

**TOWN OF CONCORD
SELECT BOARD MEETING
OCTOBER 24, 2022 | 6:30 PM**

**TOWN HOUSE, 22 MONUMENT SQUARE
SECOND FLOOR MEETING ROOM AND VIA ZOOM**

<https://us02web.zoom.us/j/86172077907?pwd=V21kdjJlb09FUUEvVURrZ1dRQmNmQT09>

Meeting ID: 861 7207 7907

Passcode: 107962

833 548 0276 US Toll-free

AGENDA

#	Time*	Agenda Item
1.	6:30pm	Call to Order
2.		Consent Agenda <ul style="list-style-type: none"> • Gifts: by the Friends of the Concord Free Public Library to the Library Staff Professional Development Gift Account in the amount of \$3,000.00
3.		Town Manager's Report
4.		Chair's Report
5.	6:45pm	Minute Man ARC Update from Jean Goldsberry; Recognition of Disability Employment Month
6.	7:15pm	Overview of Residential Exemption; Discussion of FY23 Implementation with David Karr, Chair of Board of Assessors and Meredith Stone, Town Assessor
7.	7:30pm	Discussion of warrant article(s) for Special Town Meeting scheduled for January 19, 2023 <ul style="list-style-type: none"> • Fossil Fuel Bylaw • 2023-2024 Legislative Session Amended Home Rule Petitions for Real Estate Transfer Fee • Building Permit Surcharge to Fund the Concord Municipal Affordable Housing Trust
8.	7:50pm	Release of HOME funds previously committed to the Christopher Heights project
9.	8:05pm	Committee Nominations: Katherine Ryan of 109 Stone Root Lane to the Personnel Board
10.	8:10pm	Committee Appointments: Michael Benn of 747 Old Marlboro Road to the Public Ceremonies and Celebrations Committee; Alyssa Erhartic of 263 Commonwealth Ave to the Public Ceremonies and Celebrations Committee
11.	8:15pm	Select Board Liaison Reports
12.	8:30pm	Correspondence
13.		Public Comment
14.	8:45pm	Adjourn

**Times are approximate and subject to change*

Current Board and Committee Vacancies
Agricultural Committee – Associate Member

Board of Health
Cemetery Committee
Commission on Disability
Comprehensive Sustainability and Energy Committee
Concord 2025 Executive Committee
Concord Housing Development Corporation (CHDC)
Conservation Restriction Stewardship Committee
Council on Aging
Historic Districts Commission – Associate Member
PEG Access Advisory Committee
Personnel Board
Planning Board
Pollinator Health Advisory Committee
Public Ceremonies and Celebrations Committee
Transportation Advisory Committee
Trustees of Donations
West Concord Advisory Committee
West Concord Junction Cultural District
Zoning Board of Appeals – Associate Member

NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

DISABILITY:



+



=



PART OF THE **EQUITY EQUATION**

#NDEAM | [DOL.GOV/ODEP](https://dol.gov/odep)



OFFICE OF DISABILITY EMPLOYMENT POLICY
UNITED STATES DEPARTMENT OF LABOR



Board of Assessors

Presents

The Residential Exemption (Tax Shift) Calculated on the FY 2023

Valuation and Tax Data



The Law Chapter 59, Section 5C

- Section 5C. With respect to each parcel of real property classified as Class One, residential, in each city or town certified by the commissioner to be assessing all property at its full and fair cash valuation, and at the option of the board of selectmen or mayor, with the approval of the city council, as the case may be, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all Class One, residential, parcels within such city or town; provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes.
- Where, under the provisions of section five, the exemption General Law - Part I, Title IX, Chapter 59, Section 5C is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for purposes of the preceding sentence shall be computed by dividing the said amount of tax by the residential class tax rate of the city or town and multiplying the result by one thousand dollars.



Basics of the Law

- Residential Property Only (Class 1)
- Select Board Vote
- Exemption is up to 35% of the average assessed Res.value
- Only Applied to the Primary Residence (Own and Occupy)
- Principle residence on tax return
- Exemption is on value
- Levy remains the same
- Shortfall is made up by a tax rate recalculation (Tax Shift)



Qualification

Included Properties

- **Single Family homes**
- **Condominiums**
- **Part of Two and Three-Family Homes**
- **Part of Mixed-use properties**

Excluded Properties

- **Non-Owner Occupied homes (second homes, rented)**
- **Properties held in Trust (Medford Vs Kirby) 350 Mass. 386**
- **Apartment Building**
- **Nursing Homes, Group Homes and Assisted Living**



Current Users

- **Only fourteen Municipalities in Mass. have Exemption**
- **Two communities joined in FY2006, Everett and Barnstable**
- **Larger metropolitan communities (Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Marlborough, Somerville, Waltham, Watertown)**
- **Resort communities, (Barnstable, Truro, Nantucket, Tisbury, Wellfleet, Provincetown, Oak Bluffs)**
- **Somerset – Revoked with closing of Power Plant**
- **Thirteen of the communities also use the CIP tax shift**



Basic Tax Rate Calculation

Basic Formula

Tax Levy / Total Valuation * 1,000

FY2023 Tax Rate

\$102,397,536 (Levy) / \$8,085,703,940 (Value) * 1,000

or

\$12.66



Average Value

Count	Type	Value
4616	Single family 101	\$6,226,573,218
54	Miscellaneous 109,140-149	\$141,705,600
98	Multi-family 104 & 105	\$85,909,050
27	Apartments 111,112-125	\$237,580,900
898	Condominiums 102	\$617,465,702
279	Vacant Land 106,130,131,132	\$48,769,112
27	Mixed Use	\$131,454,151
5999	Total RO:	\$7,489,457,733

$\$7,489,457,733$ (Res.Value)/5,999 (Number of Parcels) =

$\$1,248,451$ (Average Residential Value)



