

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Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to close the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was 4-1

VOTED: to approve the Grant of Location application from National Grid for the installation and maintenance of approximately 30 feet of a new 2" CS gas main at 39 Barnes Hill Road, with conditions as outlined in the memo from Concord Public Works dated September 17, 2020.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Nay

Public Hearing: Grant of Location application from National Grid for the relay of approximately 620' of a 2" CS gain main with 620' of 2" PL on Bedford Court

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to open to the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Mary Mulrone of National Grid explained that the Town wants to do road reclamation, so National Grid wants to work cohesively with the Town by putting in a new main to eliminate leaks in the future while this road is already being worked on. Residents can view the full

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application and Concord Public Works' recommendation and conditions for the project in the [meeting materials](#).

There were no comments from the public.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to close the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the Grant of Location application from National Grid for the relay of approximately 620' of a 2" CS gas main with 620' of 2" PL on Bedford Court, with conditions as outlined in the memo from Concord Public Works dated September 4, 2020.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

**Request to Change the Precinct 1 Polling Location from 141 Keyes Road to the Town House
Hearing Room at 22 Monument Square – Town Clerk, Kaari Tari**

Town Clerk Kaari Tari attended to request this change. Ms. Tari explained that she anticipates higher turnout than usual and with the social distancing requirements, she doesn't think we would have enough space for voters and staff. There is only one entrance and exit at 141 Keyes Road, the hallway is narrow and too small for adequate distancing. The hearing room at 22 Monument Square has been successfully used in the past. Ms. Tari has received consensus on this change from the Republican Town Committee, the Commission on Disability, and the Police Chief.

Upon a motion duly made and seconded, it was UNANIMOUSLY

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VOTED: to approve the November 3 Presidential Election early voting polling location change for Precinct 1 from 141 Keyes Road to the Hearing Room in the Town House at 22 Monument Square.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

2021 Annual Town Meeting Calendar

Town Moderator Carmin Reiss drafted a calendar with administrative and hearing dates leading up to the 2021 Town Meeting. The calendar does not include the Town Caucus and Town Election. The draft calendar is available in the [meeting materials](#).

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to approve the dates that are on the second draft calendar for 2021 Annual Town Meeting, dated October 1, 2020.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

FY21 Select Board Goals – Continued Discussion

Ms. Escobedo provided an updated draft of the FY21 Select Board goals. Ms. Escobedo will continue to incorporate the edits received from the Select Board. The draft goals document can be viewed in the [meeting materials](#).

Committee Nominations:

Jennifer Ubaldino of 38 Crabtree Road to the Trustees of Town Donations for a term to expire April 30, 2023. Connell A Benn of 747 Old Marlborough Road to fill the Republican seat on the Board of Registrars for a term to expire April 30, 2023. Liza Bemis of 5 Grant Street to the Agriculture Committee for a term to expire April 30, 2023.

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Committee Appointments:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Arthur Rogers of 30 Elsinore Road to the Cultural Council for a term to expire April 30, 2023. Alan Koder of 19 Edgewood Road to the West Concord Advisory Committee for a term to expire on April 30, 2023

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Not Present
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager Appointments with Select Board Approval:

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint Andrea Okie of 112 Stone Root Lane to the Board of Assessors for a term to expire on April 30, 2023. Lloyd Price of 152 Holdenwood Road, Jean Goldsberry of 1832 Main Street, and Jennifer Brooke of 31 Oxbow Road to the Commission on Disability for terms to expire on April 30, 2023. Nancy Nelson of 1695 Lowell Road to the Historical Commission for a term to expire on April 30, 2023

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Not Present
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Committee Liaison Reports

Ms. Ackerman attended the Agricultural Committee, where they reported on a successful Ag Week. The Ag Committee has a vacancy. The Library Subcommittee met to review their administrative code, which was last revised in 1997. The MMA Fiscal Policy Committee met and discussed the state budget for FY21, and concerns over the potential deficits in FY22. The Bruce Freeman Rail Trail Committee did a site walk on September 24 of the last half mile to the Sudbury town line.

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Ms. Hotchkiss reported that Town staff are working with the White Pond Advisory Committee on their goals for the year. The Board of Health held a public hearing for an application for a paved road through Concord for a subdivision of 48Y Fitchburg Turnpike, which is located in Sudbury. The BOH discussed the continued impact and status of COVID-19 in the community, as well as the status of school reopening efforts. The Historic Districts Commission had a long discussion of the expansion of historic districts to include Jenny Dugan Road.

Ms. Bates reported that the Council on Aging is looking for one full member and two associate members. The Economic Vitality Committee met and provided an update on the CDBG micro grant application that allowed businesses with less than 5 employees to apply for up to \$10,000 in funding. Five Concord applicants were awarded a total of \$47,500. The Conservation Restriction Stewardship Committee met and had a presentation done by a Town GIS Analyst about the GIS tools the Town uses. The Board of Assessors met, where they reported that, with minor changes to some neighborhoods and housing styles, the values in town are flat.

Mr. Johnson attended the Recreation Commission meeting, where they discussed the ongoing afterschool programs. The Rec Commission agreed to send a letter recommending CPC funds be used for refurbishing a flagpole at Emerson Field. There was a discussion of the Beede Center's decline in membership. The NMI-Starmet Committee intends to have a plan finalized for Select Board review in March. The PEG Access Committee is seeking two members, and also discussed bringing revisions to their committee charge to the Select Board for consideration.

Ms. Escobedo attended the Tax Fairness Committee meeting, where they are focused on getting Article 15 to the attention of Concord's legislators for action. The Tax Fairness Committee has one vacancy at this point.

Miscellaneous Correspondence

Ms. Escobedo noted the continued correspondence related to Estabrook Road, which was included in [meeting materials](#).

Public Comments

Karlen Reed, 83 Whits End Road, asked what the date for the 2021 Town Meeting is. 2021 Town Meeting will be held on June 13, 2021 at 1:00pm.

Tanya Gailus, 62 Prescott Road, stated that the Town Meeting calendar and goals were not posted online ahead of the Select Board meeting. Ms. Gailus asked if the recording of the first Transportation Advisory Committee would be available. Ms. Gailus asked if minutes from the first Transportation Advisory Committee would be available. Ms. Gailus asked the Town

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Manager if he would agree that the Transportation Advisory Committee is a public body. Upon an answer that its work could fall under either category Ms. Gailus stated that she will file an Open Meeting Law Complaint regarding the first meeting of the Transportation Advisory Committee to find out.

Mary Hartman, 16 Concord Greene and Chair of the Finance Committee, asked who the Select Board liaison to the Finance Committee is.

Adjourn

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to adjourn

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage:

<https://www.youtube.com/watch?v=7aVQRAUggwQ&t=4303s>

Meeting Materials: <https://concordma.gov/DocumentCenter/View/26441/October-5-SB-Packet>

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Pursuant to notice duly filed with the Town Clerk, the Concord Select Board convened in a meeting via video conference call on October 19, 2020 at 4:00pm.

Present were Linda Escobedo, Chair; Susan Bates, Clerk; Terri Ackerman, Jane Hotchkiss, and Matthew Johnson. Also present was Stephen Crane, Town Manager.

Call to Order

Select Board Chair Linda Escobedo called the meeting to order at 4:00pm.

Roll call vote

Ms. Escobedo: Here
Ms. Ackerman: Here
Ms. Bates: Not Present
Ms. Hotchkiss: Here
Mr. Johnson: Here

Ms. Bates joined at the conclusion of the roll call vote.

Consent Agenda

- Town Accountant Warrants (October 15)
- Presidential Election Warrant, November 3, 2020

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to accept the consent agenda as read.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Not Present
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Town Manager's Report

Mr. Crane reminded the community that early voting is ongoing at the Town House. Residents can see the early voting schedule on the [Town website](#).

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Town offices are still not open to the public at this time.

The Precinct 1 voting location for the Presidential Election on November 3rd will be the Town House, 22 Monument Square in the hearing room on the second floor.

The Water & Sewer Division is sending out a notice regarding a bromate exceedance in the water supply. Mr. Crane advised that this is not a public health issue.

Mr. Crane reminded the community of the importance of getting a flu shot, especially during the COVID-19 Pandemic. Flu shots are widely available at pharmacies in the area.

The Town will not be putting forth additional regulations regarding Halloween beyond the CDC and Massachusetts Department of Public Health guidelines. Public Health Director Susan Rask will be putting out a notice reminding residents to stay socially distant, and to wear masks.

There is a bike give away event on October 23 from 3-6pm at 135 Keyes Road, Concord Public Works. Residents must sign up online.

Chair's Remarks

Ms. Escobedo reminded residents that early voting began last Saturday, October 17th. Early voting will continue through October 30th at the Town House. Residents can see the early voting schedule on the [Town website](#).

**Public Hearing: Application by GJC Brothers Inc d/b/a Concord Gas, located at 686 Elm Street,
for an off-premise package store liquor license to sell wines and malt beverages only**

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to open the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Pam Brown of Brown & Brown PC in Bedford attended on behalf of the applicant.

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Ms. Brown stated that Concord Gas is planning to do a significant renovation to the gas station. The planned renovation would eliminate two service bays, and expand the retail area to become about 1500 square feet of retail space.

Ms. Hotchkiss questioned why a similar application was denied in 2014, and asked if the renovations proposed are contingent on the alcohol license being approved. Ms. Brown responded that she has not asked him, but believes the planned renovations likely based on having the liquor license. Mr. Audi later stated that he would do the renovation regardless of the board's decision on his liquor license application.

Mr. Johnson commented that Concord never had beer or wine sold at a gas station or convenience store, and asked what do other communities policy is towards these licenses. Ms. Brown noted that Bedford just approved their first beer and wine in a gas station in their community, and that Bedford felt more comfortable because it was a pre-existing business that already had identification training having to do with underage sales for lottery tickets and cigarettes.

Ms. Bates asked if Mr. Audi's son would be would be helping manage the premises, and asked if all staff will undergo training for items being sold. Ms. Brown confirmed that was correct.

Ms. Ackerman asked Police Chief Joseph O'Connor what has changed since the application in 2014 that has made his recommendation to the Select Board change. Chief O'Connor responded that at the time, he was unfamiliar with the applicant given that it was his second day on the job, the son of Mr. Audi was the proposed manager of record and he was only 24 years old with no experience in the alcohol business. Chief O'Connor also had received input from the temple across the street that they were uncomfortable with the application in 2014, but he spoke with rabbi this week and they no longer have an objection to the application. Chief O'Connor also noted that the Police have a presence in that area for various issues. Finally, Chief O'Connor reported that they have had no issues with any of Mr. Audi's businesses, and that the Police Department has no opposition to this application, and that this is a policy decision for the Select Board to make.

Ms. Escobedo asked how Mr. Audi would be on premise for 40 hours a week if this was not his only business. Ms. Brown responded that this will be his primary establishment and that he would not be there at all hours of operation, but would plan to be there for 40 hours a week.

Ms. Escobedo asked if there would be one entrance for all transactions. Ms. Brown responded that there are two entrances, and that the alcohol is in direct view of the cashier.

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Mr. Johnson asked if there had been any changes that would eliminate the Chief's prior concern about the inexperience of Mr. Audi's businesses in selling alcohol. Chief O'Connor responded that in watching them run their businesses, they have had no issues and demonstrated to be responsible parties. Chief O'Connor also commented that if they don't follow the rules, the Select Board could penalize them or remove their license.

Resident Russell Gamber commented that he frequents Mr. Audi's businesses and commended Mr. Audi, but does not believe that as a community Concord should be issuing liquor licenses to convenience stores.

Resident Paul Jennings agreed with Mr. Gamber, stating that this is an issue of precedence, and conveyed concern that this would fuel underage alcohol purchases and consumption from surrounding communities.

Tanya Gailus 62 Prescott Road commented that the location of the business is concerning because it is next to a major highway, and is concerned that issuing a liquor license to this business could increase the risk of drinking and driving in the area.

Ms. Brown stated that the location is distant from schools, in a convenient location for people driving through and past Concord on their way home from work, that it would be an income generator for the Town, and a source of income for businesses at a time when gas stations are struggling.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to close the public hearing.

Roll call vote

Ms. Escobedo: Aye

Ms. Ackerman: Aye

Ms. Bates: Aye

Ms. Hotchkiss: Aye

Mr. Johnson: Aye

Ms. Bates commented that the location doesn't lend itself to foot traffic for kids, commended Mr. Audi's record as a business man in the community, and noted his businesses pre-existing experience in checking IDs for other products. Ms. Bates concluded that she does not believe the board has strong grounds to deny this application.

Ms. Hotchkiss commented that she has nothing negative to say about Mr. Audi, but is averse to this particular precedent, and is concerned about the location. Ms. Hotchkiss also added that

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she would not want to issue the license as a trial period, as Ms. Brown suggested the board could do.

Ms. Ackerman and Mr. Johnson suggested that the board should delay a vote to next week to seek more information and gather more input from the community. Ms. Escobedo agreed

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to reopen the public hearing.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to continue the public hearing until October 26th, 2020 at 4:00pm.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Finalize FY21 Select Board Goals

Ms. Escobedo produced a new goals document in the [meeting materials](#) with the feedback she received from the board since the last time they met. The Select Board members each noted that they were in favor of approving the goals document, with grammatical changes as suggested by Ms. Ackerman.

Upon a motion duly made and seconded, it was UNANIMOUSLY
VOTED: to approve the FY21 Select Board goals as distributed in our packet with the amendment as mentioned by Ms. Ackerman.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye

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Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Discuss Green Card Policy

Ms. Escobedo noted that there are many board and committee vacancies posted on the [website](#). Ms. Escobedo and the Town Manager agreed that it was appropriate to bring this issue to the Select Board's attention to discuss establishing a process / policy for volunteer recruitment and assignments. The Town Manager has provided his recommendations for discussion.

Ms. Ackerman and Mr. Johnson both commented that recruitment is the biggest issue. Mr. Johnson commented that the first round of filtering should happen at the board or committee level.

Ms. Hotchkiss noted that the historic expectation was when a vacancy occurs, the liaison will ask the chair what the needs are, and if they can think anyone who would be interested, but that she does not see it as the Select Board's role to select new committee members.

Ms. Bates agreed that for Select Board appointed committees, the chair of the committee is a key resource to figure out what kind of skills they are looking for. Ms. Bates noted that not all committees are staffed.

The Select Board members agreed on the need to brainstorm more on improving the recruitment process. Ms. Escobedo suggested that the Select Board should establish a working group to bring forth concrete recommendations on this issue.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to appoint a subcommittee to develop next steps in the process of recruiting and retaining volunteers for boards and committees, and to appoint Matt Johnson and Terri Ackerman to be members of the subcommittee.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

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**Open Meeting Law Complaint dated October 8, 2020 regarding Transportation Advisory
Committee**

The Town Manager and Select Board received the [attached OML complaint](#). The next steps are to delegate the responsibility for responding to the complaint to Town Counsel.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to delegate the responsibility to respond to the open meeting law complaint dated October 8, 2020 regarding the Transportation Advisory Committee to Town Counsel Mina Makarious.

Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Committee Nominations

There were no committee nominations.

Committee Liaison Reports

Ms. Bates attended the Board of Registrars, where they discussed the process for dealing with the ballots. The Town Clerk sent out 8,000 ballots, and over 3,000 been returned to this point. The Town sent out 200 overseas ballots and got 100 back so far. On Saturday, 330 residents voted early, Sunday it was 197, and there were 140 by the end of Monday morning.

Mr. Johnson attended the Community Preservation Committee meeting, where they discussed the interviews for CPC funded project that will take place on October 20th at 7:00pm, October 27th at 7:00pm, and November 10th at 7:00pm.

Ms. Hotchkiss did not have any committees to report on.

Ms. Ackerman attended the CMLP meeting, where they reported that there are 453 electric vehicles in Concord. Starting in April 2021, MassDEP will require PFAS monitoring quarterly. Previous testing showed no concerning PFAS levels in Concord. The Cultural Council is preparing for their grants cycle.

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Ms. Escobedo attended the Concord-Carlisle School Committee meeting, where they had a governance role of the School Committee working with the Superintendent, and the Superintendent's FY21 goals.

Miscellaneous Correspondence

The board received corresponding with concerns about the liquor license application, concerns about infractions on recreational use of Estabrook Road, and additional correspondence about the intersection at Garfield Road.

Public Comments

Tanya Gailus of 62 Prescott Road stated that if more than one person is selected to do a task for a committee, then that is a subcommittee.

Ms. Gailus stated that the green card selection issue and Select Board goals were not included on the publicly posted packet. Both documents are included in the [meeting materials](#).

Ms. Gailus stated that it is okay for committee volunteers to disagree with the chair, so the Select Board should keep that in mind when selecting volunteers. Ms. Gailus also stressed the importance of having volunteers from various geographical areas of town.

Ms. Gailus stated that the Transportation Advisory Committee should be the ones dealing with the OML Complaint she submitted, not the select Board.

Diane Proctor of 57 Sudbury Road commented that the Select Board should turn to community groups to seek volunteers for serving on committees, such as Concord CAN, the COA, and other community groups and activists who care about issues in town.

Adjourn Executive Session, not to return to open session, to discuss strategy with respect to collective bargaining for personnel of the ASCME Local 1703 Library Supervisors Employees Unit and ASCME Local 1703 Library Non-Supervisors Employees Unit. Doing so in Open Session may have a detrimental effect on the Town's collective bargaining strategy.

Upon a motion duly made and seconded, it was UNANIMOUSLY

VOTED: to enter Executive Session, not to return to open session, to discuss strategy with respect to collective bargaining for personnel of the ASCME Local 1703 Library Supervisors Employees Unit and ASCME Local 1703 Library Non-Supervisors Employees Unit. Doing so in Open Session may have a detrimental effect on the Town's collective bargaining strategy.

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Roll call vote

Ms. Escobedo: Aye
Ms. Ackerman: Aye
Ms. Bates: Aye
Ms. Hotchkiss: Aye
Mr. Johnson: Aye

Minuteman Media Network Coverage: <https://www.youtube.com/watch?v=NRlepSG5LAo>

Meeting Documents: <https://concordma.gov/DocumentCenter/View/26628/October-19-SB-Packet>

TAX RATE ANALYSIS
Fiscal Year 2021

Report of the
Concord Board of Assessors

Thomas Matthews, Chair
Susan Livingston
William Herring
Barron Lambert

To

Concord Select Board

For Public Hearing on November 2, 2020

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Purpose

The purpose of the public classification hearing is for the Select Board to determine the allocation of the local property tax to be borne by the four classes of real property plus personal property for Fiscal Year 2021. In deciding the allocation, the Select Board must adopt a residential factor. The factor is used to determine the percentage of the tax levy to apply to each class of real and personal property. The Board of Assessors applies these percentages to the individual property class (M.G.L. Chapter 40, section 56). The Select Board also can vote to adopt a factor for shifting the taxes among residential properties (residential exemption), among commercial properties (small commercial exemption), and between residential and open space properties (open space discount). It is the responsibility of the Assessors to provide the Select Board with all relevant information, and to discuss the fiscal effect of possible alternatives.

Recommendation

The Board of Assessors recommends the Select Board take the following action in adopting the FY2021 Factors:

1. Vote a "Residential Factor of **“.999960.”**
2. Vote not to grant an Open Space discount.
3. Vote not to adopt a Residential Exemption.
4. Vote not to adopt a Small Commercial Exemption.

These recommendations result in a uniform tax rate of \$14.72 up 3.44% from the FY2020 rate. Total taxable value is down .22%. Net of new growth, the tax value on all other property will drop on average .23%.

The following is the report of the Board of Assessors to the Select Board.

I. Total Assessed Values for Fiscal Year 2021

The Board of Assessors must determine the classification of all real property as of January 1, 2020, for FY2021, in accordance with the definitions set forth in M.G.L. Chapter 59, section 2A (b):

Class One	Residential
Class Two	Open Space
Class Three	Commercial
Class Four	Industrial

In addition, the value for all personal property, Class Five, must be determined. The classification, or use, codes are issued in accordance with the Department of Revenue, Bureau of Local Assessment guidelines. A listing of the State Use Classification Codes is attached in Addendum 1 and the total valuation report (LA-4) for FY2021 is attached in Addendum 2.

In FY2021, the town data and values have been affected by the following items:

A. Revaluation/Re-certification Adjustment

Per the Department of Revenue's guidelines, the assessing cycle requires that all parcels, exempt and taxable, be visited at least once every 10 years, that values be determined at market value every year, and that the Department of Revenue recertify values every five years. The last recertification year was FY2018, which means this year FY 2021 is an interim year.