Exemption Calculation

- **Exemption 1% to 35% of the Average Residential Value**

$$5\% * \$1,248,451 = \$ 62,423$$

$$10\% * \$1,248,451 = \$124,845$$

$$15\% * \$1,248,451 = \$187,268$$

$$20\% * \$1,248,451 = \$249,690$$

$$25\% * \$1,248,451 = \$312,113$$

$$30\% * \$1,248,451 = \$374,535$$

$$35\% * \$1,248,451 = \$436,958$$



Total Reduction

Estimation of Parcels Qualifying

4616	Single Family 101	0.9	4154.4
54	Miscellaneous 109, 140-149	0.75	40.5
98	Multi-Family 104 & 105	0.8	78.4
27	Apartments 111, 112-125	0	0
898	Condominiums 102	0.85	763.3
279	Vacant Land 106, 130, 131, 132	0	0
27	Mixed Use	0	0
5999	Total RO:		5036.6
		Difference	962.4



Total Reduction

Reduction in Value at 20%

Type	Count	Exempt 20%\$	Total Exemption
Single-family 101	4154.4	\$249,690	\$1,037,312,136.00
Miscellaneous 109,140-149	40.5	\$249,690	\$10,112,445.00
Multi-family 104 & 105	78.4	\$249,690	\$19,575,696.00
Apartments 111,112-125	0	\$249,609	\$0.00
Condominiums 102	763.3	\$249,690	\$190,588,377.00
Vacant Land 106,130,131,132	0	\$249,690	\$0.00
Mixed Use	0	\$249,690	\$0.00
Total RO:	5036.6	\$249,690	\$1,257,588,654.00



New Tax Rate Calculation

Basic Formula

Tax Levy / (Total Valuation – Exemption) * 1,000

Tax Rate after Exemption

**\$102,397,536 (Levy) / \$8,805,703,940 (Value) -
\$1,257,588,654 (Exemption) * 1,000**

or

\$13.57



Examples of Impact at 20%

Value	Old Tax	New Value	New Tax	Difference	Effective Tax Rate
\$1,248,451	\$18,427.14	\$998,761	\$17,716.58	-\$710.55	\$14.19
\$400,000	\$5,904.00	\$150,310	\$2,666.28	-\$3,237.72	\$6.67
\$500,000	\$7,380.00	\$250,310	\$4,440.14	-\$2,939.86	\$8.88
\$600,000	\$8,856.00	\$350,310	\$6,213.99	-\$2,642.01	\$10.36
\$700,000	\$10,332.00	\$450,310	\$7,987.85	-\$2,344.15	\$11.41
\$800,000	\$11,808.00	\$550,310	\$9,761.71	-\$2,046.29	\$12.20
\$900,000	\$13,284.00	\$650,310	\$11,535.56	-\$1,748.44	\$12.82
\$1,000,000	\$14,760.00	\$750,310	\$13,309.42	-\$1,450.58	\$13.31
\$1,100,000	\$16,236.00	\$850,310	\$15,083.28	-\$1,152.72	\$13.71
\$1,200,000	\$17,712.00	\$950,310	\$16,857.13	-\$854.87	\$14.05
\$1,222,250	\$18,040.41	\$972,560	\$17,251.82	-\$788.59	\$14.11
\$1,300,000	\$19,188.00	\$1,050,310	\$18,630.99	-\$557.01	\$14.33
\$1,400,000	\$20,664.00	\$1,150,310	\$20,404.85	-\$259.15	\$14.57
\$1,500,000	\$22,140.00	\$1,250,310	\$22,178.70	\$38.70	\$14.79
\$1,600,000	\$23,616.00	\$1,350,310	\$23,952.56	\$336.56	\$14.97
\$1,700,000	\$25,092.00	\$1,450,310	\$25,726.41	\$634.41	\$15.13
\$1,800,000	\$26,568.00	\$1,550,310	\$27,500.27	\$932.27	\$15.28
\$1,900,000	\$28,044.00	\$1,650,310	\$29,274.13	\$1,230.13	\$15.41
\$2,000,000	\$29,520.00	\$1,750,310	\$31,047.98	\$1,527.98	\$15.52
\$2,500,000	\$36,900.00	\$2,250,310	\$39,917.27	\$3,017.27	\$15.97
\$3,000,000	\$44,280.00	\$2,750,310	\$48,786.55	\$4,506.55	\$16.26
\$3,500,000	\$51,660.00	\$3,250,310	\$57,655.83	\$5,995.83	\$16.47
\$4,000,000	\$59,040.00	\$3,750,310	\$66,525.11	\$7,485.11	\$16.63



Impact on Senior Means Tested Exemption

- **Senior Means Tested Exemption is based on a tax bill greater than 10% of the applicant's income**
- **Residential Exemption would reduce the tax bill**
- **Currently 37 participants qualify**
- **No impact under 15% Residential Exemption**
 - **Lose 4 applicants at 20% Residential Exemption**
 - **Lose 8 applicants at 25% Residential Exemption**
 - **Lose 16 applicants at 35% Residential Exemption**



Average Value Comparison

Town	Value	Tax Rate	Tax Bill	Type
• Concord	\$1,248,451	\$14.76	\$18,427.14	Uniform
• Acton	\$ 625,000	\$19.45	\$12,156.25	Uniform
• Maynard	\$ 518,000	\$20.52	\$10,629.36	Split
• Lexington	\$1,203,846	\$13.80	\$16,613.07	Split



Typical House - Adjoining Town Comparison - Concord

- **Assessed Value \$941,100**
- **Tax Rate \$14.76**
- **Tax Bill \$13,891**
- **Living Area 2,476 S.F.**

Single Family - Detached

36 Laurel Street
Concord, MA 01742-3606
Middlesex County

Style: Colonial, Gambrel /Dutch

Color: Tan

Grade School: Alcott

Middle School: Concord Middle

High School: CCHS

Handicap Access/Features:

Directions: Walden Street to Laurel Street.

List Price: \$1,275,000

Sale Price: \$1,115,000

Total Rooms: 9

Bedrooms: 4

Bathrooms: 2f 1h

Master Bath:

Fireplaces: 1



Typical House - Adjoining Town Comparison - Acton

- **Assessed Value \$713,500**
- **Tax Rate \$19.45**
- **Tax Bill \$13,878**
- **Living Area 2,408 S.F.**

Single Family - Detached

**49 Newtown Road
Acton, MA 01720
Middlesex County**

List Price: **\$684,000**

Sale Price: **\$753,000**

Style: **Colonial**

Total Rooms: **8**

Color: **Yellow**

Bedrooms: **4**

Grade School: **AB Choice**

Bathrooms: **2f 1h**

Middle School: **RJ Grey Jr HS**

Master Bath: **Yes**

High School: **ABRHS**

Fireplaces: **2**

Handicap Access/Features:

Directions: **Main Street to Newtown Road**



Typical House - Adjoining Town Comparison - Maynard

- **Assessed Value \$480,700**
- **Tax Rate \$20.52**
- **Tax Bill \$9,864**
- **Living Area 2,488 S.F.**



Single Family - Detached

**42 Old Mill Road
Maynard, MA 01754
Middlesex County**

Style: **Colonial**

Color: **Gray**

Grade School: **Green Meadow**

Middle School: **Fowler**

High School: **Maynard High**

Handicap Access/Features:

Directions: **Great Road to North Road which turns into Waltham to Old Mill Road**

List Price: **\$500,000**

Sale Price: **\$545,000**

Total Rooms: **8**

Bedrooms: **3**

Bathrooms: **1f 1h**

Master Bath:

Fireplaces: **1**



Typical House - Adjoining Town Comparison - Lexington

- **Assessed Value \$912,000**
- **Tax Rate \$13.80**
- **Tax Bill \$12,586**
- **Living Area 2,300 S.F.**



Single Family - Detached

19 WALNUT ST
Lexington, MA 02420
Middlesex County

Style: **Colonial**

Color: **White**

Grade School:

Middle School: **Clarke**

High School: **LHS**

Handicap Access/Features:

Directions: **Concord Ave to Walnut St. #19 is on the right.**

List Price: **\$1,075,000**

Sale Price: **\$1,095,000**

Total Rooms: **9**

Bedrooms: **5**

Bathrooms: **2f 0h**

Master Bath: **No**

Fireplaces: **1**



CONCERNS

- **Impact to staff over 5,000 parcels to investigate**
- **Over 1 year to implement and could be costly**
- **Impact to Finances (Under or over-estimate)**
- **Exclusion of Tenants in Apartment buildings**
- **Exclusion of Trust Owned Property**
- **Sr. Means Ex. & Res. Ex. never adopted together, no state mandates**
- **Not adopted by any Municipality with high participation**



Residential Exemption - Summary

- **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 reduced 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**

FY 2023 Revaluation Timetable

Residential & Commercial Target Completion Date

- 9/7/22 - Vision System Shutdown all FY23 changes need to be completed
- 9/15/22 - Mike Tarello Here
- 9/27/22 - DOR Review – Becky/Mike
- 10/3/22 - DOR begins preliminary certification
- 10/17/22 - Release Preliminary Values to Public
- 10/17/22 - 2 week disclosure period begins
- 10/31/22 - Final Changes entered into Database
- 11/1/22 - Submit final values to DOR – System Shutdown
- 11/18/22 - DOR Approves Final Values
- 11/28/22 - Classification Hearing with Select Board
- 12/5/22 - Convert File and Download to ADMINS
- 12/30/22 - Mail 3rd Quarter Tax Bills

Personal Property

- 10/3/22 – Submit to DOR for Preliminary Certification
- 11/18/22 – DOR Approves Final Values

PROHIBITION ON THE EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR NEW CONSTRUCTION

1. Purpose

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

2. Definitions

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

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

"Effective Date" shall mean ~~December 1, 2022, or~~ six months following the date by which the Town is authorized by the ~~Department of Energy Resources Massachusetts General Court~~ to regulate fossil fuel infrastructure, whichever is later.

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

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

3. Applicability and Exemptions

3.1. On and after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter.

3.2. The provisions of this bylaw shall not apply to (i) the development of new affordable housing, as defined in Mass. Gen. Laws c. 184, § 26; (ii) to cooking stoves and ovens used in restaurants or commercial kitchens; (iii) any fossil fuel

infrastructure the exclusive purpose of which is to fuel backup electrical generators;
(iv) public utilities, their operations, or installations other than in the Buildings
constructed by others; or (v) research laboratories for scientific or medical research, or to
hospitals or medical offices regulated by the department of public health as a health care facility.

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

4. Administration

4.1 . Enforcement

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

~~5.2~~ Appeal

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

6. Severability

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

7. Reporting

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

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AUGUST 25, 2022

TO: Kerry A. Lafleur, Town Manager

FROM: Christopher Carmody, Administrative Projects Manager

SUBJECT: Fossil Fuel Ban On New Construction In Concord

CC: Concord Select Board

Town Meeting

Annual Town Meeting considered and approved on June 13, 2021 Article 31, “New General Bylaw and Home Rule Petition to Prohibit the Expansion of Fossil Fuel Infrastructure for New Construction.” Article 31 asked town meeting for approval to “both establish a new Town Bylaw that would require that all new construction be fossil fuel free and further request Home Rule Legislation for the authority to implement the bylaw.” The bylaw applies to “any new construction that will require heating and/or cooling and that is associated with a valid building permit application” (this includes construction on a vacant lot, to replace a demolished building, or of a new accessory building constructed on an existing residential or commercial property). The bylaw includes several exemptions, including “affordable housing, restaurant and commercial kitchen equipment, portable propane appliances, and backup emergency generators.” It also sets up an appeals process to hear and resolve complaints should an applicant’s building permit be denied.

- Article 31 in the Annual Town Meeting Warrant can be accessed here: (See pg. 24) <https://concordma.gov/DocumentCenter/View/28696/2021-Annual-Town-Meeting-Warrant>.
- A public hearing presentation on this Article 31 can be accessed here (dated April 27, 2021): https://youtu.be/-aJiikL_GIM.
- The slidedeck and frequently asked questions related to Article 31 can be found here: <https://concordma.gov/2828/Article-31-Fossil-Fuel-Infrastructure>.
- The Article and motion presented at annual town meeting can be accessed here: (see p.56) <https://concordma.gov/DocumentCenter/View/29944/Concord-Meeting-Materials-Booklet-Annual-Town-Meeting-2021>.
- The recording of the discussion and vote at annual town meeting can be accessed here: <https://youtu.be/VUiZh9SbhZg>.