B. Abatements and Adjustments

In FY2020, Concord taxpayers filed 39 applications for abatement during the regular abatement period. The total number of abatements granted was 22. The dollar amount of abatements granted during the FY2020 abatement hearings totaled \$ \$4,343,280 for both personal property and real estate, which is \$57,595.54 in tax dollars. The majority of abated taxes were attributed to small corrections in property listings and most resulted in permanent adjustments to the property data. There have been four FY2020 appeals filed with the Appellate Tax Board (ATB). The ATB is not hearing cases at this time, but they are scheduled to re-open in January 2021.

In order to meet the DOR's cyclical inspection requirement, assessing staff seeks to conduct a complete inspection of a property regardless of the reason for the visit (building permit, sale, data verification, abatement application, or cyclical inspection, etc.). Every year there are many changes entered into the property records as a result of these inspections. Our records show that there were 839 inspections for FY2021, (just over 13.0% of all real estate parcels). The numbers do not reflect multiple visits, often needed in large projects and new construction. The number of inspections are down from last year, because of the Covid-19 restrictions. Of these, 271 were full inspections, inside and out. These numbers do not include field review done from the street, which can include one parcel or many. A field review was performed on all properties as part of the FY 2018 recertification program. A field review usually does not require entering the property and therefore does not meet the DOR's standard in order to qualify as a cyclical inspection. The numbers also do not reflect the multiple visits required for new construction.

C. New Growth

The Annual Town Meeting in April of 2001 voted to accept a 1989 state statute that changes the new growth date from January 1st to June 30th. Thus, the valuation, as a result, of new construction or any other physical changes for FY2021 covers the timeframe from July 1, 2019 to June 30, 2020.

The new growth represents, new houses, additions or changes to a property that result in added value to that property. The growth this year was slightly lower as compared to the prior year, primarily due to a decrease in construction on all types of property. There were also delays associated with the Covid-19 shut down. The growth included 8 new homes, 5 new condominiums, 40 major renovations and additions. Personal Property new growth is largely due to the addition of property on four accounts Comcast, National Grid, Welch Foods and Ansys Inc.

The growth relevant to FY2021 was distributed among the four classes of real estate and personal property as follows:

	<u>Value</u>	<u>Levy Limit Adjustment</u>	<u>% of Total New Growth</u>
Class One, Residential	\$55,895,400	\$795,392	83.04%
Class Two, Open Space	0	\$ 0	0%
Class Three, Commercial	\$ 26,300	\$ 374	.04%
Class Four, Industrial	\$ 0	\$ 0	0%
Personal Property	<u>\$11,388,700</u>	<u>\$162,061</u>	16.92 %
TOTAL	\$67,310,400	\$957,827=	100.00%

D. Change of Taxable Status

From time to time, a shift in tax burdens will occur due to a change of taxable status. This year there were 5 parcels that moved from taxable to exempt. The loss in taxable value was \$2,334,300.

<u>Address</u>	<u>Value</u>
930 Main St	\$447,700
1A Seymour St	\$206,600
2B Plainfield Rd	\$830,100
90Y Plainfield Rd	\$659,000
24A Walden St	\$190,900

E. Total Taxable value

The total taxable value for FY2021 is \$6,670,507,650. A comparison of the Assessment Totals between FY2020 and FY2021 appears on pages 6 and 7. The total town valuation from FY20 to FY21 decreased by .22%. The change in value by class varies from this total only slightly. The decrease in the residential class is .22%, while the commercial/ industrial and personal property decreases is .20%. The new growth listed above is included in the totals, so the actual change is \$82,053,875 or -1.23%. Note that this represents the change in the market from Calendar 2018 to 2019 and represents a moderate change.

Overall, the Residential/Open Space (R/O) portion is 91.86% of the total value and the Commercial/Industrial/Personal Property (C/I/P) portion is 8.14%. These percentages are the same as last year and are consistent with the last several years. The breakdowns, ten years earlier in FY2011, were 90.58 and 9.42%.

II. Tax Levy

At the September 2020 Annual Town Meeting, the taxpayers voted appropriations for the fiscal year July 1, 2020 through June 30, 2021. In addition, certain state assessments, deficits and the overlay must be added to determine the total budget amount. Monies to support this local spending are raised by the property tax levy, state aid, local receipts and other sources. The Maximum Permitted Levy is the total amount of money that can be raised through real and personal property taxes and is the largest source of revenue for the town. The Maximum Permitted Levy in FY 2021, including the debt exclusion, is \$102,587,806. The actual levy is \$98,990,334. The difference between the maximum permitted levy and the actual levy is called excess levy capacity. For FY 2021 the Unused Levy Limit is \$3,597,472. The Levy Limit is calculated as follows:

FY2020 Levy Limit	\$92,281,116
Fy 20 New Growth Adjustment (<i>form LA-13a</i>)	\$ 0
2 ½% allowed increase	\$ 2,307,028
New Growth (<i>form LA-13</i>)	<u>\$ 957,827</u>
TOTAL (<i>before debt exclusion and override</i>)	\$95,545,971
DEBT EXCLUSION	\$7,041,835
<i>(Principal and interest due on debt authorized to be repaid from taxation above the levy limit)</i>	
OVERRIDE	<u>0</u>
MAXIMUM PERMITTED LEVY	<u>\$102,587,806</u>
FY2021 PROPERTY TAX LEVY	\$98,128,300
Unused Levy Limit	\$ 4,459,506

Town of Concord
 FY 2021 Taxable Assessed Value

Assessment Date:		January 1, 2019	January 1, 2020					
Budget Year		7/1/19 - 6/30/20	7/1/20 - 6/30/21				Last Year	10 Years Ago
Class		FY20 Valuation	FY21 Valuation	\$ Change FY20-21	% Change FY20-21	FY21 % Share	FY20 % Share	FY11 % Share
Class 1	Residential	\$6,141,398,117	\$6,127,758,265	(\$13,639,852)	-0.22%	91.86%	91.88%	90.58%
Class 2	Open Space	\$0	\$0	\$0	na	0.00%	0.00%	0%
	R/O Subtotal	\$6,141,398,117	\$6,127,758,265	(\$13,639,852)	-0.22%	91.86%	91.88%	90.58%
Class 3	Commercial	\$468,225,858	\$466,024,405	(\$2,201,453)	-0.47%	6.99%	6.96%	7.73%
Class 4	Industrial	\$26,619,200	\$26,575,200	(\$44,000)	-0.17%	0.40%	0.41%	0.59%
Class 5	Personal Property	\$49,007,950	\$50,149,780	\$1,141,830	2.33%	0.75%	0.76%	1.10%
	C/I/P Subtotal	\$543,853,008	\$542,749,385	(\$1,103,623)	-0.20%	8.14%	8.12%	9.42%
	TOTAL	\$6,685,251,125	\$6,670,507,650	(\$14,743,475)	-0.22%			
Class 9	Exempt	\$915,934,700	\$929,714,500	(\$13,779,800)	1.50%			

Fiscal 2020				Fiscal 2021			
Category	Assessed Value	Tax Rate	Tax Levy	Category	Assessed Value	Tax Rate (Proposed)	Tax Levy
Residential/Open Space (R/O):				Residential/Open Space (R/O):			
Residential:				Residential:			
Single family	5,083,284,560	\$14.23	72,335,139	Single family	5,071,695,070	\$14.71	74,604,634
Condominiums	481,827,476	\$14.23	6,856,405	Condominiums	489,912,249	\$14.71	7,206,609
Miscellaneous	136,406,000	\$14.23	1,941,057	Miscellaneous	136,806,700	\$14.71	2,012,427
Multi-family	70,908,950	\$14.23	1,009,034	Multi-family	69,936,450	\$14.71	1,028,765
Apartments	206,042,200	\$14.23	2,931,981	Apartments	205,598,100	\$14.71	3,024,348
Vacant Land	39,334,640	\$14.23	559,732	Vacant Land	39,795,400	\$14.71	585,390
Mixed Use Residential	123,594,291	\$14.23	1,758,747	Mixed Use Residential	114,014,296	\$14.71	1,677,150
Total RO:	6,141,398,117		87,392,095	Total RO:	6,127,758,265		90,139,324
Commercial/Industrial (CIP):				Commercial/Industrial (CIP):			
Commercial:				Commercial:			
Retail , Office , Other	420,031,925	\$14.23	5,977,054	Retail , Office , Other	417,978,325	\$14.71	6,148,461
Chapter 61, 61A & 61B	11,856,574	\$14.23	168,719	Chapter 61, 61A & 61B	11,405,326	\$14.71	167,772
Mixed Use Commercial	36,337,359	\$14.23	517,081	Mixed Use Commercial	36,640,754	\$14.71	538,985
subtotal:	468,225,858		6,662,854	subtotal:	466,024,405		6,855,219
Industrial:				Industrial:			
Manuf., Processing, Warehouse	21,289,100	\$14.23	302,944	Manuf., Processing, Warehouse	21,245,100	\$14.71	312,515
Solar	5,330,100	\$14.23	75,847	Solar	5,330,100	\$14.71	78,406
subtotal:	26,619,200		378,791	subtotal:	26,575,200		390,921
Personal property:	48,690,460	\$14.23	692,865	Personal property:	50,149,780	\$14.71	737,703
Total CIP:	543,535,518		7,734,510	Total CIP:	542,749,385		7,983,843
Total Town Value:	6,684,933,635		95,126,606	Total Town Value:	6,670,507,650		98,123,168

III. Tax Rate

The tax rate, in its simplest form, is the tax levy divided by the town's taxable valuation. This is called the *Uniform Tax Rate*. Under this rate each class of property pays a share of the tax levy *equal* to its share of the total town value. The calculation for the Town of Concord for FY 2021 is:

$$\$98,128,300 / \$6,670,507,650 = .01471$$

or

$$\$14.71 \text{ per thousand dollars of assessed valuation}$$

A tax rate history of both the Town of Concord and surrounding and/or comparable cities and towns is shown in Addendum 3. Of the 12 communities listed, 8 have split rates and 4 have a uniform rate. Despite the residential class advantage in a split rate town, the Town of Concord has repeatedly had the lowest or one of the lowest tax rates for both the Residential and the CIP classes. For FY2020 the town ranked the third lowest in the residential class and the lowest CIP rate in this group.

The Select Board has chosen to adopt a *Uniform Tax Rate* for the last 22 years. The Select Board must vote the percentages of the tax levy to be paid by each class of real property and by personal property each year (M.G.L. Chapter 40 section 56). In determining the percentages, the Select Board is actually adopting a residential factor.

A. Residential Factor

The residential factor adopted by a community governs the percentage of the tax levy that is to be paid by the residential property owners. A residential factor of "1" will result in the taxation of all property at the same rate, the *Uniform Tax Rate*. The Uniform Tax Rate with a residential factor of "1" is calculated to be \$14.71. However, the law allows the Commercial/Industrial/Personal Property, C/I/P, tax rate for the Town of Concord to be as high as 50% above the uniform rate; and the Residential/Open Space, R/O, to be as low as 65% of the uniform rate. A lower residential factor would result in the residential class bearing a lower share of the total levy than its share of taxable assessed value.

History of differential tax rates in Concord

In 1982, the town had a uniform rate and the percentage shares were 18% for the C/I/P, and 82% for the R/O. In 1983, the C/I/P class began to decrease in value relative to the R/O class. The Select Board, at that time, decided to shift the tax burden to the C/I/P class in the interest of maintaining a stable percent balance between the R/O and C/I/P classes. The 1983 vote shifted the levy 9/10ths of a percent to the C/I/P class. The Select Board continued to shift the taxes until 1996, with the maximum shift of 22% occurring in FY 1991.

However, through the mid-1990's, the total value of the town became increasingly residential. With this residential growth, it was perceived that an increasingly severe shift of the tax levy share to CIP would be required in order to produce only a relatively small benefit to the residential class. Therefore, the Select Board decided to gradually reduce the tax shift, and in FY1997 eliminated this tax shift entirely. In each of the ensuing years, the Board of Assessors has recommended and the Select Board has voted to adopt a uniform tax rate for the residential and CIP classes.

Allowable tax shift for FY21

As previously stated, a residential factor of 1 will result in the taxation of all property at the same rate. However, state law permits the town to adopt a residential factor of less than 1, which would have the effect of increasing the commercial, industrial, and personal property tax rates and decreasing the residential tax rate. The chart in Addendum 4 shows the range of allowable residential factor options available to the Select Board.

B. Senior Means Tested Exemption

In 2015, the Select Board created the Tax Fairness Committee, which eventually proposed a tax exemption for seniors, as a Home Rule Petition to the Commonwealth of Massachusetts Legislature in 2016 that passed as Chapter 374 of the Acts of 2016. A copy can be found in the addenda. The article was ratified at the 2017 Town meeting article 48 and was put to a Town wide election. The Exemption became effective on July 8, 2017 and was put into use for Fiscal 2019.

The Exemption is based on the Commonwealths Circuit Breaker Income tax program for Income, but uses Concord's median single-family house value, from the previous fiscal year, instead of the value set by the DOR. This expands the exemption to help seniors for FY 2021 in homes up to a value of \$925,200. The exemption is funded by a tax shift on the residential class of property only.

The program for Fy 2021 will provide an exemption to 34 taxpayers and has a total reduction of \$123,432. This results in an increase to the residential rate of \$.01 or a full rate of \$14.72/ thousand. Given Concord's history of maintaining a single rate a slight shift in the Commercial/Industrial/Personal Property would be needed. This shift would provide all classes of property to have a single rate of \$14.72/thousand.

To maintain a single rate the Select Board would have to vote a Minimum Residential Factor of **.999960** This would result in a shift to the Commercial/Industrial/Personal Property class of .045%.

Recommendation of the Board of Assessors

The Board of Assessors supports a uniform tax rate for all classes, achieved by the adoption of a residential factor of **“.999960.”**

C. Open Space Discount

Open Space is defined in M.G.L. Chapter 59, section 2A as:

...land which is not otherwise classified and which is not taxable under the provisions of chapters sixty-one, sixty-one A or sixty-one B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition and which contributes significantly to the benefit and enjoyment of the public. [Recently the law was changed to allow inclusion of chapter land.]

State law allows properties classified as Open Space to be taxed at a rate discounted up to 25% from the uniform tax rate. The tax dollars lost by the discount are shifted to the residential class of properties, which includes developable vacant land. The local Board of Assessors must develop the criteria that must be met in order to classify a parcel as Open Space that meets the “significant contribution” for the benefit and enjoyment of the public criteria. Previously Concord has interpreted “significant” as a size consideration, in addition to other factors including view, watershed, trail way, or green belt.

Only one community in Massachusetts grants an open space discount: Bedford. Boards of Assessors use this classification sparingly since most land fits into other classifications, and the open space classification, on its own, makes no difference in the assessment of a property. Assessors have also observed that as the years have passed, many of the land parcels afforded a tax discount were developed anyway, regardless of the tax incentive employed to encourage protection of open land and/or be a deterrent to development.

Presently, there are no parcels classified by the Board of Assessors as Class 2 – Open Space.

During the past several years, the Assessors have examined the valuation methodologies for land, including undeveloped land, and considered what might be an appropriate policy that Concord could adopt for open space. In particular, vacant land as well as undeveloped lots on a developed parcel were reviewed in detail. Current assessing practices in Concord do not use an aggressive approach to the valuation of undeveloped parcels by assuming that they could be developed to the maximum potential. Valuing a parcel as excess land results in a more favorable property tax for the owner, rather than assessing it as buildable and then applying an open space discount. The Board of Assessors does not believe there is any advantage to classifying properties as Class 2 – Open Space. *Further, the tax discount under the Chapter land program is far greater than afforded by the open space discount.*

Recommendation of the Board of Assessors

The Board of Assessors recommends that the Select Board not adopt an open space discount since there are no parcels classified as Class 2.

D. Residential Exemption

This mechanism provides for the redistribution of the tax levy among residential property owners, solely within the Residential Class (Class 1). “Exemption” is a misnomer since it is actually a tax shift among residential properties. It involves the following steps:

- Subtracting a standard dollar amount (a percentage of the average Class 1 value) from every qualifying owner-occupied residential parcel;
- Recalculating the Class 1 tax rate based on the new total of the Class 1 taxable value. The Class 1 tax levy must remain unchanged before and after this calculation.

This has the net result of shifting taxes from Class 1 parcels that are below the average value to parcels within the Class that are above the average. It also, however, results in substantially higher taxes on apartment and multi-family parcels that are not owner occupied, on vacant land parcels in the Class, and on any other residential property which is not owner occupied (including, in many instances, properties that are owned by a trust).

The selected percentage to calculate the standard qualifying assessed value reduction can be from 0 to 35%, but selecting a certain percent does not mean that everyone gets that exact percent tax reduction. This is because the tax rate for the Class must be raised. The impact of the exemption – who pays more and who pays less – is not conditioned upon the income status of the occupant. The manner in which the residential exemption works implies the presumption that all occupants of higher-valued properties also have higher incomes.

The average value of Class 1 is \$1,025,223 while the average single-family home value is \$1,101,824. The exemption, however, would be calculated on the \$1,025,223 value. A 35% shift would be \$358,828 exemption in value. The Class 1, residential tax rate associated with 35% exemption would produce a class 1 tax rate of \$20.84 up, \$6.12 from the rate without the exemption. The break-even point where the rate increase and the exemption amount cross would be on a residential parcel (land and buildings) valued at \$1,222,250.

In FY2021, there are 5,977 Class 1 parcels. Based on a “guesstimate” of eligibility, we estimate there are 5,014 potentially eligible properties. To determine the precise number of principal residences would require extensive review of the census, voting, utility records, car registrations and income tax returns. To implement this exemption, the taxpayers would file an application and include the above-mentioned documents. Their principal residence, indicated by using the above listed documents, would determine their eligibility. Based on the assumed eligible number of parcels, at least 963 residential parcels would not qualify for the exemption and experience an increase in their taxes. If the property did not qualify, the reduction of \$358,828 would not apply and in addition, they would be taxed at the new rate of \$20.84. A \$400,000 house that did not qualify for the exemption would have an annual tax bill shift or increase of \$2,448.

In addition, residential properties (those over the break-even point) would experience an increase. The following are examples of the increase:

Value	No Shift Tax	Shift Value	Shift Tax	Difference
\$1,101,824	\$16,351.07	\$742,996	\$15,608.48	-\$742.59
\$1,222,250	\$18,138.19	\$863,422	\$18,138.33	\$0.14
\$1,514,942	\$22,481.75	\$1,156,114	\$24,287.07	\$1,805.32

This option is based on the assumption that a lower value property indicates an occupant with lower income and vice versa. In recent years, the Board of Assessors has examined this provision in detail and has continued to recommend against its adoption. The FY2021 data does not indicate any change that would result in a different conclusion.

Only fourteen cities and towns in the Commonwealth use the residential exemption. Two communities joined in FY2006, Everett and Barnstable. Otherwise, this list has not changed in many years. In larger metropolitan communities, the large apartment population essentially funds the exemption (Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Marlborough, Somerville, Waltham, Watertown); in resort communities, the second home population funds the exemption (Barnstable, Truro, Nantucket, Tisbury); and in one community, the power plant funds over half of the total levy (Somerset). Thirteen of the fourteen communities also use the CIP tax shift essentially to the fullest degree they can, which means the commercial, industrial, and personal property classes are also called upon to reduce the Class 1 tax bill. (See “A. Residential Factor” above.)

Note: The above information was calculated on a single rate without the Senior Exemption Shift.

Recommendation of the Board of Assessors

The Board of Assessors does not support adoption of a residential exemption because its impact would be to raise taxes on a substantial number of residential parcels without regard to the fiscal circumstances of the occupants, while lowering taxes on a substantial number of residential parcels whose financial circumstances may not indicate a need for a discounted property tax. (See a report to the Concord Board of Assessors by Lynn Masson and Tony Logalbo on 10/13/05 and *The Residential Exemption* prepared by Jay E. Closser on 11/25/98) all available at:

http://www.concordma.gov/Pages/ConcordMA_Assessor/FY20INFO

Further, the Board notes the adverse consequences that would result for apartment buildings and multi-family units, which comprise a significant proportion of Concord’s affordable housing stock.

E. Small Commercial Exemption

Under M.G.L. Chapter 59, section 5I, the Select Board may decide annually to exempt up to ten percent of the average value of Class Three(Commercial) The properties have to be occupied by businesses with an average annual employment of no more than ten people. The building value must have a valuation of less than \$1,000,000 and the property must be occupied by the eligible businesses as of the January 1 assessment date. The property need not be owned by the eligible business that has been approved as a small business by the DOR. If multiple commercial occupants occupy the building, all occupants must be eligible. The small commercial exemption is a reduction in the taxable valuation of the property applied by the assessors before setting the tax rate. Like the Residential Exemption discussed above, the consequence of the Commercial Exemption is to set a new Commercial Tax Rate higher than the Uniform Tax Rate of \$14.84. If adopted, it has the effect of reducing property taxes on certain commercial properties occupied by small businesses and shifting those taxes onto other commercial properties, many of which are likely also occupied by small businesses as either owners or leaseholders.