State Legislation and Executive Action

Acting on the approval of Town Meeting, the Select Board voted to approve a petition with the General Court for special legislation in substantially the form approved by town meeting. Representative Gouveia, in response, filed H.4117 on September 20, 2021. After legislative approval, Governor Baker on August 11, 2022 signed into law H.5060, “An Act Driving Clean Energy and Offshore Wind.” The “Act” can be accessed here: <https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter179>. (Governor Baker’s signing statement is attached as Appendix A to this memo.) Section 84(a) of the Act defines fossil fuel as “defined by a city or town to include, but not be limited to, an entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.” Section 84(b) of the Act requires the Department of Energy resources to establish a “demonstration project in which cities and towns may... adopt and amend general or zoning ordinances or by-laws that require new building construction or major renovation projects to be fossil fuel-free, and enforce restrictions and prohibitions on new building construction and major renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits; provided, that said restrictions and prohibitions shall not apply to research laboratories for scientific or medical research, or to hospitals or medical offices regulated by the department of public health as a health care facility.” Section 84(c) specifies the following about the demonstration project:

- The department shall approve not more than 10 applications for participation in the demonstration project
- No city or town shall apply for acceptance into the demonstration project until it has received local approval and has submitted a home rule petition to the general court on the subject matter of this section; provided, that the department shall issue approvals under this section to not more than 10 applications in the order in which cities and towns have submitted or submit home rule petitions to the general court; provided further, that the department shall, in the interest of increasing housing production in the commonwealth, withhold approval of an application by a city or town applying to participate in the demonstration project until such time as said city or town has: (i) met the 10 per cent housing affordability threshold set under chapter 40B of the General Laws or has been granted safe harbor status through an approved Housing Production Plan by the department of housing and community development; or (ii) has approved a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, that such multi-family housing shall be without age restrictions and shall be suitable for families with children; provided further, that a city or town that met the 10 per cent affordability threshold as of December 21, 2020, shall be deemed to have satisfied the requirements of this paragraph.
- If said city or town fails to: (i) meet the 10 per cent housing affordability threshold or receive safe harbor status within 18 months of the effective date of this act; or (ii) approve such a multifamily zoning ordinance or by-law within 18 months of the effective date of this act, said application shall

expire and be deemed void, at which time the department shall, in lieu of approving said application, approve a substitute application from a city or town that has met the 10 per cent housing affordability threshold or received safe harbor status or has a zoning ordinance or by-law that complies with this section.

The Town submitted a request letter to the Department of Energy Resources on August 23, 2022 asking to participate in the “demonstration program” referenced in the Act. (A copy of that letter is attached as Appendix B to this memo.) In the letter, the Town verified that it met the three eligibility requirements: (i) passage by town meeting on June 13, 2021, (ii) submission of a home rule petition on August 10, 2021, and (iii) meeting the 10% housing affordability threshold as of December 21, 2020. See Department of Housing and Community Development report dated 12/21/2020: <https://www.mass.gov/doc/subsidized-housing-inventory/download>. See attached list of towns who’ve submitted fossil fuel home rule petitions and the corresponding rates of subsidized housing inventory (Appendix C).

On August 23, 2022, the Department of Energy Resources issued the following statement to the public: “Below please find an update regarding the 10 Communities demonstration project set forth in Section 84 of Chapter 179 of the Acts of 2022. The Department of Energy Resources is currently reviewing the statutory language and determining next steps. As a reminder, the legislation permits the Department to promulgate regulations by July 1, 2023, which would require input from municipalities and other stakeholders. The Department anticipates developing a formal process on implementation, including a schedule of when the Department intends to accept applications. Further details about the demonstration project will be communicated and posted on the Department’s website when they are available.”

Legal Review

Town Counsel recently asked the Municipal Law Unit in the Attorney General’s Office about “whether towns will be required to resubmit home rule petitions if they have already filed one” in order to participate in the demonstration project. The AGO and the DOER have not made a decision on this yet. Town Counsel reports that the AGO could consider the Act to apply retroactively. Town Counsel argues that “towns which submitted special legislation prior to enactment of the Climate Bill are included within the scope of those towns eligible to participate in the pilot program.” The Boston Globe reports that there are already ten towns that have submitted home rule petitions: Acton, Aquinnah, Arlington, Brookline, Cambridge Concord, Lexington, Lincoln, Newton, and West Tisbury. <https://www.bostonglobe.com/2022/08/01/science/legislature-amends-climate-bill-leaving-its-fate-governor-bakers-hands/?event=event12>.

Town Counsel is aware of statements made by Boston Mayor Wu that Boston will take steps to join the demonstration project. Town Counsel states that “for Boston to do that, one of the ten towns that *has* submitted legislation will have to be bumped out, either by its own choice or by DOER’s interpretation of who gets to apply.” Town Counsel recommends that Concord: (i) speak to its state delegation about the Act, and (ii) confirm the procedural rules for “refiling legislation immediately at the beginning of the term in January to make sure Concord remains at the head of the line again in the new legislative session.”

Town Counsel has also reviewed Concord's SHI eligibility. Specifically, "how this provision may apply to Concord which was above the 10% threshold as of December 21, 2020 using the 2010 census data available at the time, but which may soon learn that in fact it was *below* that threshold when the 2020 census data is incorporate into the state's new housing numbers in early 2023."

"The legislation is unfortunately not precise on that issue. Our initial reaction is that the most reasonable reading of the statute is that Concord meets the affordability criteria because of the use of the past tense "met" in the phrase "met the met the 10 per cent affordability threshold as of December 21, 2020." On that date, Concord undoubtedly was in compliance. It did not yet fully know what the census data might reveal. Further, there is no suggestion in the statute that DOER must wait for new census data or revise compliance numbers for that date. The legislature's desire to the see the program begin quickly is also consistent with using the data in hand today, rather than waiting for census data. We intend to see if there is any more guidance on this issue in the legislative history and we will of course be watching DOER closely on this issue as well, and it is another which bears conversation with the delegation. Further, note that being above the 10% threshold is not the *only* way to qualify. The Town could also qualify by enacting certain zoning provisions aligned with the Housing Choice legislation from a few years ago."

Reporting

If the Town is accepted into the "demonstration program" then there is a reporting requirement expected. The DOER, however, hasn't finalized the exact reporting requirements yet. Section 84(e) of the Act describes DOER department data collection from cities and towns. The DOER will "collect data from cities and towns... to monitor impacts of the ordinances and by-laws authorized by this section on emissions, building costs, operating costs, the number of building permits issued and other criteria." The way it's currently structured, DOER must issue a report starting (and no later than) September 30, 2025 every two years which will serve to combine energy usage reports required of the electrical companies and natural gas companies with the municipal building permits reports required of the municipal program applicants.

Next Steps

1. Town Manager's Office will monitor for solicitations for public opinion on draft regulations by the DOER.
2. Town Counsel will review the practicability and benefit of Concord re-filing a home rule petition.
3. Town Manager's Office will liaise with Senator Barrett's Office and the Department of Energy Resources to ensure Concord is approved as an eligible "demonstration project" town.



TOWN OF CONCORD
Office of the Town Manager
Town House
P.O. Box 535
Concord, Massachusetts 01742

TEL: 978-318-3000
FAX: 978-318-3002

Kerry A. Lafleur, Town Manager

August 23, 2022

Commissioner Patrick Woodcock
Massachusetts Department of Energy Resources
100 Cambridge St., Suite 1020
Boston, MA 02114

Commissioner Woodcock,

Thank you for your role in the passing of Bill H.5060, *An Act Driving Clean Energy and Offshore Wind*. The Town of Concord applauds this step forward towards a cleaner energy future.

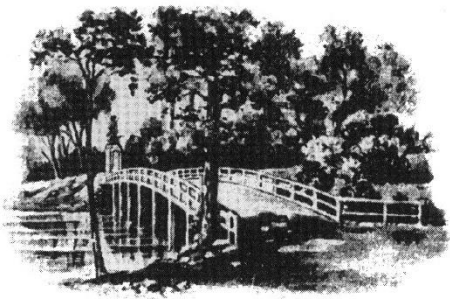
The Town sends this letter as our formal request to participate in the demonstration program to prohibit new building construction or major renovation projects that are not fossil fuel-free. The Town of Concord meets all requirements for participation as outlined in the bill:

- Article 31 passed overwhelmingly at the Annual Town Meeting on June 13, 2021. The Article contained two provisions: (1) a Home Rule Petition asking state legislature to allow the Town of Concord to regulate fossil fuel infrastructure in new buildings and major renovations, and (2) a bylaw that implements the regulations.
- A Home Rule Petition was submitted on August 10, 2021. The Home Rule Petition was filed by Rep. Tami L. Gouveia on September 20, 2021 and is currently pending as H. 4117.
- Concord has met the 10% housing affordability threshold set under Chapter 40B of the General Laws. As of December 21, 2020, 10.5% of Concord units are Subsidized Housing Inventory (SHI) units.

Reducing emissions in our built environment and achieving net zero emissions are stated priorities of the Select Board. We are prepared to comply with all data collection and reporting that is required as part of participation in the pilot program. Please let us know if there are additional steps we must take to file an official application and secure a spot in the program.

Sincerely,

Kerry A. Lafleur
Town Manager



OLD NORTH BRIDGE

TOWN OF CONCORD

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

TO: Concord Select Board
FROM: Concord Municipal Affordable Housing Trust c/o chair Keith Bergman
DATE: October 12, 2022
SUBJ: Request to File for 2023-2024 Legislative Session Amended Home Rule Petitions for Real Estate Transfer Fee and Building Permit Surcharge to Fund the Trust

Please know that, at its meeting on October 11, 2022, the Concord Municipal Affordable Housing Trust Board of Directors voted unanimously (5-0)¹ as follows:

to recommend that the Select Board insert onto the warrant for the January 2023 Special Town Meeting two articles to authorize for the state legislative session convening in January 2023 the home rule petitions filed previously for a [real estate transfer fee \(S.2437\)](#) and a [building permit surcharge \(S.2438\)](#) to fund the Trust, amended as follows: (1) to provide that all funds from both special acts be deposited in the “Concord *Municipal* Affordable Housing Trust”; (2) to add the Trust to the list of local entities exempt from the real estate transfer fee; (3) to amend the portion of the purchase price subject to the real estate transfer fee from “exceeding \$600,000” to “exceeding \$1,000,000”; (4) to define affordable housing income limits for both special acts as being at or below 150% of areawide median income; and (5) to provide for acceptance of either special act by vote at an annual *or special* town meeting.

Both bills were originally filed following 2019 Town Meeting’s approval of a package of articles recommended by the [Affordable Housing Funding Committee](#). Draft amended language for both home rule petitions is attached for your and Town Counsel’s review, and described below.

Depositing all funds in the “Concord *Municipal* Affordable Housing Trust” - Since both home rule petitions were first filed in 2019, [the bylaw establishing the “Concord Municipal Affordable Housing Trust”](#) was adopted in 2020 by Town Meeting and approved by the Attorney General in 2021. CMAHT recommends its official name be reflected by adding the word “Municipal” to “Concord Affordable Housing Trust” throughout.

Adding the Trust to the list of local entities exempt from the real estate transfer fee - The real estate transfer fee would exempt transfers to various local entities including the Concord Housing Authority and the Concord Housing Development Corporation. CMAHT recommends that it be added to that list. The CMAHT bylaw allows the trust to purchase, accept, sell, lease, exchange, transfer, abandon, or convey any interest in real, personal, or mixed property with the prior approval of the Select Board.

¹ CMAHT members are Linda Escobedo, Michael Lawson, Rich Feeley, Kerry Lafleur, and Keith Bergman.