In FY 2021, the Town of Concord has 336 Class Three commercial properties with a total value of \$417,978,325 (excluding mixed use). There are approximately 76 improved parcels over \$1,000,000 and 1

vacant developable parcel. The majority of the remaining parcels are commercial condominiums that may or may not qualify. However, the business needs to apply to the DOR to be qualified as a small business. If this exemption were to be considered it would require several years notification, so that the businesses that could qualify would have time to be approved by the DOR. There are a limited number of communities that provide the small commercial exemption including: Auburn, Avon, Bellingham, Braintree, Dartmouth, New Ashford, Seekonk, Somerset, Westford and Wrentham.

The intent of the law is to give a tax reduction to small businesses at the expense of the larger commercial parcels. The question of fairness arises since the legislation is based upon the assumption that the owners of larger buildings are financially healthier than the owners of smaller buildings.

Recommendation of the Board of Assessors

The Board of Assessors does not support adoption of the small commercial exemption (See *The Small Commercial Exemption* by Jay E. Closser, dated November 25, 1998). Also available at:

http://www.concordma.gov/Pages/ConcordMA_Assessor/FY18INFO

CONCLUSION

In conclusion, the Board of Assessors is unanimous in its recommendation to retain the Uniform Tax Rate of \$14.86/\$1,000 of valuation for FY21. This is achieved by a slight shift to the C/I/P or a Minimum Residential factor of .999960.

The Board of Assessors does not recommend adoption of the Open Space Discount, the Residential Exemption or the Small Business Exemption.

ADDENDA

ADDENDUM #1

State Use Code

Residences

101	Single Family
102	Condominium
103	Mobile Home
104	Two-Family
105	Three-Family
106	Accessory Land with Improvement
109	Multiple Houses on One Parcel

Apartments

111	Four to Eight Units
112	More Than Eight Units

Non-Transient Group Quarters

125	Other Congregate Housing
126	

Vacant Land in a Residential Zone or Accessory to Residential Parcel

130	Developable Land
131	Potentially Developable Land
132	Undevelopable Land

Other

140	Child Care Facility
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Open Space

201-202	Open Land in Residential Area
210-211	Open Land in Rural Area
220-221	Open Land in Commercial Area

Commercial

300-393	Transient Group Quarters, Warehouse and Distribution Facilities, Retail, Office Buildings, Public Service and Recreational
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Industrial

400-452	Manufacturing, Utilities, Mining
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Personal Property

501-552	
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Forest Land (CH 61), Agricultural/Horticultural (CH 61A), Recreational CH 61B)

601	Forest Land
710-722	Agriculture/Horticulture Land
801-814	Recreational Land

Exempt

900-939	Government-owned, Educational, Charitable, Religious
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ADENNDUM # 2

ASSESSMENT/CLASSIFICATION REPORT as of January 1, 2020

Fiscal Year 2021

Property Type	Parcel Count	Class1 Residential	Class2 Open Space	Class3 Commercial	Class4 Industrial	Class5 Pers Prop
101	4,603	5,071,695,070				
102	874	489,912,249				
MISC 103,109	64	136,806,700				
104	99	68,904,850				
105	1	1,031,600				
111-125	27	205,598,100				
130-32,106	282	39,795,400				
200-231	0		0			
300-393	336			417,978,325		
400-442	27				21,245,100	
450-452	2				5,330,100	
CH 61 LAND	3	13	0	55,585		
CH 61A LAND	23	30	0	1,086,691		
CH 61B LAND	18	12	0	10,263,050		
012-043	27	114,014,296	0	36,640,754	0	
501	100					6,236,800
502	136					18,737,490
503	0					0
504	2					13,300,140
505	2					7,139,300
506	1					2,834,900
508	4					1,901,150
550-552	0					0
TOTALS	6,686	6,127,758,265	0	466,024,405	26,575,200	50,149,780
Real and Personal Property Total Value						6,670,507,650
Exempt Parcel Count & Value					644	929,714,500

Addenda # 3								
Community Tax Rates		FY 14	FY 15	FY16	FY17	FY18	FY19	FY20
Concord								
Residential		\$14.45	\$14.29	\$13.92	\$14.07	\$14.29	\$14.19	\$14.23
CIP		Uniform	Uniform	Uniform	Uniform	Uniform	Uniform	Uniform
Average Single Family Bill		\$12,249	\$12,890	\$13,490	\$13,895	\$14,494	\$15,115	\$15,115
Acton								
Residential		\$19.45	\$19.05	\$19.23	\$19.06	\$19.38	\$19.37	\$19.24
CIP		Uniform	Uniform	Uniform	Uniform	Uniform	Uniform	Uniform
Average Single Family Bill		\$9,832	\$10,128	\$10,382	\$10,696	\$10,974	\$11,318	\$11,790
Andover								
Residential		\$15.18	\$14.97	\$14.82	\$15.18	\$15.64	\$15.27	
CIP		\$25.25	\$24.77	\$25.99	\$26.46	\$27.61	\$27.51	
(uniform rate)		(\$17.18)	(\$16.90)	(\$16.93)	\$17.35	\$17.88	\$17.47	
Average Single Family Bill		\$8,343	\$8,648	\$8,945	\$9,170	\$9,591	\$9,973	
Bedford								
Residential		\$15.71	\$14.62	\$15.28	\$14.81	\$13.74	\$12.96	\$13.18
Open Space		\$11.78	\$10.94	\$11.47				
CIP		\$34.04	\$32.12	\$33.50	\$32.04	\$30.38	\$28.42	\$28.95
(uniform rate)		(\$19.45)	(\$18.36)	(\$19.15)	\$18.31	\$17.36	\$16.24	\$16.54
Average Single Family Bill		\$8,481	\$8,607	\$9,103	\$9,508	\$9,265	\$9,442	\$9,769
Carlisle								
Residential		\$18.64	\$19.00	\$17.20	\$17.62	\$18.17	\$18.29	\$18.36
CIP		Uniform	Uniform	Uniform	Uniform	Uniform	Uniform	Uniform
Average Single Family Bill		\$12,732	\$13,127	\$13,588	\$14,062	\$14,701	\$15,016	\$15,423
Chelmsford								
Residential		\$18.98	\$18.70	\$18.03	\$17.92	\$17.96	\$16.35	\$16,045.00
CIP		Uniform	Uniform	Uniform	Uniform	Uniform	\$22.21	\$21.18
(uniform rate)							\$17.37	\$17.25
Average Single Family Bill		\$6,119	\$6,329	\$6,540	\$6,912	\$7,175	\$7,003	\$7,362
Lexington								
Residential		\$15.51	\$14.86	\$14.60	\$14.49	\$14.30	\$14.12	\$14.05
CIP		\$29.56	\$29.10	\$28.40	\$28.13	\$27.69	\$27.33	\$27.22
(uniform rate)		(\$17.39)	(\$16.63)	(\$16.23)	\$16.07	\$15.82	\$15.62	\$15.55
Average Single Family Bill		\$11,481	\$12,191	\$12,955	\$13,506	\$14,169	\$14,834	\$15,547

ADDENDUM #3 (continued)							
Community Tax Rates	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20
Lincoln							
Residential	\$14.41	\$14.15	\$13.99	\$13.70	\$13.60	\$14.03	\$15.36
CIP	\$18.95	\$18.60	\$18.39	\$18.05	\$17.88	\$18.44	\$20.18
(uniform rate)	(\$14.58)	(\$14.31)	(\$14.15)	\$13.88	\$13.75	\$14.18	\$15.52
Average Single Family Bill	\$13,742	\$14,367	\$15,033	\$15,185	\$15,629	\$16,118	\$18,097
Maynard							
Residential	\$22.29	\$22.31	\$21.25	\$22.01	\$22.64	\$21.04	\$20.64
CIP	\$32.28	\$31.09	\$29.57	\$30.57	\$31.10	\$28.86	\$27.89
(uniform rate)	(\$23.56)	(\$23.38)	(\$22.23)	\$22.98	\$23.56	\$21.86	\$21.29
Average Single Family Bill	\$6,414	\$6,680	\$6,960	\$7,209	\$7,440	\$7,752	\$8,124
Sudbury							
Residential	\$18.03	\$17.60	\$17.80	\$17.74	\$17.93	\$17.91	\$18.45
CIP	\$24.94	\$24.88	\$25.11	\$25.01	\$24.30	\$18.27	\$24.97
(uniform rate)	(\$18.42)	(\$17.99)	(\$18.20)	\$18.12	\$18.27	\$18.27	\$18.80
Average Single Family Bill	\$11,544	\$11,598	\$12,082	\$12,520	\$13,033	\$13,355	
Wayland							
Residential	\$18.33	\$18.39	\$17.34	\$18.14	\$18.03	\$18.28	\$17.76
CIP	Uniform	Uniform	Uniform	Uniform	Uniform	Uniform	Uniform
Average Single Family Bill	\$10,974	\$12,049	\$11,730	\$12,529	\$12,906	\$13,719	\$14,214
Westford							
Residential	\$16.60	\$16.24	\$16.30	\$16.41	\$16.38	\$16.56	\$16.33
CIP *	\$16.83	\$16.44	\$16.50	\$16.41	\$16.38	\$16.56	\$16.33
(uniform rate)	(\$16.60)*	(\$16.24)*	(\$16.30)*	\$16.41	\$16.38	\$16.56	\$16.33
Average Single Family Bill	\$7,312	\$7,543	\$7,797	\$8,054	\$8,420	\$8,821	\$9,238
*Small commercial exemption							

Chapter 374 – Acts of 2016

AN ACT ESTABLISHING A SENIOR MEANS-TESTED PROPERTY TAX EXEMPTION IN THE TOWN OF CONCORD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as Class 1, residential, in the town of Concord there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of: (i) 10 per cent of the total annual qualifying income for purposes of the state circuit breaker income tax credit; and (ii) the amount of the state circuit breaker credit the applicant was eligible to receive in the year before the application being filed. The percentage of total annual qualifying income may be raised by section 3. Property taxes shall not be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, a "parcel" shall be a unit of real property as defined by the board of assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application for the exemption in section 1 if the board finds that the applicant has excessive assets that place the applicant outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if the following criteria are met:

- (i) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (ii) the qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or owned jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;
- (iii) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (iv) the applicant or not less than 1 of the joint applicants has been domiciled in the town of Concord for not less than 10 consecutive years before filing an application for the exemption;
- (v) the maximum assessed value of the domicile is not more than the town's median single-family residential assessed value of the prior fiscal year; and
- (vi) the board of assessors has approved the application for the exemption.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on the total exemptions granted pursuant to this act equal to 0.5 per cent of the fiscal year's total residential property tax levy for the town of Concord, including the levy for the regional high school if not included in the town's tax levy at some subsequent date with the total exemption amount granted pursuant to this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of the exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the select board within a range of 0.5 to 1 per cent of the residential property tax levy for the town. If benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. If the cap exceeds the need for the exemption, the total cap on the exemptions granted pursuant to this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the

board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Concord shall be first by vote of approval at an annual town meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote of the town to revoke those sections.

SECTION 7. An exemption shall not be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

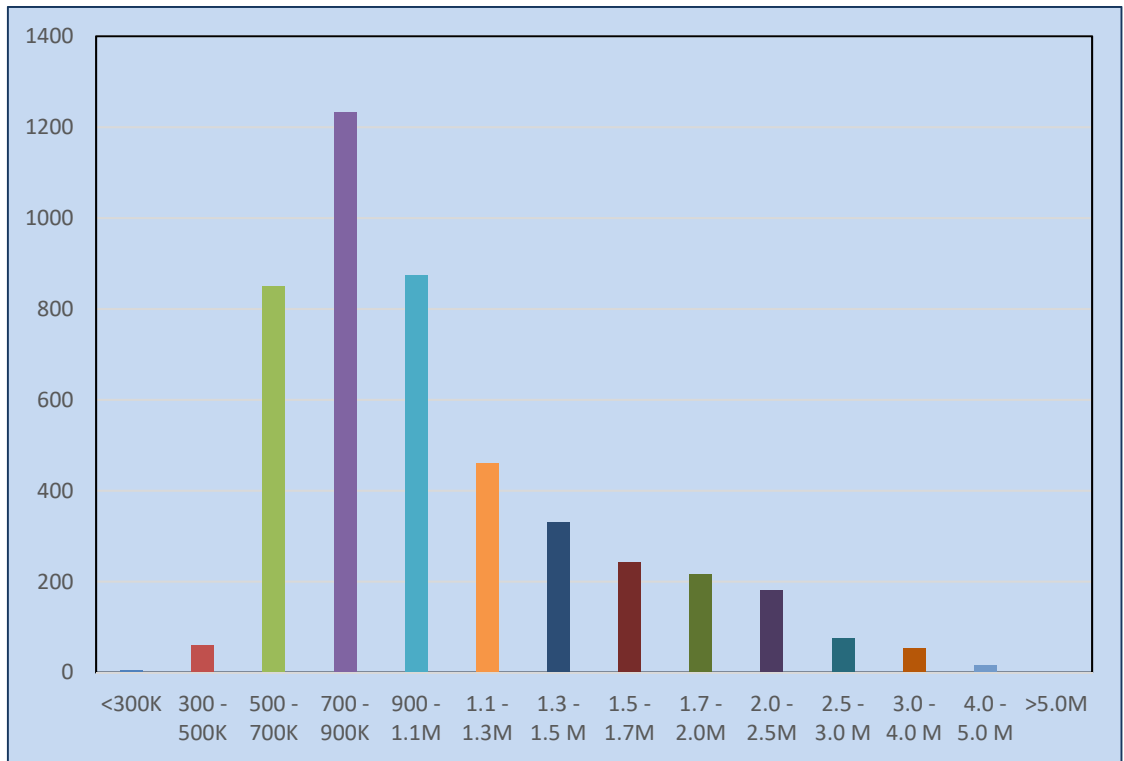
SECTION 8. This act shall expire after 3 years of implementation of the exemption.

Approved, January 6, 2017

ADDENDUM # 5							
What if ... Scenario Worksheet							
Note: This table should be used for planning purposes only. Actual calculations may differ slightly due to rounding							
CLASS		VALUE		PERCENTAGE			
Residential		\$6,127,758,265	91.86%	R&O %			
Open Space		\$0	0.00%				
Sub-Total Res, OS				91.8634%			
Commercial		\$466,024,405	6.99%				
Industrial		\$26,575,200	0.40%	C.I.P.			
Personal Property		\$50,149,780	0.75%				
Sub-Total Comm, Ind, PP				8.1366%			
Total		\$6,670,507,650	100.00%				
LEVY							
Estimated Levy		\$98,128,300.00					
Single Tax Rate		\$14.71					
		Share Percentages		Estimated	C.I.P.	% Shift	
C.I.P. Shift	Res Factor	Res/OS	C.I.P.	Res/OS		Res	C.I.P.
1	100	91.8634%	8.1366%	\$14.71	\$14.71	0.00%	0.00%
1.02	99.8229%	91.7007%	8.2993%	\$14.68	\$15.00	-0.18%	2.00%
1.04	99.6457%	91.5380%	8.4620%	\$14.66	\$15.30	-0.35%	4.00%
1.06	99.4686%	91.3753%	8.6247%	\$14.63	\$15.59	-0.53%	6.00%
1.08	99.2914%	91.2125%	8.7875%	\$14.61	\$15.89	-0.71%	8.00%
1.1	99.1143%	91.0498%	8.9502%	\$14.58	\$16.18	-0.89%	10.00%
1.12	98.9371%	90.8871%	9.1129%	\$14.55	\$16.48	-1.06%	12.00%
1.14	98.7600%	90.7243%	9.2757%	\$14.53	\$16.77	-1.24%	14.00%
1.16	98.5828%	90.5616%	9.4384%	\$14.50	\$17.06	-1.42%	16.00%
1.18	98.4057%	90.3989%	9.6011%	\$14.48	\$17.36	-1.59%	18.00%
1.2	98.2286%	90.2361%	9.7639%	\$14.45	\$17.65	-1.77%	20.00%
1.22	98.0514%	90.0734%	9.9266%	\$14.42	\$17.95	-1.95%	22.00%
1.24	97.8743%	89.9107%	10.0893%	\$14.40	\$18.24	-2.13%	24.00%
1.26	97.6971%	89.7479%	10.2521%	\$14.37	\$18.54	-2.30%	26.00%
1.28	97.5200%	89.5852%	10.4148%	\$14.35	\$18.83	-2.48%	28.00%
1.3	97.3428%	89.4225%	10.5775%	\$14.32	\$19.12	-2.66%	30.00%
1.4	96.4571%	88.6088%	11.3912%	\$14.19	\$20.60	-3.54%	40.00%
1.5	95.5714%	87.7952%	12.2048%	\$14.06	\$22.07	-4.43%	50.00%

ADDENDUM #6

**FY 2021 SINGLE FAMILY RESIDENCE by VALUES – STATE USE CODE 101
(Does not include mixed use 012 or multiple houses 109)
Concord, Ma**

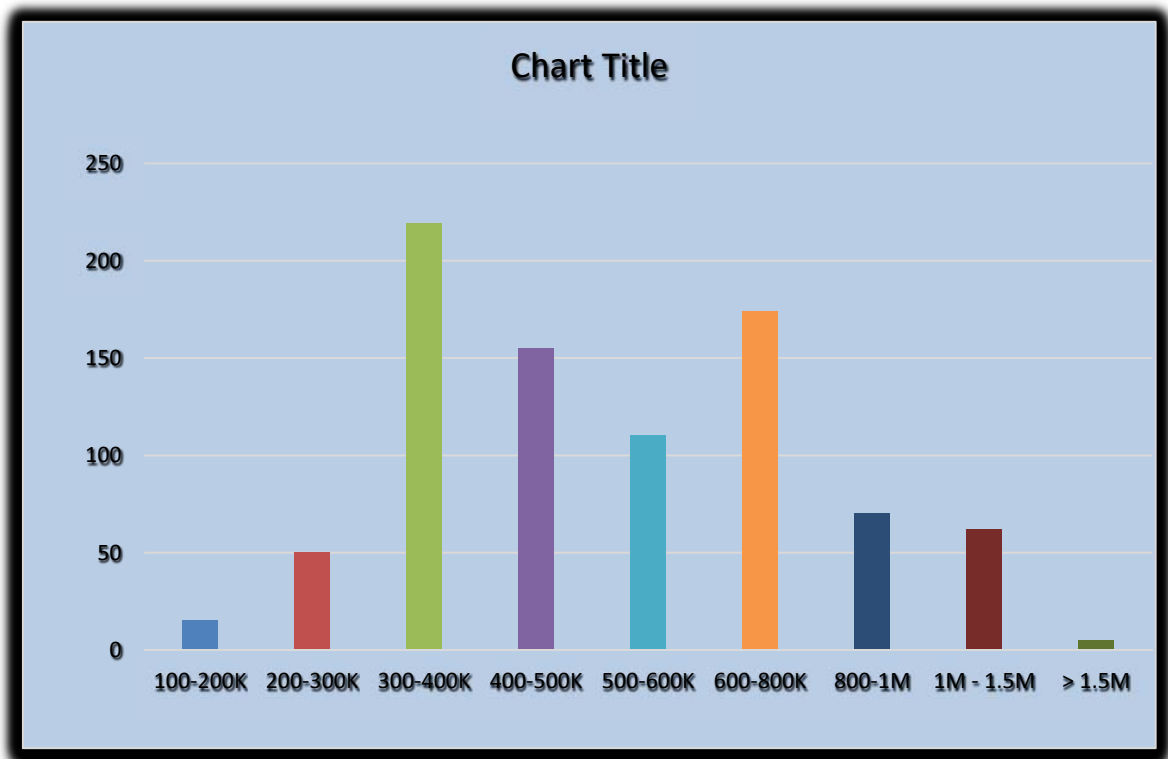


Average Assessment: \$1,101,824

Median Assessment: \$928,100

Addendum # 7

FY 2020 CONDO VALUES – STATE USE CODE 102
(The figures include affordable units, but not separate garages)



Average Assessment: \$560,540.

Median Assessment: \$485,571.



Board of Assessors FY2021 Classification Meeting with the Select Board

November 2, 2020

Concord Board of Assessors



Outline

- **Tax Rate Analysis for FY2021**
- **Recertification**
- **New Growth**
- **Total Taxable Value**
- **Tax Levy Calculation**
- **Tax Rate Calculation**
- **Senior Mean Tested Exemption**
- **Classification Issues**
 - Residential Factor
 - Open Space Discount
 - Residential Exemption
 - Small Commercial Exemption
- **Summary**



Tax Rate Analysis for FY2021

TAX RATE ANALYSIS

Fiscal Year 2021

Report of the
Concord Board of Assessors

Thomas Matthews, Chair
Susan Livingston
William Herring
Barron Lambert

To
Concord Select Board

For Public Hearing on November 2, 2020

- Report distributed to the Select Board members
- Details:
 - Assessed Values
 - Tax Levy
 - Tax Rate
 - Senior Exemption
 - BOA recommendations on classification



This is Not A Re-Certification Year

- **DOR requires recertification every 5 Years**
 - **Fiscal 2021 is an Interim year**
 - **Next Recertification year FY 2023**
 - **Interim year same process for Town as a Recertification year**
 - **Review of values and growth by DOR**

Status

- **FY2021 Values Approved**
- **FY2021 Growth Approved**
- **Expect tax bills to go out with the approved rate and on time**



New Growth

- **Period: July 1, 2019 to June 30, 2020**
- **Residential: \$55,895,400 (Value) @ \$14.23/1,000 = \$795,392(Taxes)**
 - \$613,199 – Standard growth (New SFD, Additions)
 - \$107,569 – Condominiums (Sweet Birch and Black Horse Ln)
 - \$ 4,861 - Two and Three-Family's, Apartments
 - \$ 69,763 - Land and Mixed use
- **Commercial: \$26,300 @ \$14.23/1000 or \$374**
Industrial: \$ 0 @ \$14.23/1000 or \$0
Personal Property: \$11,388,700 @ \$14.23/1000 or \$162,061
- **Fiscal 2021 Total Growth: \$67,310,400 @ \$14.23/1000 or \$957,827**



Total Taxable Value

Class	FY2020 Valuation	FY2021 Valuation	Change	% Change
Residential	\$6,141,398,117	\$6,127,758,265	-\$13,639,852	-.22%
Commercial/ Industrial/ P. Property	\$ 543,853,008	\$542,749,385	-\$ 1,103,623	-.20%
Total	\$6,685,251,125	\$6,670,507,650	-\$14,743,475	-.22%



Tax Levy Calculation

Item	2020	2021
Levy Limit Previous Year	\$88,864,251	\$ 92,281,116
Amended growth	\$ 0.00	\$ 0.00
Add...2 ½ allowed increase	\$ 2,221,606	\$ 2,307,028
Add...New growth	\$ 1,195,259	\$ 957,827
Total before any debt exclusion and override	\$92,281,116	\$ 95,545,971
Add...Debt exclusion	\$ 6,867,289	\$ 7,041,835
Add...Any override	0	0
Maximum permitted levy	\$99,148,405	\$102,587,806
Property tax levy	\$95,027,232	\$ 98,128,300
Unused levy limit	\$ 4,121,173*	\$ 4,459,506*

* Unused levy limit used in fiscal planning for future



Tax Rate Calculation

FY2021 Tax Rate was \$14.71

$$\frac{\text{FY2021 Property Tax Levy}}{\text{Town Taxable Valuation}} = \frac{\$98,128,300}{\$6,670,507,650} = 0.01471$$

or

\$14.71 per thousand dollars of assessed value

Before Accounting for the Senior Means Tested Exemption.



Senior Means Tested Exemption

- **Qualifications – Age 65 and over, Income requirements of the State Circuit Breaker Program and home value under the Town Median with an asset limit of \$250,000.**

Funded by a shift in the tax rate

	FY 2020	FY 2021
• Applications	46	35
• Approved FY	44	34
• Total Granted	\$144,028	\$123,432
• % of Res. Levy	.1648%	.1369%
• Res. Rate Shift	\$.02	\$.02
• Unified Rate	\$14.21	\$14.71
• Shifted Rate	\$14.23	\$14.72



Classification Issue – Residential Factor

- **Setting residential factor = 1 provides uniform tax rate for all classes (Residential, Open space, Commercial, Industrial and Personal property)**
- **Setting residential factor not = 1 results in differential tax rate between the “R/O” group and the “C/I/P” group**
- **Concord has used a uniform rate since FY1998**
- **92% of Concord revenue comes from Residential, a slight reduction (savings) in the “R/O” group would put a large increase (burden) on the “C/I/P” group**
- **This year to Balance the Rate (single rate) a shift of the residential factor to **.999960** would result in an single rate for both the Residential and the C/P/I at \$14.72**

Recommendation:

The Board of Assessors supports a single tax rate for all classes, achieved by the adoption of a residential factor of **“.999960”**.



Classification Issue – Open Space Discount

- There are no parcels currently classified as open space
- Most large land owners participate in chapter land discounts under 61, 61A and 61B resulting in more savings than if they were designated as “Open Space”
- Under Chapter the discount ranges from 75% to 98%
- The open space discount has a maximum discount of 25%
- Excess land values had no increase this year and remains at \$37,300/Acre further reducing the need for the OSD

Recommendation:

The Board of Assessors recommends that the Selectmen not adopt an open space discount.



Classification Issue – Residential Exemption

- **Redistribution of the tax levy among residential property owners**
- **“Exemption” is a misnomer since it is actually a tax shift among residential properties (upper portion of the tax base will have a higher tax bill, lower portion of the tax base will have a lesser tax bill)**
- **Tends to penalize low income renters because Apartment buildings would not qualify, would be in the upper half and pass the increase on to the tenants**
- **Most Advantageous in second-home communities**
- **Only 13 out of 351 communities in Massachusetts have adopted the exemption (9 inner city, 3 Cape, 1 south coast)**

Recommendation:

The Board of Assessors does not support adoption of a residential exemption.



Classification Issue – Small Commercial Exemption

- The intent of the exemption is to give a tax reduction to small commercial property owners at the expense of the larger commercial and industrial parcels
- The question of fairness arises since the legislation is based upon the assumption that the owners of higher valued properties are financially healthier than the owners of properties with lower values
- Detail analysis appears in the “Tax Rate Analysis” document

Recommendation:

The Board of Assessors does not support adoption of the small commercial exemption.



Summary

- **The Board of Assessors recommendation is to have a single Tax Rate by adopting a Minimum Residential Factor of **.999960****
- **It is deemed the most fair action to adopt in apportioning the tax bill in Concord – it produces the same rate for all classes of property and avoids unintended consequences that the Board deems to be damaging**
- **The Board of Assessors does not recommend adoption of the**
 - **Open Space Discount**
 - **Residential Exemption**
 - **Small Business Exemption**



Concord, Massachusetts 01742

April 8, 2020

Town of Concord
22 Monument Square
PO Box 535
Concord, MA 01742
Attn: Mr. Stephen Crane
Town Manager

Re: Application for Permission to Fire the Town of Concord Cannons at the 2020 Town Celebrations and Ceremonies on the following dates:

- April 11th, AM – Battery Test Fire, Old Manse Field – **Cancelled**
- April 11th, PM - Meriam's Corner exercises - **Cancelled**
- April 19th - 6 AM - Dawn Salute, Old Manse Field - **Cancelled**
- April 19th - 9 AM – Patriots Day Parade - **Cancelled**
- May 25th - Memorial Day – 9AM – Rideout Field, 11AM – Monument Sq.
- Nov 11th – Veterans Day – 8AM -Sleepy Hollow Cemetery
- TBD - Mutty Family Services – timing TBD (details below & attached.)

Dear Steve,

As is the process for the Concord Independent Battery, I am writing to you per the terms of the contract between the Town and the Battery to request the Select Board permission to fire the Towns Cannon at the various events for 2020.

Understanding the recent events of 2020, the Concord Independent Battery have followed the directions of the Select Board and have **cancelled** our events for March and April of this year. The balance of the events will be fully dependent on how the Select Board decides on whether the follow-on events will proceed or not.

That being said, it is our intention to follow the contractual requirements and still to provide the required documents to the Select Board for the 2020 year.



Concord, Massachusetts 01742

As we navigate these next few months, we will reach out to you for additional requests (if they come). First and foremost will be the Memorial Day and Veterans Day exercises and again we will work with you and the Select Board and abide by your directions. One exception on this being might be the Mutty family request, but we will wait on that request to be finalized before we submit any request to you and the Select Board.

Enclosed with this request to fire the cannon are the documents as required by the contract.

1. Master Training records for Active Battery Members from 1 April 2019 through March 31, 2020.
2. Copy of the Certificate of Liability Insurance showing the coverage for the Town of Concord and the Concord Independent Battery.
3. Invitation from the Concord Public Ceremonies and Celebrations Committee to fire at the Town's 2020 events (listed above).
4. Copies of the Commonwealth of Massachusetts canon Firing Permits issued by the Town of Concord Fire Department.
5. Copies of the signed Alcoholic Beverage and Controlled Substance Abstinence Agreements signed by each of the Active Battery Members and listed on the Master Training Record.
6. Listing of Active Battery Members with current Cannon Licenses issued by the Department of Public Safety.
7. Email requesting our participation of the Mutty Family dedication at Sleepy Hollow (time and date to be determined).

When we met in early March, our objective was to have these documents presented to the Town in late March and to schedule a time slot to meet with the Select Board to finalize our yearly request to fire.

With that all being on hold at this point, we wanted to be sure that the Town of Concord have these documents in hand so that when and if appropriate, we can engage you and the Select Board for that approval.

Give me a call or drop me an email if there are any questions.

Thank you and best regards,

Philip Kenney
President, Concord Independent Battery
pkenny21@gmail.com
(home) 978-263-0017
(cell) 508-326-8119

cc: Peter Myette – Captain, CIB
John Thompson – Secretary, CIB
Chris Carmody – Assistant to the Town Manager, Town of Concord
Jeremy Romanul - Assistant to the Town Manager, Town of Concord



The Commonwealth of Massachusetts
 Executive Office of Public Safety & Security
 Department of Fire Services
 P.O. Box 23 - State Road
 New, Massachusetts 01775
 (978) 562-3100 Fax (978) 562-3100



FP-27C

#82185

**Application/Permit
 for Cannon or Mortar Firing pursuant to 527 CMR 1.00 Section 65.1**

This form shall be used as the application and permit for all Cannon/Mortar Firing in the Commonwealth of Massachusetts.

This form must be submitted to the head of the local fire department **at least fifteen (15) days in advance of the proposed date of firing**

The applicant must attach the following to each copy of this application:

- ☐ A site plan showing points where cannons are to be discharged, location/distance to the audience, buildings, highways, etc.
- ☐ The site plan shall include 100 ft. distance 180° forward of the cannon muzzle and 50 ft. distance 180° to the rear.
- ☐ If live fire, the site plan shall include the distance within a forward sector of 120°, 1½ times the estimated range of the cannon and 100 ft. of the remaining 180° forward.

Location of Firing: VETERANS DAY FLAG RETIREMENT SLEEPY HOLLOW CEMETERY

Address: BEDFORD STREET CONCORD MA 01742

Date to be Held: WEDS NOVEMBER 11, 2020 From: 6:30AM a.m. / p.m. To: 9:00 AM a.m. / p.m.

Rain Date (if applicable): _____ From: _____ a.m. / p.m. To: _____ a.m. / p.m.

Name of Competent Operator: PATRICK (TACK) PALMER

Address: 46 SKYLINE DRIVE Phone #: 978-423-8196

Certificate of Competency#: CN253 Expiration Date: 2/26/2021

Manner and Storage of Ammunition Prior to and During Firing: APPROVED POWDER MAGAZINE

Is the discharge a live fire with projectile or blank fire without projectile? Blank fire only

Has the cannon barrel or safety sleeve been examined with a boroscope? Circle: Yes No

I, the undersigned certify that the discharge of cannons shall be in accordance with 527 CMR 1.00 and further that all crew members are a minimum of 18 years of age.

Signature of Competent Operator: Patrick Palmer Date: 02/06/2020

For Fire Department Use Only

Restrictions: _____

Signature of Head of the Fire Department: Thomas M. [Signature] Date: 2/19/2020

This permit will expire at midnight on November 11, 2020



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

Public Ceremonies and Celebrations Committee
2020 Patriot's Day Parade & Celebration

February 3, 2020

Dear Unit Commander/Liaison,

Your unit is cordially invited to participate in Patriots Day 2020, marking the **245th anniversary** of the Concord Fight and the beginning of the American Revolution. The Concord Public Ceremonies and Celebrations Committee is in the process of planning the Town's Patriots' Day activities and would be honored by your parade unit's participation in this historic, annual event. The Town's parade will be held on Patriots Day, Monday, April 20, 2020, beginning at 9:00 AM. **Participants are to muster between 8:15 and 8:30 am at the Hunt Gym (90 Stow St.).** The parade route covers a distance of about 3 miles over a period of approximately two hours. At least sixty units are expected to march this year. The parade begins at the Hunt Recreation Center on Stow Street and proceeds through Concord Center to the Old North Bridge where a brief ceremony commemorates the events and soldiers of April 19, 1775. The parade returns to the Hunt Recreation Center by way of Concord Center where each unit is officially acknowledged at the town-reviewing stand. Following the parade disbanding at the Hunt Recreation Center, all participants are invited to a collation lunch, if they wish.

Please complete and return the enclosed forms by March 1, 2020, even if you do not plan to participate, as the Committee keeps an updated list of all groups that are invited. No reply by your unit may result in your unit's inadvertent removal from our invitation list.

Completed paperwork must be submitted either electronically to cpccc@concordma.gov or addressed to the:

**Concord Public Ceremonies and Celebrations Committee
Town House – 22 Monument Square, P.O. Box 535, Concord, MA 01742**

You are advised to adhere to all Public Ceremonies and Celebrations Committee directives. Please note that your unit may only carry one identifying banner or flag. Motorized vehicles are permitted, only after a request is made with ample notice. The committee has full authority to approve or disapprove the vehicle's participation. Advocacy materials such as placards, balloons, handouts, and noisemakers **are not** permitted. Political signs, clothing, banners, or any materials that do not represent neutrality are forbidden.

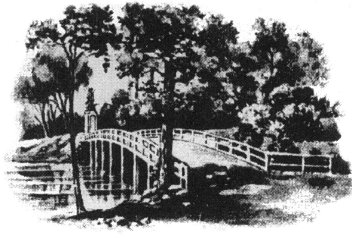
In addition to the parade, you are respectfully invited to participate and/or attend other Town events that will also be held in April:

- Meriam's Corner Exercise on Saturday, April 11 at 1:00 PM, and
- Dawn Salute at the Buttrick Hillside/Old North Bridge on Sunday, April 19 at 6:00 AM.

We welcome any questions, thoughts, or concerns you may have as we approach April 20th. Our committee is enthusiastic and committed to creating the best parade experience for everybody, whether one is attending or participating. We look forward to seeing you in April – let's hope the weather is in our favor this year!

Sincerely,

John J. Arena III & Julissica Navarro-Norton
PCCC Co-Chairs



OLD NORTH BRIDGE

TOWN OF CONCORD

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

February 3, 2020

Public Ceremonies and Celebrations Committee

P.O. Box 535 – 22 Monument Square Concord, Massachusetts 01742

cpccc@concordma.gov

2020 Patriot’s Day Parade & Celebration

VOLUNTARY RELEASE FORM

I, the undersigned, _____ (Unit Commander) of _____ (Unit), do hereby consent to my Unit's participation in the Town of Concord’s **2020 Patriots Day Parade** and associated activities. I also agree to forever release the Town of Concord, and all its employees, agents, volunteers, and any and all individuals and organizations assisting or participating in **2020 Patriots Day Parade** and associated activities (the “releasees”) from any and all claims, rights of action and causes of action that may have arisen in the past, or may arise in the future, directly or indirectly, from personal injuries to myself or property damage resulting from my participation in the aforementioned activities. I also promise to indemnify, defend, and hold harmless the releasees against any and all legal claims and proceedings of any description that may have been asserted in the past, or may be asserted in the future, directly or indirectly, arising from personal injuries to myself or property damage resulting from my participation in the aforementioned activities.

I further affirm that I have read this Consent and Release Form and that I understand the contents of this form. I understand that my participation in these activities is voluntary and that I am free to choose not to participate in the activities with full knowledge that the releasees will not be liable to anyone for personal injuries and property damage I may suffer while participating in the Parade and associated activities. A current copy of my Unit’s Certificate of Liability Insurance is attached (if required).

Signed: _____ Date: _____

Title: _____



PO Box 1804 Concord, Massachusetts 01742

Active Battery Cannon Licenses – as of 4/1/2020

Active Member	No.	Expiration Date
Charlie Barker	CN-000242	3/12/21
Rein Beeuwkes	CN-000243	5/14/21
Dave Brown	CN-0004488	3/22/21
Dudley Cunningham	CN-000245	6/25/21
Tish Hopkins	CN-000247	12/29/21
Doug Macone	CN-000085	7/21/20
Bruce Mueller	CN-000249	7/18/21
Pete Myette	CN-000250	9/11/20
Don Palma	CN-000252	8/19/21
Tack Palmer	CN-000253	2/26/21
Pete Robinson	CN-004404	1/26/22
Gibbs Roddy	CN-000254	7/8/21
John Welsh	CN-002556	8/25/21

Source: Commonwealth of Mass. Department of Public Safety



DEPARTMENT OF THE ARMY
ARMY RESEARCH, DEVELOPMENT AND ENGINEERING COMMAND
ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
WEAPONS AND SOFTWARE ENGINEERING CENTER
BENÉT LABORATORIES
1 BUFFINGTON STREET
WATERVLIET, NY 12189-4000

On 15 March 2016, Mr. Theodore Pollak and Mr. Jason Foglietta, using Zistos® high resolution video borescoping equipment, performed a borescope evaluation of two 19th century model 1841 six-pound cannon, identified as Cannon Serial number 1 and 2, located in the Gun House in Concord, Massachusetts.

Based on our evaluation, as well as our knowledge and experience in performing numerous bore evaluations, and our experience in the inspections of black powder armament over the years, it is our opinion that the cannon liners are in good condition. The cannon bores (liners) are free of burrs, cracks, distortions, and mutilations. Based on a restriction of firing black powder blanks only through these cannon, it is our opinion that these cannon are in sound firing condition.

Handwritten signature of Theodore Pollak in black ink.

Theodore Pollak
Mechanical Engineering Technician
Weapon Systems and Technology
Benét Laboratories

Handwritten signature of Jason Foglietta in black ink.

Jason Foglietta
Engineering Technician
Weapon Systems and Technology
Benét Laboratories

From: Philip Kenney pkenney21@gmail.com
Subject: Concord Independent Battery Borescope
Date: September 11, 2020 at 11:51 AM
To: theodore.i.pollak.civ@mail.mil, jason.m.foglietta.civ@mail.mil
Cc: Myette, Peter pomyette@gmail.com, Full Name john.thompson@raveis.com



Subject - Concord Independent Battery Borescope Inspection

Ted and Jason - I am writing you to see if we can we can again ask you to perform a borescope inspection on our two 19th century brass cannons. You (and perhaps others) from Benet Labs / Watervliet Arsenal have performed multiple inspections in the past. The last inspection results are from March 2016 and are attached to this note.

If you recall we are required by our contract with the Town of Concord, MA. to have these inspections performed every 5 years, The last inspection per this agreement with Concord MA. requires us to have a follow-up test completed prior to April of 2021. I know it is a bit early at this point but given what is going on in the world, we would rather get on your 2021 schedule now if that is possible.

Please let me know of any follow-up requirements you may have and any logistical / timing needs.

Your support of this requirement is greatly appreciated.

Phil Kenney
President
Concord Independent Battery
PO Box 1804
Concord, MA 01742

pkenney21@gmail.com
(c) 508-3216-8119



On 18 March 2020, at 11:51 AM, Philip Kenney wrote:
I am writing you to see if we can we can again ask you to perform a borescope inspection on our two 19th century brass cannons. You (and perhaps others) from Benet Labs / Watervliet Arsenal have performed multiple inspections in the past. The last inspection results are from March 2016 and are attached to this note.