Amending the portion of the purchase price subject to the real estate transfer fee from “exceeding \$600,000” to “exceeding \$1,000,000” – Recognizing the continuing increase in home sales prices in Concord in recent years, CMAHT recommends that the 1% real estate transfer fee be imposed on the portion of the purchase price exceeding \$1,000,000-- rather than \$600,000, as originally proposed.

Defining affordable housing income limits at or below 150% of areawide median income - As summarized in the [CMAHT’s Interim Policy Guidelines](#) table on “Low and Moderate Income Limits (% of Areawide Median Income) by Program/Funding Source,” Concord’s real estate transfer fee legislation had referenced the [municipal affordable housing trust state statute](#), which contains no definition of affordable housing²; Concord’s building permit surcharge legislation referenced [another state law](#) defining affordable housing as up to 120% of AMI; the [statewide real estate transfer fee legislation](#) proposes up to 175% of AMI; and Concord’s Planned Residential Development zoning bylaw references affordability as up to 150% of AMI. CMAHT recommends that both of Concord’s home rule petitions also use the level of 150% of AMI.

Providing for acceptance of either special act by vote of annual *or special* town meeting – Recognizing that the statewide real estate transfer fee legislation would take effect by vote of the local legislative body—that is, the town meeting in a town—with no requirement for a subsequent ballot question at a local election, CMAHT recommends that both of Concord’s home rule petitions be amended so that they would take effect upon approval by a vote of an annual or special town meeting.

Please let us know what questions you have about any of this. Thanks very much for your consideration

Documents attached:

- A. An Act establishing a real estate transfer fee upon the transfer of property in the town of Concord.
- B. An Act establishing a building permit surcharge in the town of Concord.

² MHP 2018 MAHT Guidebook p. 27: “The trust statute [M.G.L. C.44, s.55C] does not include definitions for key terms such as . . . ‘low- and moderate-income.’”

SENATE No. 2437

The Commonwealth of Massachusetts

In the One Hundred and Ninety-~~Second~~-Third General Court
(~~2021~~2023-20222024)

An Act establishing a real estate transfer fee upon the transfer of property 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. There is hereby imposed a real estate transfer fee, hereafter "the fee," equal to 1 per cent of the portion of the purchase price exceeding ~~\$600,000~~\$1,000,000 upon the transfer of: (i) any real property interest in any residential property situated in the Town of Concord; or (ii) a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any class of residential real property situated in the town of Concord. The fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the liability for the fee shall not affect such liability of the purchaser to the Town. The Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 2. The following transfers of real property interests shall be exempt from the fee established in Section 1: (i) transfers to the federal government, the Commonwealth, the Town, and any of their instrumentalities, agencies or subdivisions, including the Concord Housing Authority and the Concord Municipal Affordable Housing Trust; (ii) transfers to the Concord Housing Development Corporation; (iii) transfers of real property subject to an affordable housing restriction; (iv) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made; (v) transfers with consideration under \$100.000; (vi) transfers to a charitable organization, as defined in clause Third of section 5 of

chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for public charitable or religious purposes; and (vii) transfers between family members, including spouses, parents and children, grandparents and grandchildren, step-parents and step-children, siblings or step-siblings.

SECTION 3. The fee shall be paid to the Town. The Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes. The Town may, by bylaw, adopt additional requirements, exemptions, and regulations to implement or enforce said fee, consistent with this act. The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this act.

SECTION 4. All fees received pursuant to this act shall be deposited in the Concord Municipal Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of the General Laws and used for affordable housing purposes.

SECTION 5. For the purposes of this act, "affordable housing" shall mean housing with an affordable housing restriction recorded with the Middlesex South Registrar of Deeds that requires the housing to be rented or owned by families and individuals whose income at initial occupancy is no more than 150 per cent of the area median income as determined by the federal department of housing and urban development guidelines and adjusted for family size and that thereafter such units shall be rented or sold, subject to such restrictions on appreciation as determined by the municipality to be reasonable and necessary to maintain long term affordability, to families or individuals at incomes of no more than 150 per cent of the area median income.

SECTION 56. A copy of the deed or other instrument evidencing such transfer shall be provided to the Town and shall be accompanied by: (i) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price; (ii) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible

exemptions, as described in section 2, for that property by the purchaser; and (iii) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fee. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The Middlesex South Registrar of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION ~~67~~. The Town shall prepare and issue an annual report that: (i) identifies fee receipts; (ii) quantifies affordable housing programs funded, including type and purpose; and (iii) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and demographics of individuals and families served as well as measures of housing stability and wealth generation in the community.

SECTION ~~78~~. Acceptance of this act by the Town of Concord shall be ~~first~~ by vote of approval at an annual or special 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 ~~67~~, inclusive shall take effect 30 days after such acceptance by the Town.

SENATE No. 2438

The Commonwealth of Massachusetts

In the One Hundred and Ninety-~~Second~~^{Third} General Court
(~~2021~~²⁰²³-~~2022~~²⁰²⁴)

An Act establishing a building permit surcharge 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. The Town of Concord, hereafter referred to as "the Town," may, by bylaw, require the payment of an affordable housing surcharge for any construction that: (i) requires a building permit; and (ii) exceeds a minimum construction value to be determined by the Select Board of the Town. The bylaw shall specify the amount of said affordable housing surcharge, the method by which the surcharge may be increased from time to time, and any types of construction or uses to which the affordable housing surcharge shall not apply.

SECTION 2. All fees received pursuant to this act shall be ~~dedicated to the Concord Housing Development Corporation established by the Town or~~ deposited in the Concord Municipal Affordable Housing Trust Fund established pursuant to section 55C of Chapter 44 of the General Laws and used for affordable housing purposes.

SECTION 3. For the purposes of this act, "affordable housing" shall mean ~~as defined under section 1 of chapter 60 of the General Laws~~¹: housing with an affordable housing restriction recorded with the Middlesex South Registrar of Deeds that requires the housing to be rented or owned by families and individuals whose income at initial occupancy is no more than 150 per cent of the area median income as determined by the federal department of housing and urban development guidelines and adjusted for family size and that thereafter such units shall be rented

¹ [G.L. c. 60, s. 1 defines affordable housing as no more than 120 per cent.]

or sold, subject to such restrictions on appreciation as determined by the municipality to be reasonable and necessary to maintain long term affordability, to families or individuals at incomes of no more than 150 per cent of the area median income.