John Thompson
John Thompson
Director, Munitions and Explosives Research and Development Center

Jason Foglietta
Jason Foglietta
Director, Munitions and Explosives Research and Development Center



PO Box 1804, Concord, Massachusetts, 01742

Concord Independent Battery - 2019 - 2020 Master Training Hours

Battery Hours 2019 - 2020		Total	Postion(s)	AAA*
Barker	Mr. Charles W.	0		✓
Beeuwkes	Mr Reinier	13	1,2, Range	✓
Brown	Mr. David C.A.G.	28	4,5, Trainer	✓
Brown	Mr. Mark E.	22	3,4	✓
Capobianco	Mr Eugene	10	1, Guard	
Crampton	Mr. Andrew S.	17	2,3,4	
Cunningham	Mr. Dudley	20	1,4	✓
Daly	Mr Mark	36	1,2,5	✓
Dawson	Mr Stepehn	21	5, Guard	✓
Durkin	Mr Matt	20	3,4, Guard	✓
Eaton	Mr. David G.	14	2,5, Guard	
Eaton	Mr. Robert G.	22	1,2	✓
Finigan, Jr.	Mr. James E.	24	4,6 Guard	✓
Hennessy	Mr. Peter M.	4		✓
Hirsch	Ms. Laura	20	Guard	✓
Kenney	Mr. Philip B.	0		✓
Lawrence	Mr. Michael	0		
Macone	Mr. Douglas J.	29	Gunner	✓
Mahoney	Mr Ryan	30	3,5,6 Guard	✓
Maslowski	Mr Taylor	25	6,Guard	✓
McGarry, Jr.	Mr. John J.	30	2, Gunner	✓
Mueller	Mr. H. Bruce	0		
Myette	Ms. Abigail L.	22	2, Guard	✓
Myette	Mr. Peter C.	23	Captain	✓
Palmer	Mr. Patrick H.	30	1, Gunner	
Robart	Mr Cory L.	21	2, 4, Guard	✓
Robinson	Mr. Peter	20	Guard	✓
Roddy, Jr.	Mr. Gilbert M.	4	2	✓
Smith	Mr. Lowell S.	20	1,6	✓
Smith	Mr. Thomas R. S.	0		
Snay	Mr. Mark	20	1, 2, Guard	✓
Snay	Mr. Christopher R.	20	1, 2 Guard	✓
Sullivan	Mr. Gregory T.	20	1,3,4	✓
Thompson	Mr. John A.	26	1,2 Guard	✓
Welsh	Mr. John C.	24	2,3,6	✓
Williams	Mr. Christopher	20	2, 5	✓



PO Box 1804, Concord, Massachusetts, 01742

Subject to the approval of the Select Board, The Active members listed who have accumulated at least 20 hours of training & Active fire between April 1, 2019 and March 11, 2020. Our scheduled training was cut short due to the virus restriction, however a vast majority (25) of the members have the required 20 hours. Those who have not met the minimum hours, all can participate either tending to the horses, acting as cordon guards and the like. Each of the acknowledged members have submitted a signed Alcohol and Substance Abstinence Agreement for the 2020 year and have a current Indemnity, Release and Hold Harmless Agreement on file with the Town and as a result are eligible to participate on gun crews for the 2020 ceremony season.

s/ Philip B Kenney

Philip B. Kenney
President
Concord Independent Battery

* Alcohol and Substance Abstinence Agreement - enclosed



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

2/2/2020
Date

Greg Sullivan
Name (Print)

Greg Sullivan
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

Chris Williams
Name (Print)

Chris Williams
Signature



2020 Battery Alcoholic Beverage & Controlled Substance Abstinance Agreement

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

2/12/2020
Date

Laura Hirsch
Name (Print)

Laura Hirsch
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

Mark Savy
Name (Print)

[Handwritten Signature]
Signature



2020 Battery Alcoholic Beverage & Controlled Substance Abstinence Agreement

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

11/29/20
Date

PETER C MYEITE
Name (Print)

P C Myeite
Signature



2020 Battery Alcoholic Beverage & Controlled Substance Abstinence Agreement

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

2/28/20

Date

James Finigan

Name (Print)

James Finigan

Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

2/11/2020
Date

Cory Robert
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/2020
Date

MARK J DALY
Name (Print)

Mark J Daly
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/2022
Date

Robert Eaton

Name (Print)

Robert Eaton

Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1-29-20
Date

PETER ROBINSON
Name (Print)


Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

Jan 29, 2020
Date

John A Thompson
Name (Print)

John A Thompson
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

Charlie Barker
Name (Print)

Charlie Barker
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

29 June 2020
Date

DAVID PROWSE
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/2020
Date

STEVE DAWSON
Name (Print)

Steve Dawson
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29
Date

Abigail Myette
Name (Print)

Abigail Myette
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

John Welsh
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

2/12/2020
Date

Gilbert M. Roddy Jr.
Name (Print)

Gilbert M. Roddy Jr.
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20

Date

Dodley Cunningham
Name (Print)

[Handwritten Signature]

Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

Ryan McHoney
Name (Print)

[Handwritten Signature]
Signature



2020 Battery Alcoholic Beverage & Controlled Substance Abstinence Agreement

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

LOWELL S. SMITH
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

3/1/20
Date

Philip B. Kenney
Name (Print)

Philip B. Kenney
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

PETER HENNESSY
Name (Print)

P. Hennessy
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/2020
Date

Matthew Durkin
Name (Print)


Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

29 Jan 20

Date

Remix Becraft

Name (Print)

Remix Becraft

Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/2020
Date

John McGarry
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

29 JAN 2020

Date

Doug Macrone
Name (Print)

Doug Macrone
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

Jan 29 2020
Date

Mark Brown
Name (Print)

[Handwritten Signature]
Signature



**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance with in twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

1/29/20
Date

Chris Snay
Name (Print)

Chris Snay
Signature




**2020 Battery Alcoholic Beverage & Controlled
Substance
Abstinence Agreement**

The undersigned Battery Member hereby agrees not to ingest alcoholic beverages or any controlled substance within twenty-four (24) hours prior to participating on an assigned Battery Gun Crew in the "live" firing of the ceremonial cannons owned by the Town of Concord, be it a ceremonial or practice firing.

10-29-2020
Date

Taylor Maslowski
Name (Print)


Signature



Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland, and Weston

Office Address: 37 Knox Trail, Acton, MA 01720
Phone: (978) 287-1092

Website: WWW.RHSOhousing.org
Email: INFO@RHSOhousing.org

October 29, 2020

To: Stephen Crane
From: Liz Rust
CC: Marcia Rasmussen
RE: Routine Housing items for Delegation

The Town of Concord is the Monitoring Agent for a number of restricted housing units in Concord. The Town has created moderate income units where it is the sole Monitoring Agent, and the Town shares the Monitoring Agent responsibility with DHCD for affordable housing created under the LIP Program.

As Monitoring Agent, occasionally there is a need to prepare memos and approvals as well as execute documents pertaining to these housing units for a variety of reasons – approval of mortgage refinancing, compliance certificates at resale, and other administrative tasks. For many of these documents, time is of the essence for execution, and the schedule of the Select Board may not accommodate the scheduling of these items. Additionally, the items may be minor in nature, and do not need the attention of the Select Board.

I am requesting the Select Board designate the Town Manager to act on the Town's behalf for any administrative action requiring the Board, or the Board Chairman's signature for the following administrative actions, and the Director of Planning and Land Management as noted:

- Approval of mortgage refinancing, or subordination of town mortgage due to refinancing – Town Manager
- Right of refusal for ownership units under resale, indicating the town preference to locate an eligible purchaser instead of the municipality purchasing the unit – Town Manager
- Compliance Certificate prior to the resale of any affordable units – Town Manager
- Minor amendments to a previously executed Regulatory Agreement – Town Manager
- Approval of annual rents for LIP rental (Brookside, The Prescott) – Director of Planning and Land Management
- Annual certification of LIP units to DHCD - Director of Planning and Land Management

Each request will be evaluated by Town staff and a recommendation provided to the Town Manager. The more important approval authority for the creation of new units of affordable housing through the approval of LIP Applications, execution of new Regulatory Agreements, or other substantive housing considerations will specifically require Select Board approval and will be put on the agenda for discussion. This request for delegation of the Select Board's authority is again for more minor administrative acts.

October 20, 2020

Ms. Rieko Hayashi
LIP Program - Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: Right of First Refusal – 333 Walden Street

Dear Rieko,

The Town of Concord will not exercise its Right of First Refusal for the resale of the Local Initiative Project (LIP) unit at 333 Walden St., located in the Walden Street LIP development, and relinquishes that right.

The Town wishes to proceed in locating an eligible purchaser and to market the unit with the assistance of the Regional Housing Services Office, through its staff Lara Plaskon and Elizabeth Rust. A two-percent (2%) resale fee will be added to the sales price and paid by the purchaser as determined by DHCD, and will be payable to the Town of Concord at the closing.

Sincerely,

Stephen Crane
Concord Town Manager

LOCAL INITIATIVE PROGRAM APPLICATION FOR LOCAL ACTION UNITS

Introduction

The Local Initiative Program (LIP) is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households.

The program provides technical and other non-financial assistance to cities or towns seeking to increase the supply of housing for households at or below 80% of the area median income. LIP-approved units are entered into the subsidized housing inventory (SHI) pursuant to Chapter 40B.

Local Action Units (LAUs) are created through local municipal action *other than comprehensive permits*; for example, through special permits, inclusionary zoning, conveyance of public land, utilization of Community Preservation Act (CPA) funds, etc.

DHCD shall certify units submitted as LAUs if they met the requirements of 760 CMR 56.00 and the LIP Guidelines, which are part of the Comprehensive Permit Guidelines and can be found on the **DHCD website at www.mass.gov/dhcd**.

To apply, a community must submit a complete, signed copy of this application to:

**Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, Massachusetts 02114
Attention: Rieko Hayashi, Program Coordinator**

**Telephone: 617-573-1426
Email: rieko.hayashi@state.ma.us**

Community Support Narrative, Project Description and Documentation

Please provide a description of the project, including a summary of the project's history and the ways in which the community fulfilled the local action requirement.

The house at 930 Main St in West Concord was purchased by several entities in Concord along with Habitat for Humanity of Greater Lowell. The purchase was officially made by Concord Housing Development Corporation with monies from that organization, along with Concord Housing Foundation, Concord CPC funds and additional funds from the Town of Concord. Habitat for Humanity also paid \$75K as part of this partnership. The goal is to renovate this home into a 2 family, with the lower level as a 2 bedroom unit and the upper level as a 3 bedroom unit. The homes will be sold to families who qualify under DHCD guidelines, with a goal of at least one of the units to be local preference. The families will be targeted at <65% Area Median Income. In my 10 years as Executive Director, this has been the most community oriented project I've ever worked on.

Signatures of Support for the Local Action Units Application

Chief Executive Officer:


defined as the mayor in a city and the board of selectmen in a town, unless some other municipal officer is designated to be the chief executive officer under the provisions of a local charter

Signature: _____

Print Name: ___Linda Escobedo___

Date: _____

Chair, Local Housing Partnership: (as applicable)

Signature:  _____

Print Name: ___Lee Smith, Chair CHDC___

Date: October 28, 2020

Municipal Contact Information

Chief Executive Officer

Name Linda Escobedo
Address 22 Monument Square, Concord MA 01742
Phone 978-318-3000
Email _____

Town Administrator/Manager

Name Stephen Crane
Address 22 Monument Square, Concord MA 01742
Phone 978-318-3000
Email scrane@concordma.gov >

City/Town Planner (if any)

Name Marcia Rasmussen
Address 141 Keyes Road, Concord MA 01742
Phone 978-318-3289
Email mrasmussen@concordma.gov

City/Town Counsel

Name _____
Address _____
Phone _____
Email _____

Chairman, Local Housing Partnership (if any)

Name Lee Smith
Address CHDC, 141 Keyes Road, Concord MA 01742
Phone _____
Email leesmith125@gmail.com

Community Contact Person for this project

Name Liz Rust
Address 37 Knox Trail, Acton 01720
Phone 978-208-2035
Email liz@RHSOHousing.org

The Project

Developer Name Habitat for Humanity of Greater Lowell
 Name Brenda Gould, Executive Director
 Address 68 Tadmuck Road, Unit 1, Westford MA 01886
 Phone 978 692 0927 or direct line 978 540 0962
 Email execdir@lowellhabitat.org

Is your municipality utilizing any HOME or CDBG funding for this project? Yes No

Local tax rate per thousand \$ 14.23 for Fiscal Year 2020

Site Characteristics

<u>Project Style</u>	<u>Total # of Units</u>	<u># of Units Proposed for LAU Certification</u>
Detached single-family house	_____	_____
Rowhouse/townhouse	_____	_____
Duplex	<u>2</u>	<u>2</u>
Multifamily house (3+ family)	_____	_____
Multifamily rental building	_____	_____
Other (specify)	_____	_____

Unit Composition

Type of Unit:	# of Units	# of BRs	# of Baths	Gross Square Feet	Livable Square Feet	Proposed Sales Prices/ Rents	Proposed Condo Fee
Condo Ownership							
Fee Simple Ownership							
Rental							
Affordable:	2						
Unit 1		3	1	1240	1010	<or=\$225,000	\$175
Lower Level		2	1	1350	985	<or=\$200,000	\$175
Market:	0						

Please attach the following documents to your application:

1. Documentation of municipal action (e.g., copy of special permit, CPA funds, land donation, etc.)
2. Long-Term Use Restrictions (request documents before submission):
 - For ownership projects**, this is the Regulatory Agreement for Ownership Developments, redlined to reflect any proposed changes and/or the model deed rider.
 - For rental projects**, this is the Regulatory Agreement for Rental Developments, redlined to reflect any proposed changes.
 - For HOME-funded projects**, this is the HOME covenant/deed restriction. When attaching a HOME deed restriction to a unit, the universal deed rider cannot be used.
3. Documents of Project Sponsor's (developer's) legal existence and authority to sign the Regulatory Agreement:
 - appropriate certificates of Organization/Registration and Good Standing from the Secretary of State's Office
 - mortgagee consents to the Regulatory Agreement
 - trustee certificates or authorization for signer(s) to execute all documents
4. For Condominium Projects Only: The Condominium master deed with schedule of undivided interest in the common areas in percentages set forth in the condominium master deed
5. For Rental Projects Only: A copy of the Local Housing Authority's current Utility Allowances
6. Massachusetts Environmental Policy Act (MEPA) environmental notification form (ENF) – for new construction only (request form before submission)
7. Affirmative Fair Marketing and Lottery Plan, including:
 - ads and flyers with HUD Equal Housing Opportunity logo
 - informational materials for lottery applicants
 - eligibility requirements
 - lottery application and financial forms
 - lottery and resident selection procedures
 - request for local preference and demonstration of need for the preference

- measures to ensure affirmative fair marketing, including outreach methods and venue list
- name of Lottery Agent with contact information

See Section III of the Comprehensive Permit Guidelines at www.mass.gov/dhcd and search for **LIP 40B Guidelines** for more information.

PLEASE CONTACT RIEKO HAYASHI OF OUR OFFICE AT 617-573-1426 IF YOU HAVE ANY QUESTIONS.



Regional Housing Services Office

Serving Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, Wayland, and Weston

Office Address: 37 Knox Trail, Acton, MA 01720
Phone: (978) 287-1092

Website: WWW.RHSOhousing.org
Email: INFO@RHSOhousing.org

To: Brenda Gould, Habitat for Humanity, Rieko Hayashi, DHCD

From: Elizabeth Rust, Regional Housing Services Office

Date: October 13, 2020

Re: Justification for Local Preference, 930 Main Street

Concord is requesting a local preference for one of the units at the duplex Habitat project planned for 930 Main Street. The Habitat duplex homes are planned for low income households earning under 65% AMI, and will provide opportunities for homeownership at an affordability level rarely seen in Concord. There is a demonstrated local need for affordable homeownership housing in Concord at all AMI levels below 100%, and especially at 65% AMI.

Concord has no supply of affordable housing currently for sale. There is only one 2BR condominium listed for sale below \$400,000; well above the planned affordable price of \$200,000 or \$225,000. There are 6 homes under \$800,000 and 52 over \$800,000, listed on Zillow.com on 10/13/2020. Looking at home prices from another angle, the single-family home median value in Concord is \$925,200. Clearly, there are minimal affordable homes available for sale in the Town of Concord.

Concord has 23% low income households. In Concord, 23% of households are low income (1,520 households), according to CHAS, the HUD Data portal. A low income family of four in Concord at 80% of the Area Median Income (AMI) earns no more than \$96,250 annually. Such a family can afford to pay a maximum of \$2,400 per month in housing costs, translating to a sale price of just over \$300,000. There are no homes for sale for a low income household.

Concord renters are cost burdened. According to CHAS, many households in Concord are cost burdened, meaning that they spend more than 30% of their incomes on housing costs, or severely cost burdened, meaning that they spend more than 50% of their incomes on housing costs. Cost burden usually affects renter households at a greater rate than owner households. Almost one-third (32%) of all Concord households are cost-burdened, and 45% of all Concord renters are cost-burdened with most of those (665 of the 710 cost-burdened renters) being low income households. Furthermore, cost burden is predictably most common among low income households. 67% of Concord renter households who are between 30% and 50% of AMI are cost burdened, and 80% of Concord renter households who are between 50% and 80% of AMI are cost burdened.

Given the shortage of housing affordable to low income households in Concord and the housing cost burden faced by many Concord households, the Town of Concord would like to offer more affordable opportunities to its residents.

For this project, Concord proposes to reserve one of the two homeownership units for applicants that demonstrate a connection to Concord. Any person or household who qualifies under the local preference shall have equal consideration in the Local Pool, and will also be eligible in the General Pool. The local preferences include:

1. Residents of the Town of Concord;
2. Household member employed by the Town of Concord, the Concord school system, the Concord-Carlisle Regional High School System;
3. Household member employed in the Town of Concord;
4. Households with children attending the Concord Public Schools.

The Town is committed to providing equal access to all applicants. The Local Pool will be balanced to avoid any disparate impact, ensuring that the local pool reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area ("MSA"). Specifically, if the percentage of minority local resident households in the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area (27%), minority applicants will then be included from the general pool through a minority pre-balancing to the local preference pool.

Information Packet

930 Main Street

Concord, MA

Affordable Housing Opportunities

Offered by Habitat for Humanity of Greater Lowell

This packet contains specific information on the Family Partnership Program as well as background, eligibility requirements, selection and application process for the affordable home being offered by Habitat for Humanity of Greater Lowell (HFHGL) and the town of Concord.

Habitat for Humanity of Greater Lowell encourages you to read this information and submit an application if you believe that you meet the eligibility requirements for our Family Partnership Program. This is the first step in the application process and does not guarantee you a home.

The homes should be ready for occupancy Winter of 2021

APPLICATIONS MUST BE RECEIVED NO LATER THAN:

5:00 PM on XX/XX/XXXX

Please note that there will be NO IN PERSON Information Sessions held for this project due to COVID restrictions. All outreach flyers will contain a link to the prerecorded ZOOM presentations.

DATE: to be determined

Live Zoom meeting,
link to be sent out

ALL OTHER INTERESTED PARTIES SHOULD VIEW THE INFORMATION SESSION AT www.lowellhabitat.org and submit prequalification form prior to required date.

Viewing of this presentation is strongly encouraged, but not required, to apply for the Program.

Applications will be also be available at the Habitat for Humanity of Greater Lowell office
68 Tadmuck Rd, Unit 1, Westford, MA

See box in lobby for application & locked box for application drop off

Questions or requests for applications should be directed to:

lgarvey@lowellhabitat.org



GENERAL OVERVIEW AND SALES PRICE

Habitat for Humanity of Greater Lowell’s two newest units are a 3 Bedroom, single bath on the upper level and a 2 bedroom, single bath on the lower level. These affordable homes will be sold at an affordable price to a Household earning no more than 65% of the area median income. It is anticipated that these homes will be ready for occupancy in the Winter of 2021. These homes will be approximately 1000 net square feet and will include a dishwasher, refrigerator, stove, microwave and washer & dryer with off street parking for three cars in total. The two homes will be located at 930 Main Street in West Concord and will be in a condo association, with fees approximately \$175 per month.

# of Affordable Homes	Affordable Sales Price	Bedrooms	Bathrooms	Net Square Footage	Parking
1	Not to exceed-\$225,000	3	1	1010 +/- sq. ft.	Off street parking for 2 cars
1	Not to exceed-\$200,000	2	1	985 +/- sq. ft	Off street parking for 1 cars

A “Deed Rider” will be recorded with the deed at the time of purchase. This Deed Rider outlines restrictions on the property, limits the amount that the home can be resold for and requires the resale to another affordable buyer. The Deed Rider ensures that the home stays affordable in perpetuity. We recommend that potential buyers review the Deed Rider with an attorney so as to fully understand the provisions and restrictions.