SECTION 4. Acceptance of this act by the Town of Concord shall be ~~first~~ by vote of approval at an annual or special 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 3, inclusive shall take effect 30 days after such acceptance by the Town.

DRAFT

October 18, 2022

Amanda Berman
Department of Planning & Development
City of Newton
aberman@newtonma.gov

RE: Release of HOME funds

Dear Amanda Berman:

On behalf of the Town of Concord, I am writing to let you know that the Town of Concord releases the HOME funds reserved for Christopher Heights. Current financial and local pressures are great, and prevent this project from proceeding.

We acknowledge that it is important to release these reserved funds so they can be allocated to other projects, especially given the expenditure deadline of 9/30/2025 of the earliest of funds .

Concord releases \$658,128 of funds, comprised of three separate awards of Consolidated Pool funds, and five years of Concord program funds, as detailed in the table below.

	Local Funds	Consolidated Pool	Total Funding
HM19-13B	\$19,505	\$388,065	\$407,570
HM20-13B	\$23,050	\$54,878	\$77,928
HM21-13B		\$88,345	\$88,345
HM21-13B	\$25,900		\$25,900
HM22-13B	\$28,000		\$28,000
HM23-13B	\$30,385		\$30,385
Total Funding	\$126,840	\$531,288	\$658,128

The Town of Concord deeply appreciates the support of the Consortium towards this project and hopes these funds can assist other efforts in the Consortium service area,

Please contact Elizabeth Rust of the Regional Housing Services Office at (978) 287-1090 if you have any questions or concerns regarding this letter.

Sincerely,

Kerry LaFleur, Concord Town Manager



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

February 3, 2022

To: Concord Town Manager, Concord Select Board
CC: Marcia Rasmussen, Town of Concord, Director of Planning and Land Management
From: Elizabeth Rust, RHSO
RE: HOME Funds, Junction Village Christopher Heights.

I am writing to see if the Town might agree to direct \$144,345 of HOME funds to the Concord Christopher Heights (Junction Village) project comprised of \$116,345 of previously awarded funds from the Concord 367 Commonwealth Avenue project to the Concord Christopher Heights (Junction Village) project, and the FY23 concord allocation of \$28,000 to Christopher Heights. This request is supported by the Concord Housing Authority and the Concord Housing Development Corporation, and approved by the WestMetro HOME Consortium (for the Consortium Pool portion of funds).

By way of background, HOME funds are allocated to each member community annually, and the municipality has a one-year exclusive use period to apply the funds to an eligible HOME projects (low income rental). Funds not used by a community are then pooled and available through RFP for projects across the consortium. Concord has directed \$614,000 towards past HOME projects – Peter Bulkeley Phase 2 and improvements at the CHA-owned property on Thoreau Street. Additionally, Concord has earmarked \$511,400 to Christopher Heights already (see detail below). These funds have been a combination of exclusive use and RFP funds.

A note on the nature of the funds: while HOME funds can be directed by Concord to eligible projects, they are not Concord funds, do not process through the town warrant or accounts, and are not raised through taxpayer levy.

This request stems from extreme increases in construction costs resulting in a change of approach for Commonwealth Avenue and a funding gap for Christopher Heights.

As you know, the Commonwealth Avenue project proposed a 1,000 square foot detached structure to be built by the Concord Housing Authority (CHA) under full public procurement and public construction regulations. The DHCD-authorized architect estimated \$700,000 for a stick build construction. The CHA had options to refine the scope, estimate modular design, and instead has decided to RFP the property for 3rd party development and sale. As such, they have released the commitment on their exclusive use funds, and the RFP funds.

The Concord Christopher Heights project has been awarded \$12,710,000 in financing from Federal Low Income Housing Tax Credits, DHCD subordinated debt sources, and local funds and local HOME funds in 2020. The pandemic hit as the project was completing its per-closing tasks. Updated budget amounts produced a new gap. DHCD increased their funding amounts, and the developer is making adjustments and concessions on their side and has narrowed the gap. Specifically the developer is deferring the full amount of their development fee from tax credit equity to available cash flow from operations, and then pursuing a bridge loan to finance the period between building permit and occupancy permit and hope to gain that commitment soon. The developer is open to making the increased HOME funds tied to the condition that the developer fee is being paid from cash flow, versus the tax credit equity – should the town desire that commitment.

This additional amount of HOME funds (the \$144,345) will assist in filling this gap. If Concord chooses not to make this allocation, the funds will be released to the Consortium Competitive Pool as Concord has no currently eligible projects able to commit funds in the timeframe.

I have heard some comments that this request is in conflict to the Memorandum of Understanding clause which states that the Developer agrees not to request any financial support from the Town other than the



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Town Funds for the construction and development of the Project and acknowledges that the Town is under no obligation to provide any additional financial support. I can offer that the developer did not specifically ask for these HOME funds, and the request came from the RHSO working with the town bodies to proactively utilize HOME funds in Concord. To note, as mentioned before, the HOME funds are not taxpayer created funds, and may be considered to be in a different category for financial support.

We note that with the delay in Christopher Heights is also the delay with the US Census data publication, and the recalibration of the Subsidized Housing Inventory. When Christopher Heights has its building permits, those 83 units are eligible to be counted on the SHI, keeping Concord above the 10% threshold.

With these considerations, it is up to the Town, through the Town Manager and Select Board, to direct this allocation of HOME funds.

Christopher Heights HOME funding				
Current Funding	Local HOME	Consolidated Pool	Total Funding	
HM19-13B	\$19,505	\$388,065	\$407,570	
HM20-13B	\$23,050	\$54,878	\$77,928	
HM21-13B	\$25,900		\$25,900	
Total Funding	\$68,455	\$442,943	\$511,398	
Proposed Additional Funds				
HM21-13B		\$88,345	\$88,345	Transfer from 367 Comm.
HM22-13B	\$28,000		\$28,000	Transfer from 367 Comm.
HM23-13B	\$28,000		\$28,000	New Allocation
Total proposed	\$56,000	\$88,345	\$144,345	
Total HOME funds	\$124,455	\$531,288	\$655,743	

Correspondence

Date:

1. 10/14/2022
2. 10/16/2022
3. 10/16/2022
4. 10/17/2022
5. 10/17/2022

From:

William and Susan Plummer
Moira Walsh
Elizabeth Knake
League of Women's Voters of Concord-Carlisle
Mother's Out Front

Subject:

Christopher Heights Project
Christopher Heights Project
Christopher Heights Project
Christopher Heights Project
Christopher Heights Project

From: Susan Plummer <susanwhoever@icloud.com>

Sent: Friday, October 14, 2022 4:16:55 PM

To: Michael Gibbons <mgibbons@concordma.gov>

Subject: Junction Village

We are in favor of the Junction Village project and hope that the Concord Selectboard will stand behind it now.

William and Susan Plummer
129 Arena Terrace, Concord

From: Moira Walsh <moiraandrews@gmail.com>

Sent: Sunday, October 16, 2022 5:00:36 PM

To: Michael Gibbons <mgibbons@concordma.gov>

Subject: Junction Village/please distribute to voting members on board

Dear Selectboard Members,

You have before you a request for a letter, to the state, for the support of the Junction Village project. There is no longer a request for funding approval.

I have spent time researching, visiting and talking about this project with many people since the last board meeting on the subject.

I believe deeply that given all the pros and cons, it is now the best project for Concord. Please send your letter of support to the state this week.

I appreciate your attention to being good stewards of Concordians' tax monies.

Looking forward to speaking and working with, and for you, regarding other Town needs in the future.

Moira Walsh

978-287-0114

moiraandrews@gmail.com

From: knake@comcast.net <knake@comcast.net>
Sent: Sunday, October 16, 2022 9:17:07 PM
To: Michael Gibbons <mgibbons@concordma.gov>
Subject: Junction Village project

I was told to send my comments to you in support of the assisted living Junction Village project that is waiting for the state to release its funds. I understand that this requires a final letter of support from the Concord Selectboard. The town, state, and builder must all sign off by October 27th. This project, an 8 years long affordable housing effort has had many positive reviews. It will provide 82 assisted living units for seniors for a reasonable monthly rate. Please support this project. There are many seniors who need reasonable rent in order to exist. Although I am not one of them, being 85 ,I have friends who do need reasonable rent.

Elizabeth T. Knake
20 Nathan Pratt Drive #200
Concord MA 01742



October 17, 2022

To the Select Board, from LWVCC Board

On behalf of the League of Women Voters of Concord-Carlisle Board, we write to urge the SB to vote to support affordable housing in Concord. For decades Concord's Town Meeting and the LWVCC have consistently supported affordable housing with our voices and votes. The people of Concord have proven consistently willing to explore innovative steps to create a more diverse community by providing a range of affordable housing construction in our town.

Town Meeting has voted to add a property transfer tax that would raise funds for affordable housing; we created a Housing Trust to allow the town to take advantage of housing opportunities as they come forward; and we require that 10% of all new PRD units are set aside as affordable units with no visual differences between the units.

Nonetheless, with the new 2020 census data census, Concord will fail to reach its benchmark 10% affordable housing if the Junction Village/Christopher Heights project is not forthcoming. The land that was given to the town with the express purpose of building affordable housing may revert to the state (according to Chapter 117 of the Acts of 2010, dated May 27, 2010,) if affordable housing is not developed. Since prior to 2009, the town has pursued affordable housing on this site, and if this project does not go forward, we will have lost over a decade of planning. Covid, and the resulting impacts on the economy and supply chain, have understandably delayed the project and significantly increased Grantham's costs. Concord is being asked, by the state DHCD, to absorb a portion of the increased costs. When viewed on a cost/unit basis, the Town is still getting a fair return for its investment.

It is clear that the Select Board is struggling with this decision, but it is equally clear that the Town faces an urgent decision, and the Grantham project is the most expeditious and desirable solution to our dilemma. We, therefore, urge the Select Board to endorse the CMAHT's offer to fund the project with \$1 million from their available funds.

Respectfully,

LWVCC Board



October 17th, 2022

Dear members of the Select Board,

We are writing in support of the proposed construction of Junction Village (Christopher Heights) assisted living community. Concord has a need for affordable housing that allows our eldest residents to remain in Town near their families. While the proposed project may not be perfect, it meets the immediate and pressing needs of the community *now*. And high density housing is a key stepping stone toward achieving the Town's mandated climate goals.

Concord must reduce its greenhouse gas (GHG) levels by 80% by 2050, as outlined by *Concord's Energy Goals* (Article 51, 2017). This requires tackling the greatest source of town GHG emission - the built environment. To ensure that we achieve this goal, residents voted to approve a *Bylaw Amendment Regulation of Fossil Fuel Infrastructure* (Article 31, 2021), requiring new construction and major renovations to be fossil fuel free, and at the same time requested Home Rule authority to implement it. Both articles were overwhelmingly approved by Concord residents, underscoring that *residents want bold climate action*.

Approval of this project by the Select Board will allow Concord to move forward with its application to participate in the home rule petition pilot program. The program requires a participating community to have at least 10% affordable housing. Concord barely meets this goal and may fall below it next year without the construction of Junction Village.

Construction costs have increased significantly owing to supply disruptions. While this additional cost is unfortunate, Concord has the means to make up this difference. Junction Village is an opportunity to marry our dual commitments to the environment and affordable housing; providing a safe liveable home for our oldest residents while also working toward a liveable climate for our youngest residents.

We urge the Select Board to provide a letter of support for Junction Village to the MA Department of Housing & Community Development for the project's reapplication for state funding under DHCD's High Readiness ARPA Funding Round.

Sincerely,

Linda Nieman & Laura Davis

Mothers Out Front Concord Co-Coordinator