Some of the restrictions include, but not limited to:

1. Owner-Occupancy/Principal Residence. The Property shall be occupied and used by the Owner’s household exclusively as their principal residence. Any use of the Property or activity thereon which is inconsistent with such exclusive residential use is expressly prohibited.
2. Restrictions against Leasing, Refinancing and Junior Encumbrances. The Property shall not be leased, rented, refinanced, encumbered (voluntarily or otherwise) or mortgaged without the prior written consent of the Monitoring Agent. *See sec 3 in Deed Rider.*
3. Options to Purchase. When the Owner or any successor in title to the Owner shall desire to sell, dispose of or otherwise convey the Property, or any portion thereof, the Owner shall notify the Monitoring Agent and the Municipality in writing of the Owner’s intention to so convey the Property. *See section 4 of the Deed Rider.*
4. Maximum Resale Price. A maximum resale price will be determined by the Monitoring Agent at the time the home is being marketed for resale. (Note: all capital improvements or major renovations must be approved by the monitoring agent before they are undertaken in order to ensure that the resale price is adjusted correctly). This maximum

price allows for some appreciation and maintains the affordability of the home. The home must be marketed to an affordable buyer earning no more than 80% of the area median income as determined by HUD at that time. *See the Maximum Resale Price section of the Deed Rider.*

Since it is anticipated that there will be more interested and eligible households than available homes, Habitat for Humanity of Greater Lowell will be accepting applications which will be reviewed and approved based on the selection criteria outlined below. Households who meet the eligibility requirements will be placed in a lottery for selection by a monitoring agent. The family ranked first is able to move forward. The lottery will have a preference for household size, which means that households that fill the bedrooms will rank higher than those that do not, irrespective of the order picked. The Board of Directors will be notified of the selection. The application and selection process, dates and eligibility requirements can all be found within this Information Packet.

Habitat for Humanity of Greater Lowell does not discriminate in the selection of households on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, religion, sex, sexual orientation, gender identity, veteran/military status, receipt of public assistance or any other basis prohibited by law.

Persons with disabilities are entitled to request a reasonable modification to the home when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the home. This home is a renovation so certain modifications may not be possible.

HABITAT FOR HUMANITY OF GREATER LOWELL ELIGIBILITY REQUIREMENTS

Selection for the Family Partnership Program is based on the following criteria:

1. Ability to Pay – Your ability to repay a no interest home mortgage.
2. Need – Household need is based on the suitability of your current housing.
3. Willingness to partner – Your willingness to volunteer and participate as a Family Partner with Habitat for Humanity of Greater Lowell.
4. Household size- The selected household will require all the bedrooms in the house, according to the household size standards.
5. The Household income is under the limits.
6. The Household is a first-time homebuyer.
7. Local preference – One home will be offered to the local preference pool.

Family Selection:

Habitat Family Partners are selected through a fair and open process based on their ability to pay, willingness to partner, need for adequate housing and household size (as limited by development restrictions). Habitat for Humanity of Greater Lowell is a non-profit 501(c) (3) Massachusetts corporation that does business in accordance with Federal and State Fair Housing and Lending

Laws. Our partnership program includes educational and financial workshops to equip new homeowners with the skills they need for successful homeownership.

HFHGL's family selection committee will begin outreach efforts to inform eligible households of the housing opportunities which is also announced on the HFHGL website. Information is always available via phone or e-mail. Marketing for family selection is done through outreach with local community partners, throughout the service area at locations including, but not limited to, housing authorities, libraries, town halls, churches, laundry mats, nail salons, pizza shops, coffee shops, local newspapers and social media. Habitat will post the opportunity on Mass Access Housing Registry as well the Boston Fair Housing Commission's Metro List (Metropolitan Housing Opportunity Clearing Center (as noted in the Regulatory Agreement). Additionally we reach out to past applicants along with an ongoing database of those interested in Habitat homes through our website, phone calls and other inquiries.

All applicants will be asked to complete a Pre-Qualification application to ensure that they preliminarily meet the family selection criteria outlined above. All Pre-Qualification applications are due no later than two weeks after receipt. Given the COVID environment, applications will be accepted on-line via email, or by USPS. We also have a locked enclosed drop box outside under cover in the front of our building for secure drop off at any time of the day. If family selections criteria is met, applicants will be mailed a Final Application packet for the homes at 930 Main St, due back to Habitat within 30 days.

Once an application is submitted, it will be reviewed for financial approval via credit checks, verification of employment, income and assets and an evaluation of debt ratio. If approved financially, a home visit (in person or virtually) will be scheduled to confirm there is a considerable housing need. Qualified households must demonstrate a housing need beyond that of a desire of owning a home. If, during this process, a family is disqualified for any reason, they will be notified.

After conducting home visits (in person or virtually), the family selection committee recommends qualified families to be entered into the homeowner lottery.

All applicants entering the lottery will receive an eligibility letter indicating their lottery numbers, preferences and the lottery specifics (date/time).

There will be two lottery pools created for these opportunities - The General Pool for all applicants, and the Local Pool. Applicants will be entered into all the pools for which they qualify; so applicants eligible for Local Preference will be included in both general and local pools. Eligible categories for Local Preference include:

- Current Concord residents
- Families with children enrolled in the Town of Concord's schools;
- Concord municipal employees
- People employed by businesses located in the Town of Concord, including with a bona fide offer of employment.

The Local Pool will be balanced to avoid any disparate impact, ensuring that the local pool reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area ("MSA").

Specifically, if the percentage of minority resident households eligible for the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area (27%), minority applicants will then be included from the general pool through a minority pre-balancing to the local preference pool through a minority pre-balancing. Applicants are able to claim minority preferences if they include self-declarations as proof.

Eligible applicants must be a First-time Homebuyer. This is further defined as a household that has not owned a home within three years, including in trust, preceding the application, with the exception of displaced homemaker, single parents and senior households (at least one household member is 55 or over). Any previously or currently owned home must be sold prior to purchase of the affordable unit.

A displaced homemaker is an individual who is an adult, who has owned a home only with a spouse, who is legally separated from a spouse, and who does not currently own the home previously owned with a spouse.

Single parents are individuals who owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);

Additional exceptions are made for households that owned a principal residence not permanently affixed to a permanent foundation, and households that owned a property that was not in compliance with State, local or model building codes.

Eligible applicants cannot own residential property, whether for primary, secondary or investment purposes.

The lottery numbers will be pulled randomly by an independent third party in a public setting. Lottery numbers will be assigned a number in the sequence in which they are drawn and recorded in the order of selection on the Lottery Drawing Lists. The list of numbers drawn will be posted and letters will be mailed within three business days to the winners.

Once the tickets have been randomly drawn and listed in the drawn order, the unit is then ranked based on bedroom size. The household size preference shall be given to households based on the following criteria.

There is at least one occupant per bedroom.

A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom.

Other household members may share but shall not be required to share a bedroom.

Households can be eligible for both bedroom sizes, based on their household composition.

The first local preference applicant pulled, that meets a 2BR or 3BR bedroom size, will be offered the appropriately sized home. The other home will be offered to the ranked general.

The family ranked first for each house will move forward and the Board of Directors will be notified of the selection. The selected family information will be reviewed and approved by the Dept of Housing and Community Development (DHCD). After the decision has been made, each family is individually notified by the selection committee of the outcome. To protect privacy, the

only identity ever released is that of the family selected.

Basic guidelines for eligible families:

1. Significant need for adequate shelter and affordable housing, which may include one or more of the following:

- Overcrowding – less than 170 square feet of space per person.
- High rent - 40% or more of gross family income is spent on housing costs.
- Substandard conditions: Including but not limited to:
 - Flooring in need of replacement or repair
 - Drafty windows
 - High heating bills
 - Bug and/or rodent infestation
 - Mold/Mildew
 - Deferred maintenance
 - Unsanitary plumbing
 - Roof problems
 - Electrical Problems
 - Safety in house (lead paint, unsafe stairs/windows
 - Inadequate heat
 - Poor air quality/poor water quality
 - Not up to code (emergency exits etc...)
 - Not handicapped accessible (and required)
- Number of bedrooms inadequate - dependent on age, number and gender of persons in household.
- Issues with landlord - inadequate landlord maintenance.
- General family housing situations - leasing, tenants at will, renting with subsidy, eviction likely, living with friends or parents, family split up due to lack of housing, homelessness.

2. The ability to pay:

- Income - gross annual must be fall between 30%- 65% of Area Median Income (outlined on page 8).
- Debt to income ratio should be **less than 43%**.

3. Willingness to partner with Habitat for Humanity:

Each household member over the age of 18 who will be living in the house can contribute "sweat equity" hours toward the completion of the home. These hours can be accumulated by working alongside volunteers on construction, landscaping, site clean-up, fundraising, and many other

tasks. No construction skills are necessary. Construction and ReStore volunteer opportunities are usually available Tuesday- Saturday.

Sweat Equity: Selected family partners are required to work alongside volunteers on the construction of their home. Single income households are required to work 225 hours and dual-income households are required to complete 450 hours of sweat equity. The breakdown of required sweat equity hours is as follows:

Partner Family Sweat Equity commitment requirement		
	DUAL	SINGLE
Total Number of Hours Required	450	225
Breakdown of hours required:		
Partner Family Build Hours	226	113
*Those adults living in home		
Partner Family Non- build hours	112	56
*Financial Training**, ReStore, Public Relations		
Friends and Family Hours	112	56
* Anyone not living in home		
* Can also be done by Partner Family		
Total required	450	225

The home is purchased for below market rate, set at a price where the principal, property taxes, insurance and if applicable, association fees, are no more than 30% of the combined Household income at the time of qualification. The home is financed through a zero interest mortgage from Habitat for Humanity of Greater Lowell. A perpetual deed restriction maintains the affordability of each home. HFHGL uses the payments to finance future home construction for other households with housing needs in the 16 cities and towns in their service area.

LOCAL INITIATIVE PROGRAM (LIP) GENERAL ELIGIBILITY REQUIREMENTS

This opportunity is made available through the State’s Local Initiative Program and is subject to regulations and guidelines determined by the Department of Housing and Community Development (DHCD).

FAQs:

Q: Who is eligible to apply for the affordable home?

A: In order to qualify for an affordable home, applicant must meet each of the following criteria:

1. Everyone in the household must qualify as a “first time homebuyer” as defined below.
2. The entire household’s income and assets must be fall between the minimum and maximum allowable income and asset limits noted above.
3. The household must qualify for a mortgage with Habitat for Humanity of Greater Lowell.

Q: Who is a “first-time home buyer”?

A: A person is a “first-time homebuyer” if no person in his or her household has, within the preceding three years, either owned the house they lived in or owned an interest in one or more other houses, such as through joint ownership and cannot own a home in trust.

Exceptions may be made in the following instances:

- A displaced homemaker: A displaced homemaker is an individual who is an adult who meets ALL the following criteria:
 - Has not worked full-time for a full year in the labor force for a number of years but has, during such years, worked primarily without compensation to care for the home and family.
 - Owned a home with his or her partner or resided in a home owned by the partner.
 - Does not own the home previously owned with a partner.
 - Is unmarried to or divorced from their partner.
- A single parent, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or divorced from a partner and either has 1 or more children of whom they have custody or joint custody, or is pregnant).
- An age-qualified household (in which at least one member is age 55 or Over) which is selling a home in order to purchase an affordable home.
- A household that owned a property that was not in compliance with State, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.
- A household that owned a principal residence not permanently affixed to a permanent foundation (example – mobile home) in accordance with applicable regulations.

Q: If someone in my household is age 55 or over can I currently own a home?

A: Yes. However, you will not be given the opportunity to purchase an affordable home here until your current home is under a Purchase and Sale Agreement. You will also be required to qualify in all other requirements.

Q: Can I apply for this home as a displaced homemaker or single parent if I currently own a home?

A: Yes. However, you will not be given the opportunity to purchase an affordable home here until your current home is under a Purchase and Sale Agreement. Please see the Asset Limits in the following pages. You will also be required to qualify in all other requirements.

MAXIMUM INCOME AND ASSET LIMITS

Q: How is a household's income determined?

A: **A household's income is the total anticipated amount of money received by ALL members of the household who will live in the home over the next 12 months** (starting from the date of application and projecting forward 12 months) based on their current income and assets. In an effort to provide as accurate an income estimation as possible, the Selection Committee will also review historical income data to provide a basis for future income estimates. Any monies you anticipate receiving in the next 12 months will be counted as income and monies received over the previous 12 months will be analyzed to help estimate future income. This includes, but is not limited to, Social Security, alimony, child support, overtime pay, bonuses, unemployment, severance pay, part-time employment, matured bonds, monies to be received in court settlements, and actual or imputed interest and dividends on bank accounts and other assets. All sources of income are counted with the exception of income from employment for household members under the age of 18 and any income over \$480/year for full time students who are dependents (but note that all such income must still be documented even if it is exempt from the household income calculation).

It will be assumed that all households will continue to receive any monies they have received over the past 12 months unless supporting documentation proves otherwise. It is also not up to the household to determine what monies received over the past year should and should not be counted as their calculated income. Therefore, all monies should be listed on the application and the inclusion of these monies in determining a household's eligibility will be based on affordable housing guidelines.

Households must submit their 3 most recent tax returns.

Income Qualification Guidelines

To be eligible to apply for purchasing an affordable home, the combined annual income for all income sources of all income-earning members in the household must fall between 30% and 65% percent of area median income for the local area where the home is being built (Boston-HMFA 2020 guidelines). The following is a summary of those guidelines by household size.

Household Size	Minimum Income Guideline	Maximum Income Guideline
	<i>30% of median income</i>	<i>65% of median income</i>
2	\$30,700	\$61,880
3	\$34,550	\$69,615
4	\$38,350	\$77,350
5	\$41,450	\$83,538
6	\$44,500	\$89,726

*Consideration will be given for other household size not noted

Asset Limits

Eligible Households shall not have total gross assets exceeding \$75,000 in value.

Household Assets are calculated at the time of application. Any monies you would use as a future down payment on the home will still be counted as assets. Assets may include cash, cash in savings and checking accounts, net cash value of stocks, net cash value of retirement accounts (such as 401k), real property, bonds, and capital investments.

Q: I cannot withdraw money from my 401k or retirement fund; do I have to include it when I list my assets?

A: Yes. You need to include the *net cash value* of all your current retirement funds. We realize that most retirement funds assess large penalties for early withdrawal but this does not technically mean that you cannot withdraw your funds or don't have access to them. The post-penalty amount is what you need to provide along with supporting documentation.

Q: Are there eligibility exceptions for households that are barely over the income limit but considerably under the asset limit (or vice versa)?

A: No. All households must be under both the income limit and the asset limit. Eligibility isn't based on only one or the other.

Age Qualified Households, Displaced Homemaker and Single Parent Exception:

Only households qualifying under the exceptions listed herein may own a home when applying. This home must be sold before they purchase an affordable home. The amount that the household will retain in equity from the sale of the house will be added to their asset total. Their asset total must still be below \$75,000.

Q: If I qualify for the home as an age-qualified household or Displaced Homemaker or Single Parent, how much time will I be given to sell the home?

A: Before you are allowed to sign a Letter of Intent for a new affordable home, your current home must already be under a Purchase and Sale Agreement with a buyer. At that time, households will be able to estimate how much time they will have before they need to close on their home.

HABITAT FOR HUMANITY OF GREATER LOWELL MORTGAGE APPROVAL STANDARDS

Interested households that meet all of the eligibility requirements are encouraged to submit an application with Habitat for Humanity of Greater Lowell for our Family Partnership Program.

Habitat for Humanity of Greater Lowell will determine the applicant's eligibility for a zero interest mortgage. Since you will be purchasing your home from Habitat for Humanity of Greater Lowell, you must demonstrate your ability to make the monthly mortgage payments. In addition to the monthly mortgage payments, borrowers will also be responsible to pay for any real estate taxes, insurance, as required by the lender, and in the case of associations, a monthly condo fee or home owner's association fee. A Habitat for Humanity of Greater Lowell mortgage payment typically does not exceed 30% of your annual household income. We will request a credit check from an independent agency and verification of your income and employment.

The 2020 tax rate for Concord is \$14.23 and taxes are assessed to the affordable price (not the market-rate equivalent).

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MORTGAGE STANDARDS

Prior to the sale of a home, DHCD will review and approve the terms of the Buyer's mortgage financing. DHCD requires mortgage loans for LIP homes (in the Habitat for Humanity program) to meet the following minimum standards:

1. Be a fully amortized zero interest rate mortgage offered by Habitat for Humanity of Greater Lowell to potential first-time homebuyers.
2. Monthly housing (inclusive of principal, interest, property taxes, hazard insurance, private mortgage insurance and condominium or homeowner association fees) may not exceed 30% of their monthly income for the mortgage.
3. Non-household members shall not be permitted as co-signors of the mortgage.

HOUSEHOLD SIZE AND COMPOSITION

In order to make the best use of limited affordable housing resources, household size should be appropriate for the number of bedrooms in the home. Minimum household standard shall be established and shall conform to the following requirements. A household shall mean two or more persons who live regularly in the home as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

1. Preferences.

(a) First Preference

Within the applicant pool, first preference shall be given to households requiring the total number of bedrooms in the home based on the following criteria:

- i. There is at least one occupant per bedroom (households with a disability must not be excluded from a preference for a larger home based on household size if such larger home is needed as a reasonable accommodation.)
- ii. A married couple, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.
- iii. A person described in the first sentence of (ii) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the individual provides reliable medical documentation as to such impact of sharing.
- iv. A household may count an unborn child as a household member. The household must submit proof of pregnancy with the application.
- v. If the applicant is divorced, they must provide proof that the divorce has been finalized.

(b) Second Preference

Within the applicant pool, second preference shall be given to households requiring the number of bedrooms in the home minus one, based on the above criteria.

(c) Third Preference

Within the applicant pool third preference shall be given to households requiring the number of bedrooms in the home minus two, based on the above criteria.

2. Maximum Household Size

Household size shall not exceed, nor may the maximum allowable household size be more restrictive than, State Sanitary Code requirements for occupancy of a home

PROCESS FOR THE FAMILY PARTNER PROGRAM:

Step 1: Applying for the Home

Once familiar with the eligibility requirements, those interested should complete a Pre qualifying form and then if approved, the HFHGL Homeowner Application. To complete the application, the household must include all income, asset, tax documentation as directed by the Application Checklist for every person that will be living in the home. The HFHGL Homeowner Application must be signed and dated by all income-earning members in the household. The HFHGL Homeowner Application and all required documentation must be received by Habitat for Humanity of Greater Lowell **by 5:00 PM on XXXX**. All applications should be mailed or hand delivered to:

Habitat for Humanity of Greater Lowell
68 Tadmuck Road, Unit 1
Westford, MA 01886
Attn: Lisa Garvey

Email to: lgarvey@lowellhabitat.org
Phone: 978-692-0927, follow appropriate prompts

To ensure applications arrive in time, we recommend sending them in at least one week prior to the application deadline. **Late applications will not be accepted- NO EXCEPTIONS!** If you want to ensure your application is received, call to confirm if you sent by regular mail, or we recommend sending it by certified mail or drop it off in person in our locked drop box located outside our offices, during normal business hours. Habitat for Humanity of Greater Lowell agents, Owner and other affiliated entities are not responsible for lost or late applications.

Q: What happens if I don't submit all necessary documentation or fail to correctly complete my Affordable Housing Program Application?

A: You will be notified of the missing documents and will have 10 business days to submit them.

Step 2: Family Selection/ Signed Letter of Intent

Immediately after the Family Partner has been notified of their selection, a meeting will be set up to review the partnership program in person. At this meeting, the new HFHGL Family Partner will be asked to sign a Letter of Intent (LOI) with Habitat for Humanity of Greater Lowell which outlines both the new Family Partner and HFHGL's expectations and responsibilities. It is recommended that you discuss the LOI and the deed rider with a local attorney. In addition, the Family Partner will be asked to make a down payment of \$1000 (which can be made in 2 payments).

Often the build-out for homes is anywhere from 9 months to 1 year depending on the time of selection. With current COVID restrictions, we hope to be able to stay within this 1 year time frame but should we anticipate delays, we will keep the family informed. The Family Partner is

expected to maintain active employment, credit scores and income to debt ratios equal to or greater than those documented at the time of selection during and up to the time of closing. Any significant changes to income, credit and or debt may prohibit Habitat for Humanity of Greater Lowell from financing the home.

Credit and income will be reviewed approximately one (1) month prior to the closing. During the building process, we ask households to keep Habitat informed of any possible changes to their credit status. Credit scores should be equal to or greater than the credit score at the time of application.

Habitat for Humanity of Greater Lowell will review the file for program and financial eligibility approximately one (1) month prior to closing and will determine if the Family Partner can move forward to purchase the home.

Step 3: Closing and Move-in

All Family Partner sweat equity and financial training requirements must be fulfilled prior to closing on your home.

If all the steps above are followed, the closing should go smoothly. Habitat for Humanity of Greater Lowell for Humanity and your attorney will be able to guide you through the process.

You will have a walk-through of your home prior to the closing and will be able to move into your new home once the closing is complete.

Once you have closed on the home, there are no future income or asset eligibility reviews.

Habitat will set up a post closing meeting approximately 3-6 months after move in to review any questions about being a homeowner or about the home itself. Habitat will also facilitate the first condo association meeting (if applicable).



Here's your chance to become a Homeowner!

Habitat for Humanity of Greater Lowell will be building a duplex home at 930 Main Street in Concord, MA. The renovation of this home is scheduled to begin in January 2021 with an anticipated closing date of March 2022. This duplex will include one 3 bdrm. unit and one 2 bdrm. unit. Depending on your income, the sales price will not exceed \$225,000 for the 3 bedroom unit and will not exceed \$200,000 for the 2 bedroom unit. Estimated mortgage payments would be \$1,100-\$1,300/month for a 30 year mortgage including taxes and insurance. *Compare this to your rent!* Come to one of the information sessions below to learn how you can qualify to be the next Habitat homeowner!



Family Size	2020 Minimum Income (30% of AMI)	2020 Maximum Income (65% of AMI)
2	\$30,700	\$61,880
3	\$34,550	\$69,615
4	\$38,350	\$77,350
5	\$41,450	\$83,538
6	\$44,500	\$89,726

Due to COVID 19 State and local social distancing requirements

ALL INFORMATION SESSIONS WILL BE HELD VIRTUALLY

To register today to participate in one of the following Virtual ZOOM information sessions:

DATE(S): **TBD**

Email or call:
Lisa Garvey, HFHGL Community Outreach Director
at lgarvey@lowellhabitat.org
or **978-692-0927, # 3**

Habitat for Humanity of Greater Lowell reserves the right to change the details of this opportunity

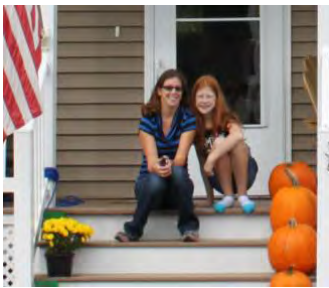


We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, marital status, national origin, age, ancestry, sexual orientation, gender identity, military status, source of income and genetic information.



¡Esta es su oportunidad de tener casa propia!

Habitat for Humanity of Greater Lowell construirá una vivienda dúplex en 930 Main Street en Concord, MA. La renovación de esta vivienda está programada a iniciar en enero 2021 y deberá concluir en marzo 2022. Este dúplex incluirá una vivienda de 3 dormitorios y una vivienda de 2 dormitorios. Dependiendo de los ingresos de la familia, el precio de venta de la vivienda de tres dormitorios será un máximo de 225 mil dólares, y un máximo de 200 mil dólares para la vivienda de 2 dormitorios. Los pagos mensuales serían aproximadamente \$1,100 a \$1,300 durante los 30 años de la hipoteca, incluyendo impuestos y seguro. ¡Compare eso con lo que paga de alquiler! ¡Asista a una de nuestras siguientes sesiones informativas para saber cómo puede ser dueño de una casa de Habitat!



Tamaño de familia	Ingresos mínimos 2020 (30% de la mediana de ingresos)	Ingresos máximos 2020 (65% de la mediana de ingresos)
2	\$30,700	\$61,880
3	\$34,550	\$69,615
4	\$38,350	\$77,350
5	\$41,450	\$83,538
6	\$44,500	\$89,726

Debido a la COVID-19 y los requisitos estatales y locales de distanciamiento social

TODAS LAS REUNIONES INFORMATIVAS SE REALIZARÁN VIRTUALMENTE

Puede inscribirse hoy para participar en una de las siguientes reuniones informativas virtuales de ZOOM:

FECHA(S): TBD

Escriba o llame a:

Lisa Garvey, Directora de Alcance Comunitario de HFHGL

Envíe correo electrónico a lgarvey@lowellhabitat.org

o llame al 978-692-0927, ext. 3

Habitat for Humanity of Greater Lowell se reserva el derecho de cambiar los pormenores de esta oferta.



Estamos comprometidos con la letra y el espíritu de las políticas de EE.UU. para el logro de igualdad en el acceso a vivienda en cualquier lugar del país. Promovemos y apoyamos programas de publicidad y mercadeo positivos en los que no hay barreras en el acceso a vivienda por raza, color, religión, sexo, discapacidad, estado civil, origen nacional, edad, ascendencia, orientación sexual, identidad de género, estado militar, fuente de ingresos e información genética.

HOMEOWNERSHIP PRE-QUALIFICATION FORM 930 Main St., Concord, MA



This is a pre-screening questionnaire, not a final application for homeownership

This form MUST be mailed or hand delivered to the office by date TBD

Applicant Name: _____
 PRINT (first, middle initial, last)

Co-Applicant Name: _____
 PRINT (first, middle initial, last)

Mailing Address _____ City _____ State _____ Zip _____

Email Address: _____

1. Do you fall with in the income range listed on pg.2 ?
 Yes _____ No _____

2. Do you live or work in one of HFHGL affiliate towns listed on pg. 2 ?
 Yes _____ No _____

3. Have you had steady income for at least 6 months?
 Yes _____ No _____

4. Have you ever owned a home (now or in the past)?
 Yes _____ No _____ (If yes, how long ago: _____)

5. If approved, how many people would be living in the home?
 # of people: _____

6. **Including yourself**, please provide the names, sex & date of birth for all who will be living in the home.

NAME	AGE	SEX
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Have you ever previously applied for a Habitat home?
 Yes _____ No _____ (If Yes, when: _____)

8. Are you a US Citizen? Yes _____ No _____
 If no, please note your immigration status:
 Permanent Resident _____ Other _____

9. Have you filed bankruptcy or been through a foreclosure within the last 5 years ?
 Yes _____ No _____ (If yes, when: _____)

10. If you are accepted into the program, HFHGL requires you to work between 225-450 of sweat equity hours. In addition, you will be required to take homebuyer financial education classes.

Are you willing to make these commitments?
 Yes _____ No _____

11. List ALL sources of **monthly** household income, including any from members 18 years & older, who will be residing in the home.

List GROSS wages (before taxes & deductions)

Name:	Total Income per month (\$)
_____	_____
_____	_____
_____	_____

12. Please list your **current expenses**:
 Rent: \$ _____ Car Loan: \$ _____
 Total Credit Card Balances*: \$ _____
 *estimate

By my signature, I affirm that the information on this form is true and correct. I understand that providing false information could cause me to be disqualified from the Habitat for Humanity of Greater Lowell program. I also understand that I will learn the results from this questionnaire within 30 days, but this does not constitute additional services from Habitat for Humanity of Greater Lowell. **IF YOU DO NOT SIGN THIS FORM IT WILL RESULT IN IMMEDIATE DENIAL AS THE DOCUMENT WILL BE INVALID.**

Date ____/____/____ Applicant Signature: _____
 Date ____/____/____ Co-Applicant Signature: _____

Ability to Pay Mortgage and Household Costs

Income must fall between 30%-65% of area median income as listed below:

Family Size	2020 Minimum Income (30% of AMI)	2020 Maximum Income (65% of AMI)
2	\$30,700	\$61,880
3	\$34,550	\$69,615
4	\$38,350	\$77,350
5	\$41,450	\$83,538
6	\$44,500	\$89,726

***Applicants must live or attend school in one of the following
Habitat for Humanity affiliate cities or towns below:***

Bedford
Billerica
Burlington
Carlisle
Chelmsford
Concord
Dracut
Dunstable
Lowell
Reading
Tewksbury
Tyngsboro
Wakefield
Westford
Wilmington



We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, marital status, national origin, age, ancestry, sexual orientation, gender identity, military status, source of income or genetic information .



Habitat for Humanity of Greater Lowell
68 Tadmuck Rd, Unit 1, Westford, MA 01886
978-692-0927 / Fax: 978-692-3430

We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, marital status, national origin, age, ancestry, sexual orientation, gender identity, military status, source of income and genetic information.



Application FOR HOUSING

Dear Applicant: We need you to complete this application to determine if you qualify for a Habitat for Humanity home. Please fill out the application as completely and accurately as possible. **All information you include on this application will be kept confidential:**

1. APPLICATION INFORMATION

<p>(This application must be completed by any person(s) whose name(s) will appear on the deed)</p> <p>Applicant's Name: _____</p> <p>Social Security Number: _____</p> <p>Marital Status (Married, Domestic Partnership, Single, Separated, Divorced, Widowed) circle one</p> <p>Age & Date of Birth: _____</p> <p>Current Home Phone No. _____</p> <p>Work Phone No. _____</p> <p>Cell Phone No. _____</p> <p>E-mail Address _____</p> <p>Present Address (street, city, state, zip code) <input type="checkbox"/> Own <input type="checkbox"/> Rent</p> <p>Years at this address: ____, If less than two years, complete below: _____</p> <p>Last Address: (street, city, state, Zip Code) <input type="checkbox"/> Own <input type="checkbox"/> Rent</p> <p>Years at this address: _____</p> <p>Are you a US Citizen or Permanent Resident? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you ever served in the military? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list any Dependents (Individuals you claim as Dependents on your IRS tax returns) and any individuals who will be living with you. Please list the relationship of these individuals to you.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Name(s):</td> <td style="width: 10%;">Age</td> <td style="width: 10%;">M</td> <td style="width: 10%;">F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> </table>	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	<p>(This application must be completed by any person(s) whose name(s) will appear on the deed)</p> <p>Co-Applicant's Name: _____</p> <p>Social Security Number: _____</p> <p>Marital Status (Married, Domestic Partnership, Single, Separated, Divorced, Widowed) circle one</p> <p>Age & Date of Birth: _____</p> <p>Current Home Phone No. _____</p> <p>Work Phone No. _____</p> <p>Cell Phone No. _____</p> <p>E-mail Address _____</p> <p>Present Address (street, city, state, zip code) <input type="checkbox"/> Own <input type="checkbox"/> Rent</p> <p>Years at this address: ____, If less than two years, complete below: _____</p> <p>Last Address: (street, city, state, Zip Code) <input type="checkbox"/> Own <input type="checkbox"/> Rent</p> <p>Years at this address: _____</p> <p>Are you a US Citizen or Permanent Resident? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you ever served in the military? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list any Dependents (Individuals you claim as Dependents on your IRS tax returns) and any individuals who will be living with you. Please list the relationship of these individuals to you.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Name(s):</td> <td style="width: 10%;">Age</td> <td style="width: 10%;">M</td> <td style="width: 10%;">F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> <tr> <td>Name(s):</td> <td>Age</td> <td>M</td> <td>F</td> </tr> </table>	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F	Name(s):	Age	M	F
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FOR OFFICE USE ONLY - DO NOT WRITE IN THIS SPACE

Date Application Received: _____ More Information Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No Date more information requested: _____	Date Home Visit: _____ Accepted into Family Partner Program: <input type="checkbox"/> Yes <input type="checkbox"/> No Acceptance Letter Sent: _____ Denial Letter Sent: _____
--	---

2. PRESENT HOUSING CONDITIONS

Number of bedrooms where you currently live (please circle one). 1 2 3 4 5

Other rooms in the place where you currently reside (check all that apply)

Kitchen # Bathrooms Living Room Dining Room Other (describe) _____

Name of Current Landlord: _____ Landlord Phone # _____

Mailing Address of Landlord: _____

If you rent, what is the monthly rent you are currently paying? \$ _____

Does your rent include heat, hot water and/or utilities? Yes__ No__

List the utilities and amount due for those utilities not included in your Monthly Rent: \$ _____ / _____
 \$ _____ / _____ \$ _____ / _____

Is your current residence year round or seasonal? _____

Do you own your residence? _____ Monthly Mortgage Payment _____ Unpaid Balance _____

Do you own land? _____ Please describe on separate sheet of paper including the location of the land.

Do you or any of your household members have accessibility needs? ___ Yes ___ No

Briefly describe those needs: _____

3. EMPLOYMENT/ INCOME INFORMATION

**Please include income from ALL household members over the age of 18 who receive income.
 (please include 5 weekly paystubs or 3 biweekly pay stubs)**

Gross Monthly Income	Applicant: _____	Co-Applicant: _____
To Calculate Gross Monthly Income USE: Annual Income divided by 12	\$ _____	\$ _____
Overtime: Monthly Income	\$ _____	\$ _____
Employer Name	_____	_____
Employer Address	_____	_____
Employer Phone Number	_____	_____
How long have you been employed there?	_____	_____
Previous Employer Name	_____	_____
Previous Employer Address	_____	_____
Previous Employer Phone	_____	_____
How long were you employed there?	_____	_____
AFDC/TANF (Aid for Families w/Dependent Children & Temporary Assistance for Needy Families)	\$ _____	\$ _____
SNAP (Supplemental Nutritional Assistance Program)	\$ _____	\$ _____

4. EMPLOYMENT/INCOME INFORMATION (continued)

	<u>Applicant</u>	<u>Co Applicant</u>	
Social Security Income	\$	\$	
Disability Income	\$	\$	
Alimony	\$	\$	
Child Support	\$	\$	
Housing Subsidy (Section 8 Voucher)	\$	\$	
Fuel Assistance	\$	\$	
Additional Income Please list Amounts	Amount 1. \$ 2. \$ 3. \$ 4. \$	Income Source 1. \$ 2. \$ 3. \$ 4. \$	
List all assets and approximate values (Cars, Homes, Land, Boats, Stocks, Bonds, etc.)			
Item	\$ Value	Item	\$ Value
Do you have a 401K/403B Retirement account? ___Yes ___No	\$ Value		

5. EXPENSES

Expense	Cost Per Month	Expense	Cost Per Month
Heating (Gas or Oil)	\$	Child Support (you pay)	\$
Electric	\$	Alimony (you pay)	\$
Telephone (House)	\$	Education/Student Loans	\$
Cell Phone	\$	Medical Bills	\$
Internet/Cable/Direct TV	\$	Health Insurance	\$
Car Payment	\$	Life Insurance	\$
Auto Insurance	\$	Property Insurance	\$
Public Transportation	\$	Other (specify)	\$
Child Care	\$	Other (specific)	\$
Dependent Care	\$	Other (specific)	\$
Job Related Expenses	\$	Other (specific)	\$
School Lunch	\$	Other (specific)	\$

Comments:

6. DEBT
(Credit Card Debt, Medical Debit, Car Loans, Unpaid Taxes, Student Loans, Court Ordered Payments, Utility Liens, etc.)

Name of Creditor	Creditor Address	Monthly Payment	Unpaid Balance
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
A	Do you have any debt because of a court decision against you?	Yes	No
B	Have you been declared bankrupt within the last 5 years? If so, when?	Yes	No
C	Have you had any property foreclosed on in the last 5 years?	Yes	No
D	Are you currently involved in a lawsuit or tax lien?	Yes	No
E	Are you paying alimony or child support?	Yes	No
F	Have you ever owned a home? If so, when?	Yes	No

Answering “yes” to these questions DOES NOT automatically disqualify you. If you answered “yes” to any question A through F, however, please explain on a separate sheet of paper.

PERSONAL STATEMENT: (THIS IS A REQUIREMENT)

Clearly state why you and your family need a Habitat home. Describe any circumstance about your current housing situation that relates to your need for an affordable home; such as, poor condition of current residence, overcrowded living conditions, high rent compared to income, being homeless or at risk of being homeless, and any other circumstance that you feel is appropriate for you to include. Please advise if you need assistance due to physical disability or language barrier. Please be specific. You may use the back page of this application or write/type your statement on a separate sheet of paper.

WILLINGNESS TO PARTNER

To be considered for a Habitat home you and your family must be willing to complete a certain number of “sweat-equity hours.” Your help in building your home and the homes of others is called “sweat equity” and may include clearing the lot, painting, helping with construction, working in the Habitat office, attending home ownership classes, special events or other approved activities.

Sweat Equity Hours for a Single Family = 225 Hours Total with a Minimum Monthly Requirement: 21 Hours

Sweat Equity Hours for a Dual Family = 450 Hours Total with a Minimum Monthly Requirement: 42 Hours

I AM WILLING TO COMPLETE THE REQUIRED SWEAT EQUITY HOURS:

I AM WILLING TO COMPLETE THE REQUIRED 22 HOURS OF FINANCIAL TRAINING (Minimum):

Note: Dual Partner Family will be credited 44 hours if both applicants attend the Financial Training.

Applicant Signature: _____ Date: _____

Co Applicant Signature: _____ Date: _____

I understand that, by submitting this application to the Family Partner Program, I am authorizing Habitat for Humanity of Greater Lowell to evaluate my actual need for a Habitat home and my willingness to be a Family Partner. I understand that the evaluation will include a review of credit history, landlord reference, employment/income verification and upon acceptance into the program, a SORI/CORI check. I also understand that this process may include a home visit during which pictures may be taken of my current housing conditions. I consent to the use of these photos during the family selection process.

I authorize Habitat for Humanity of Greater Lowell to conduct a check on my credit history as well as contacting landlord and employment references. If selected in to the Family Partner Program, I understand that I will need to qualify for a mortgage to purchase a Habitat home. I have answered all the questions on this application truthfully. I understand that, if I have not answered the questions truthfully, my application may be denied.

The original or a copy of this application will be held strictly confidential and retained by Habitat for Humanity of Greater Lowell for **one** year even if the application is not approved.

Applicant's Signature: _____ **Co Applicant Signature:** _____
Date: _____ **Date:** _____

Applicant Name: (please print): _____ **Co Applicant Name: (please print):** _____

Be sure to:

- Submit this completed & signed application and supporting documents **no later than 5:00 pm, Friday, October 18, 2019.**
- **Review the cover application checklist CAREFULLY**, incomplete packets may not be accepted.

YOUR APPLICATION CAN NOT BE PROCESSED WITHOUT THE FOLLOWING INFORMATION

- Include a photo copy an unexpired government issued ID with photograph and date of birth for both applicants.
- Include copies of your most recent paystubs; 5 weekly (if paid weekly) or 3 bi-weekly (if paid every other week)
- Paystubs must be concurrent weeks- all in a row.
- Include copies of your bank statements for all accounts for the past 3 months.
- Include copies of your signed Federal Tax Returns for the past 3 years.
- Include a personal statement that describes your present housing circumstances, why you have a serious need for a safe, decent, and affordable Habitat home.
- Include Government Monitoring Sheet

Application and supporting documents should be mailed or delivered to:

**Habitat for Humanity Of Greater Lowell
68 Tadmuck Rd, Unit 1
Westford, MA 01886**

All applications and supporting documents are due no later than 5:00pm, Friday, October 18, 2019

DO NOT SEND ORIGINALS. PLEASE MAKE COPIES

**Habitat for Humanity of Greater Lowell
Documentation Required for Applicants
PLEASE DO NOT SEND ORIGINALS**

APPLICATIONS MUST BE POSTMARKED NO LATER THAN 5:00 PM XXXX

Checklist for submission:

	A FULLY COMPLETED APPLICATION
	A copy of an unexpired government-issued ID with photograph and date of birth for both applicant and co-applicant
	A complete copy of the Federal and State tax returns for the last 3 years filed by each person listed on the application.
	Federal & State tax returns 2019
	Federal & State tax returns 2018
	Federal & State tax returns 2017
	<u>5 current, paycheck stubs (if paid weekly) or 3 bi-weekly (if paid every other week)</u> for each wage earner listed on the application.
	* please note, paystubs must be concurrent- consecutive weeks in a row
	Employment Verification Form (filled out and signed by employer)
	A copy of any public assistance such as Social Security benefits being received by any person list on the application.
	A copy of your two most recent rent receipts.
	A copy of all last month's bills including, but not limited to, heat, electric, credit card, and storage bills.
	Heating Bill (Gas or Oil)
	gas bill (heating/stove/hot water)
	electric bill
	credit card bills
	storage bill
	phone/internet bills
	cell phone bills
	car payment(s)
	car insurance and/or renter's insurance bill (A bill indicating a full year of insurance must be included)
	school loans or any other debt
	other - please identify
	<u>A copy of the last three months</u> bank, credit union, and brokerage statements for all checking, savings, and mutual fund
	and stock accounts for all persons on the application.
	Checking account, 3 months
	Savings account, 3 months
	Mutual funds, 3 months
	Stock accounts, 3 months
	Completed Affidavit of Liquid Asset Certification
	Completed Affidavit of No Income
	A copy of any court orders and/or divorce agreements stipulating child support amount and duration.
	EEO Voluntary Self-ID form
Circle One	<u>IMPORTANT</u>
Y N	Are you currently on the Dept of Treasury's SDN list? (Specifically Designated National and Blocked Person's List)



William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

October 21, 2020

TO WHOM IT MAY CONCERN:

I hereby certify that according to the records of this office

HABITAT FOR HUMANITY OF GREATER LOWELL, INC.

is a domestic corporation organized on **March 13, 1991 (Chapter 180)**.

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 180 section 26A, for revocation of the charter of said corporation; that the State Secretary has not received notice of dissolution of the corporation pursuant to Massachusetts General Laws, Chapter 180, Section 11, 11A, or 11B; that said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin
Secretary of the Commonwealth

TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF HABITAT FOR HUMANITY OF GREATER LOWELL for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to construct a 2-unit Planned Residential Development at 930 Main Street, Concord, Massachusetts (Parcel #3818), Concord, Massachusetts, the Board of Appeals has rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town House, Concord, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.



Heather C. Carey, Administrative Assistant
On behalf of the Zoning Board of Appeals

10/20/2020

DATE

TOWN OF CONCORD

BOARD OF APPEALS

DECISION of the Zoning Board of Appeals (the Board) on the APPLICATION OF APPLICATION OF HABITAT FOR HUMANITY OF GREATER LOWELL for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to construct a 2-unit Planned Residential Development at 930 Main Street, Concord, Massachusetts (Parcel #3818).

This decision is in response to an application filed on September 8, 2020. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Journal* on September 24, 2020 and October 1, 2020, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was conducted on October 8, 2020.

After due consideration of the application, the record, a presentation by the Applicant, and based upon review of the issues set forth herein, the Board voted 3 to 0 (Akehurst-Moore, Kindermans, Smith) to **GRANT** the Special Permit with conditions based on the following:

The proposed two-family unit Planned Residential Development project consists of the renovation of the existing single family home into a duplex, with the lower level as a 2 bedroom unit (1,376 s.f.) and the upper level as a 3 bedroom unit (1,556 s.f.). Each unit will have one bathroom. The detached garage will be converted into storage for both units and connected to the existing dwelling by a deck and covered porch. The existing deck across the entire rear of the dwelling will be removed and rebuilt significantly smaller.

The existing garage is a pre-existing nonconforming structure and extends 8.4 inches over the lot line into the adjacent State land. The Applicant notes that the garage has a foundation and would be very difficult to move. The State has agreed to issue a permanent easement for this encroachment.

The Site currently has two parking spaces; one space inside the garage and one space outside in front. The Applicant is proposing to create a circular driveway due to the difficulty of pulling out of the Site on to Main Street in this location. There will be a total of three parking spaces provided for the two units.

The dwelling units will be sold to families who qualify under DHCD guidelines, with a goal of at least one of the units to be local preference. The families will be targeted at <65% Area Median Income. There will be minimal disruption to the current foot print of the property, except some vegetation in order to run a sewer line because the house is currently on a cesspool and to create a circular driveway and additional parking. The Applicant is proposing to abandon the existing oil heat and install all electric heat.

The Community Safety Officer did not have any significant issues or concerns with the proposed project and supports the use of a circular driveway in this location. He notes that the Applicant will need to coordinate carefully the amount of construction activity at any one time since parking on Main Street in this location is prohibited.

The Assistant Fire Chief commented that each unit will be required to have a hard wired-battery back-up Smoke/CO detection system. Additionally, he is in support of the proposed circular driveway so vehicles do not have to back out onto Main Street.

In an October 5, 2020 memo, the Engineering Staff did not raise any significant issues or concerns and recommended various conditions regarding erosion control measures, compliance with CPW construction and design standards and the requirement for CPW permits.

In an October 1, 2020 memo, the Water-Sewer Engineer notes that only one sewer service connection to the parcel is allowed, only one water service connection is allowed unless the applicant provides sufficient information to the Water/Sewer Division to determine that there is no interconnection between the internal plumbing of the two dwellings, and that the existing water service at this property is more than 50 years in age, and as such must be replaced to the water main. The Water-Sewer Engineer has recommended five conditions to address these comments.

The CMLP Engineer did not have any issues or concerns with the proposed project and recommends standard conditions of approval.

The Building Commissioner notes that because both of these units will be deed restricted as affordable units, the parking requirement is one and one-half space per dwelling for a total of three required spaces.

The Public Health Director notes that the Applicant will be required to submit a Form S for the connections to the Town Sewer and pay a Sewer Improvement fee.

The Natural Resources Director notes that given the limited scope of the proposed project within wetlands jurisdiction, she does not anticipate any insurmountable issues for approving this project under the Wetland Protection Act or Concord Wetlands Bylaw. She recommends that prior to the issuance of a Building Permit, the Applicant file a Notice of Intent for review and approval by the Natural Resources Commission for the work proposed within 100 feet of wetlands.

The Town Planner did not have any issues or concerns with the proposed project and notes that a Tree Protection Permit will be required for the removal of any tree within the front yard setback for the construction of the driveway and parking spaces.

In reaching its decision, the Board reviewed the application, a written recommendation from the Planning Board dated October 5, 2020, supporting material, and plans, and made the following analysis and findings pursuant to Section 10 and 11.6 of the Zoning Bylaws in agreement with the Planning Board:

Section 10 Planned Residential Development

10.1 Purpose - The Planned Residential Development allows by special permit from the Board [of Appeals] an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of

housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

The Board believes that the proposed conversion of the single family dwelling into a two-family is harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area and is a suitable development for the neighborhood because it only requires minimal alterations to the proposed structure while providing two affordable units and will not significantly increase the Town-wide population. The Board did discuss with the Applicant the potential impact to the abutting property due to vehicle headlights from the two new parking spaces shining towards the existing dwelling. The Applicant will be required to screen the parking spaces prior to the issuance of a certificate of occupancy to address this potential impact.

Zoning Bylaw Section 10.2 Standards

10.2.6 Access to the Tract: *Access to the tract shall be provided from an existing public or private way and shall be through the existing frontage on such public or private way.*

Access to the Site is proposed through the existing frontage on an existing public way; Main Street.

10.2.7 Height: *The maximum permitted height of any structure within a PRD shall be 35 ft.*

The Applicant is not altering the height of the existing structure, which is 24 feet.

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

Habitat for Humanity of Greater Lowell is a non-profit entity. Both units (100%) will be deed restricted at 65% AMI or below. The Board determined that the conversion of the existing single family dwelling into a two-family dwelling is in keeping with the purpose of the PRD Bylaw.

10.4.1.1 Development Statement - A written statement meeting the requirements of a Site Evaluation statement under the Subdivision Rules and Regulations by the Planning Board, as applicable:

Given the limited scope of the proposed project, the Applicant has not provided a Site Evaluation statement and the Planning Board agreed that a Site Evaluation statement is not applicable, but provided an opinion on each of the criteria.

a) Impact of the project upon surface and groundwater quality and level;

The CPW Engineering Staff did not raise any issues or concerns with the proposed project as it relates to impacts upon surface and groundwater quality and level.

b) Effects upon important wildlife habitats, outstanding botanical features, scenic or historic sites or buildings;

The Planning Board does not believe the conversion of the existing structure and proposed addition connecting the two-family dwelling to the converted garage will have an effect upon important wildlife habitats, outstanding botanical features, scenic or historic sites or buildings. The Natural Resources Director notes that given the limited scope of the proposed project within wetlands jurisdiction, she does not anticipate any insurmountable issues for approving this project under the Wetland Protection Act or Concord Wetlands Bylaw.

c) Capability of soils, vegetative cover, and proposed erosion control measures to support proposed development without erosion, silting or other instability;

The CPW Engineering Staff did not raise any significant issues or concerns with the proposed project as it relates to capability of soils and vegetative cover and recommends a tracking pad in the secondary driveway access path and various measures for erosion control.

d) Estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the ground;

The proposed project does not alter the surface conditions in a manner that will significantly change the peak run-off from the property. The CPW Engineering Staff did not raise any significant issues or concerns with the proposed project as it relates to run-off.

e) Description of proposed alterations of wetlands or flood plain areas;

The Applicant is not proposing any alterations of wetlands or floodplain areas. However, the Natural Resources Director notes that the Applicant will be required to file a Notice of Intent for work within the 100-foot buffer of a wetland prior to the issuance of a building permit.

f) A report estimating the traffic flow at peak periods in relation to existing traffic on the streets in and adjacent to the subdivision, and the effect of the project on the public services such as water, sewer, schools, police, fire, waste disposal, and recreational facilities;

The conversion of the existing single family dwelling into a two-family dwelling will not significantly impact existing traffic on the streets. There will be minimal impact on public services such as water, sewer, schools, police, fire, waste disposal, and recreational facilities with the addition of one dwelling unit.

g) A summary tabulation of the total area being developed, the total area of all lots, the total area dedicated for streets and drainage or utilities, and the total area reserved for recreation, parks or other open land;

Given the limited scope of the proposed project and the fact that there is no required open space, the Planning Board does not believe a summary tabulation is needed.

h) A projection of the direct, current Town costs and revenues associated with this development;

There will be minimal direct, current Town costs with the addition of one dwelling unit. Additionally, because both units will be deed restricted as affordable at or below 65%AMI, the revenue associated with the two-family will be less than a market rate development. However, the Planning Board believes that the benefit of having two affordable unit at or below 65% AMI outweighs the reduced Town revenue.

i) An analysis of the sight distances at the intersections of the proposed street(s) with any other street(s);

Given the limited scope of the proposed project, a sight distance analysis was not performed. However, the Planning Board notes that this stretch of Main Street is fairly straight. Additionally, the Applicant is proposing to install a circular driveway, which will improve that safety of vehicles leaving the Site.

j) Impact of the development on any historical or cultural resources located within one hundred (100) feet of the proposed development as identified in the Survey of Historical and Architectural Resources and Historic Resources Master Plan;

The proposed project will not have an impact on any historical or cultural resources located within 100 feet.

k) Impact of the development on any open space or natural resources located within one hundred (100) feet of the proposed development as identified in the Town of Concord Open Space Plan.

The proposed project will not have an impact on any open space or natural resources located within 100 feet.

10.4.1.2 Development plans - The Applicant has submitted Development Plans that include a site plan, building elevations, and floor plans.

10.4.1.3 Low income and affordable dwelling unit marketing program - The Applicant will be required to work with the Town's Regional Housing Services Office to develop a marketing plan that includes eligibility and preferences for the affordable units and proposed methods of ensuring long-term availability for the affordable dwelling units. The Applicant has stated that the affordable units will be priced at or below 65% AMI.

10.4.2 Planning Board Report and Recommendations: The Planning Board shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development, and at least the following:

10.4.2.1 General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.

The Site is a 12,250 s.f. lot that slopes from Main Street down to the rear of the lot to a wetland area that is located in the Wetland and Floodplain Conservancy District. To the west, south and north is existing residential properties, including Concord Greene residential development (north). To the east is one single family dwelling and Route 2.

10.4.2.2 A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.

The Planning Board believes the design and use of the existing single family dwelling as a two-family dwelling is appropriate for this location. The construction of the circular driveway is an improvement to pedestrian and vehicular circulation since vehicles will not have to back out onto Main Street. The Applicant is providing the required number of parking spaces for an affordable development.

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

The proposed project will provide a 1,376 s.f. two bedroom lower unit and a 1,556 s.f. three-bedroom upper unit. The Planning Board believes that this provides a range of diversity in the size of the units and the number of bedrooms.

10.4.2.4 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) Provides or will in the future provide an addition to areas of open space between developed sections of the Town;

(b) Makes available land desirable for future public use; or

(c) Conforms to the Town's long-range land use plan.

The proposed project is not required to provide any open space or convey land to the Town because the Applicant is a non-profit agency and more than 75% of the units will be offered below 80% AMI.

10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.

The Planning Board believes that the minor addition to the structure to allow for the conversion of a single family dwelling into a two-family dwelling that is approximately half a mile from the West Concord Village is the perfect type of development for the site and the neighborhood.

Pursuant to Section 11.6 of the Zoning Bylaw, the Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board determined that any negative impacts are negligible and finds that the proposed Planned Residential Development will have a beneficial impact to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site.

The Board grants the Special Permit subject to the following plans and conditions

1. Approval is based on the following plans prepared for Habitat for Humanity of Greater Lowell:
 - Holly S. Darzen Architect, 155 Heaths Bridge Rd, Concord, MA
 - a. Floor Plans, P1, dated August 12, 2020
 - b. Elevations, P.2, dated August 12, 2020
 - Meisner Brem Corporation, 202 Main Street, Salem, NH
 - c. Proposed Plot Plan, dated September 3, 2020
2. Both units shall be permanently deed restricted as affordable at or below 65% Area Medium Income (AMI), and added to the Town's Subsidized Housing Inventory (Chapter 40B 10%).
3. **Prior to the commencement of any site work**, the Applicant shall meet with Water/Sewer Division to review the proposed scope of water/sewer utility work and sufficiently demonstrate that:
 - a. Water and sewer service infrastructure can be designed and constructed in accordance with the Water/Sewer Division's design and construction standards, and
 - b. water demands can be minimized via demand management tools that may be codified in a water use impact report (conservation plan) and Water Customer Data Sheet, and

- c. lawn irrigation system(s), if proposed, can be installed in accordance with the Town of Concord Rules and Regulations Governing Water Use and Connection. A lawn irrigation system is subject to an additional connection fee and shall be registered with the Water/Sewer Division and be operated in accordance with the Town of Concord Water Use Restriction Bylaw.
4. **Prior to commencement of any site work**, the Applicant shall submit to the Concord Board of Health a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day.
5. **Prior to the commencement of any site work**, the Applicant shall include a note on the site plan stating the disturbed area adjacent to the proposed foundation and footings shall be stabilized and the catch basins on either side of the site on Main Street will be protected with a silt sack.
6. **Prior to the commencement of any site work and at any time during site work or construction**, the Applicant shall coordinate with the Police Department on the use of police details for construction vehicle activity on Main Street if it has been determined necessary by the Police Department. Parking of construction worker vehicles on Main Street is prohibited.
7. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant's contractor shall file a Right-of-Way (ROW) permit with the CPW Engineering Division for the proposed work within Main Street ROW. All work within ROW shall conform to the Concord Public Works Design & Construction Standards & Details (CPW-Standards).
8. **Prior to the construction of the circular driveway**, the Applicant shall receive a driveway permit issued by CPW Engineering for all work associated with the driveway reconstruction.
9. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall record with the Middlesex South Registry of Deeds the Special Permit Decision.
10. **Prior to issuance of a Building Permit**, the Applicant shall submit to the Water/Sewer Division for review and approval, an application for the proposed water/sewer service installation. The application shall include the following;
 - a. Identification of a Water/Sewer Division licensed "drain layer" who will be responsible for water service installation activities.
 - b. Two full size copies of the approved water/sewer utility plan.

- c. Design Data Sheets for all required cross-connection control devices. The devices shall not be installed without approval from the Water/Sewer Division.
 - d. An approved water use impact report and conservation plan which will determine sizing of the water meter and water system connection fee.
 - e. The approved Title 5 Building Review (Form S) and associated Finding - demonstrating right to connect to the municipal sewer system, and payment of any associated Sewer Improvement Fee.
11. **Prior to the issuance of any Building Permit**, the Applicant shall submit to the Town Planner a Tree Protection and Removal Permit for review and approval.
 12. **Prior to the issuance of a Building Permit**, all proposed metering will require approval from the CMLP Meter Supervisor.
 13. **Prior to the issuance of a Building Permit**, the Applicant shall incorporate into the construction plans a hard wired-battery back-up Smoke/CO detection system in each unit to be reviewed and approved by the Fire Department.
 14. **Prior to the issuance of a Building Permit**, the Applicant shall file a Notice of Intent for review and approval by the Natural Resources Commission for the work proposed within 100 feet of wetlands.
 15. **Prior to the issuance of a Building Permit**, the Applicant shall install a tracking pad in the secondary driveway access path.
 16. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall submit to the Water/Sewer Division a full size record drawing (Arch D), created in accordance with Division standards, for review prior to finalizing the drawing. Once the draft is approved, the Applicant shall submit to the Water/Sewer Division a full-size (Arch D) hard copy of the final record drawing along with electronic copies in the form of CAD and pdf files.
 17. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall furnish to the Water/Sewer Division Water Demand Minimization Affidavit(s) to demonstrate work was performed in accordance with the approved demand mitigation measures.
 18. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall install to the satisfaction of the Fire Department, hard wired-battery back-up Smoke/CO detection system.
 19. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall finalize to the satisfaction of the Town all required documents for the sale of the affordable deed restricted units, including the Affirmative Fair Housing Marketing Plan for both affordable units, and record with the South Middlesex Registry of Deed the affordable housing restrictions.

20. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall record with the Middlesex South Registry of Deeds a permanent easement from the State for the minor encroachment of the existing garage onto State land.
21. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall coordinate with the Town Planner on the installation of appropriate screening of the two parking spaces.
22. **This Permit shall lapse within two (2) years**, which shall not include such time required to pursue or await the determination of an appeal, from the date of grant thereof, if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
23. **Violation of any of the conditions of the Special Permit shall be ground for revocation of the Decision**, or any building or occupancy permit granted hereunder. If at any time the construction of the project is not in compliance with the Decision and the approved Plan, the Building Commissioner may order that work on the construction of the project be stopped and defer the issuance of any building permits or certificates of occupancy until the non-compliance is corrected.
24. **By acceptance of this Special Permit**, the Applicant acknowledges the binding effect of the conditions of the Decision. The Applicant shall record with the Middlesex South Registry of Deeds the Special Permit and provide a copy of the recorded decision to the Building Inspections Division.

From: tbardevyan <tbardevyan@yahoo.com>

Sent: Wednesday, October 28, 2020 6:13 PM

To: Linda Escobedo <lescobedo@concordma.gov>; Susan Bates <sbates@concordma.gov>; Jane Hotchkiss <jhotchkiss@concordma.gov>; Terri Ackerman <tackerman@concordma.gov>; Matthew Johnson <mjohnson@concordma.gov>; Jeremy Romanul <jromanul@concordma.gov>

Cc: Stephen Crane <scrane@concordma.gov>; Kaari Tari <ktari@concordma.gov>

Subject: About the Town Counsel's response

October 28, 2020

Dear Members of the Concord Select Board,

As you know, the Town Counsel, Mr. Mina Makarious, has responded to my Open Meeting Law (OML) complaint regarding the Transportation Advisory Committee (TAC). I am attaching it for convenience.

I disagree with the response's interpretation of the TAC's mission, and I will consider asking the Attorney General's office for a review.

I also want to point out that many of the comments Mr. Makarious makes regarding *general* interpretations of Town guidelines and the OML- such as a committee not being legally bound by the OML if it is not a public body, even if the charge says it will observe the OML - are points I myself made in my earlier communications with you. (I made that point about APP #10 also.)

I would therefore like to reiterate an important point and a request I made during your October 26 meeting:

I am assuming that you now consider the TAC not to be a public body, based on Mr. Makarious' assessment. (Given that you have not agreed with me so far.)

Therefore, until and unless I appeal to the AG's office and the Division of Open Government then determines that the TAC is in fact a public body, (and this will take time,) we should all assume that many meetings of different configurations of individuals may be taking place separate and outside of any meetings the TAC holds in public.

We should not assume that there is transparency just because *some* meetings are held in public.

We should also take every decision or recommendation the Committee makes as the Town Manager's own final decision. That is what the Connelly Exception, which Mr. Makarious cites, is about.

(I do disagree that the Connelly Exception applies to this group, but it will take an AG's determination to confirm or to disconfirm that.)

My point is there is no such thing as "*Key OML Requirements*" (italics mine) which Mr. Makarious refers to in Section II of his response. That paragraph is not written for the AG's office, (where it is understood one either abides by the OML or not,) but for public appeasement. As Mr. Makarious himself correctly asserts, if a Committee is not a public body, it does not have to legally abide by the OML. Therefore one should assume that the TAC, which considers itself not to be a public body, will not abide by the OML.

The OML involves many components- not just public meetings, but quorum communication restrictions outside of public meetings, subcommittee regulations, and many other aspects- and they are all there for a reason. It is a specific set of guidelines by which one can then make assumptions about what is done in public and what may be lawfully done outside of the public eye- and thus one interprets findings accordingly.

So, until there is a finding from the AG's office that the TAC is in fact a public body, we should not take any transparency for granted, and we should interpret the TAC's findings as the findings of the Town Manager alone as an administrative official- per definition of the Connelly Exception.

Please post this letter and the Town Counsel's response at the same time in supporting documents or correspondence.

All that being said, I did observe the TAC's two last public meetings (October 7 and October 28), and I congratulate the Town Manager on running excellent and productive meetings.

Thank you,

Tanya B. Gailus

