



## TOWN OF ACTON

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### *Sustainability Office & Planning Department*

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August 25, 2023 (Updated November 9, 2023)  
Massachusetts Department of Energy Resources  
Green Communities Division  
100 Cambridge St., 9<sup>th</sup> Floor  
Boston, MA 02114

Re: Municipal Fossil Fuel Building Demonstration Program Application

Dear Green Communities Division,

The following serves as a formal request and application by the Town of Acton to participate in the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Program authorized by 225 CMR 24.00, whereby the Town of Acton is listed as a Prioritized Community.

#### **A) Home Rule Petition:**

On June 21, 2021, Acton Town Meeting passed Article 13, to amend the General Bylaws of the Town by adding Chapter AC, “Regulating Fossil Fuel Infrastructure in Buildings,” and Article 14, a Home Rule Petition to the Massachusetts General Court for the authority to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. The Home Rule petition was officially filed on August 28, 2021. A copy of the Home Rule Petition is attached (Attachment 1).

#### **B) Proposed Bylaw:**

Article 13 and Article 14, passed by Town Meeting on June 21, 2021, also included a bylaw to regulate fossil fuel infrastructure in buildings. Minor amendments were adopted by Town Meeting on May 1, 2023, to better align with the language outlined in the Demonstration Program in Section 83 of “An Act Driving Clean Energy and Offshore Wind” and the draft regulations for the demonstration program issued by DOER. The most recent version of the bylaw is attached (Attachment 2).

Acton’s bylaw differs from DOER’s model rule in several ways. In the attachment is a description of those differences, along with the rationale for the difference (Attachment 3).

#### **C) Implementation Plan:**

##### **1. Timeline**

Acton’s bylaw regulating fossil fuels goes into effect three months following the date by which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure. On or after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings and Major Renovations that include the installation of new on-site fossil fuel infrastructure in accordance with the bylaw.

## 2. Commitment to Data Collection, Reporting, and Outreach/Training

The Town of Acton will collaborate with the Department of Energy Resources on data collection, reporting, and outreach/training required for participation in the program. All Town departments that will be involved in data collection, reporting, and outreach have been consulted and are prepared to meet the requirements.

## 3. Building Permit Data and Certificates of Occupancy

The Town of Acton recently began using OpenGov software to collect, review, and approve permit applications. This platform stores all building permit data and certificates of occupancy. The system has user-friendly ways to query data and export reports, which will be utilized for Acton's compliance with reporting requirements for the Demonstration Program.

The Town has reviewed the reporting requirements laid out in the 225 CMR 24.00 and can make some adjustments in the required fields of the permit applications to ensure all required data will be available. See below for more details about the information Acton can and will work to provide.

- **Applicant name** – A required field for all permits. The contractor is typically included in this field.
- **Street address** – A required field for all permits.
- **Building usage type** – Acton currently collects Building Type, which includes: commercial, residential, and municipal. Building Occupancy Type is not currently collected, but the Town plans to include this in the permit application. Building Occupancy Type includes the following categories: commercial, commercial multi-family dwelling, residential one-family dwelling, residential two-family dwelling, accessory dwelling, or municipal.
- **Square footage** – The Town currently collects total square footage. In an effort to collect more accurate square footage, the Town also plans to include the following fields: Proposed Gross Floor Area and Final Conditioned Area.
- **Estimated construction cost** – Project Cost is a required field for all relevant permits.
- **Third-party energy reporting** – Acton can provide:
  - Final Home Energy Reporting System rating summary data; more detailed data could be provided as PDF upon request
  - Passive house certification reports; building energy modeling reports used to demonstrate commercial energy code compliance through ASHRAE 90.1 or Thermal Energy; if available, can be provided as a PDF upon request.
  - Demand Intensity (TEDI) building code compliance pathway; if available, can be provided as a PDF upon request.

#### 4. Process Loads

The Town of Acton has considered the effect of its Fossil Fuel Free bylaw on the operations of commercial and industrial facilities, including those that use fossil fuels for their business operations/production rather than solely for the conditioning of the building. Between Acton's current development trends and the exemptions and waiver process included in the bylaw, the Town is confident the fossil fuel requirements will not pose a significant issue with regards to process loads.

Acton has limited industrial and manufacturing facilities. In the scenario that Acton experiences large-scale manufacturing or commercial growth that has significant fossil fuels for process loads, many of those industries are already exempt from the bylaw, including research laboratories, hospitals, and medical offices. Much of the smaller-scale commercial properties in Acton are restaurants, retail, and other services. The Town anticipates that most of the occupants of these spaces, to the extent that the spaces are renovated and subject to the bylaw, would be able to find suitable non-fossil fuel solutions.

In the circumstances that fossil fuel solutions are needed or significantly preferred for commercial and industrial activities, Acton's bylaw includes a waiver and appeal process, which can be employed for any building permit, including those with commercial and industrial process loads. The waiver process will enable the Town to monitor and manage any conflicts between the bylaw and industrial/commercial process loads. The waiver and appeal processes are copied below.

##### AC5. Waivers

- A. The Building Commissioner may grant a waiver subject to the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:
  - a. as a result of factors beyond the control of the applicant proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
  - B. technological or other factors would make the project unsuitable for its intended purpose.
- B. Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.
- C. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.

- D. In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.
- E. The Select Board shall, prior to the Effective Date, issue and may thereafter amend, guidance regarding the granting of waivers and describing reasonable conditions that may be placed on a waiver.

#### AC6. Appeals

An applicant may appeal a decision of the Building Commissioner concerning the grant or denial of a waiver pursuant to Section AC5 to the Select Board, or its designee, within 30 days of the decision.

In addition to the waiver and appeals process, there are exemptions for a number of building types that may be more likely to have significant process loads. This includes: Buildings where the primary use is as a Research Laboratory for Scientific or Medical Research, or as Hospitals or Medical Offices.

#### D) Housing Production Eligibility

According to the Department of Housing and Community Development's Chapter 40B Subsidized Housing Inventory, Acton satisfies the 10% housing affordability threshold set under Chapter 40B of the General Laws as of December 21, 2020. This meets the housing eligibility threshold requirements for participation in the demonstration program as set by the Department of Energy Resources in 225 CMR 24.00. The Subsidized Housing Inventory verifying this information is included in the application materials (Attachment 4).

If you have any questions or need further information about any aspect of this application, please contact the undersigned at [abecerra@actonma.gov](mailto:abecerra@actonma.gov) or 978-929-6515.

Thank you for your consideration.

Sincerely,

*Andrea Becerra*

Andrea Becerra  
Sustainability Director

cc: John Mangiaratti, Town Manager, [manager@actonma.gov](mailto:manager@actonma.gov)  
Ed Mullen, Building Commissioner, [emullen@actonma.gov](mailto:emullen@actonma.gov)  
Nora Masler, Planning Assistant, [nmasler@actonma.gov](mailto:nmasler@actonma.gov)  
Select Board, [sb@actonma.gov](mailto:sb@actonma.gov)

## **ATTACHMENT A**

# SENATE . . . . . No. 2515

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## The Commonwealth of Massachusetts

PRESENTED BY:

*James B. Eldridge*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Acton to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>

# SENATE . . . . . No. 2515

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2515) of James B. Eldridge, Tami L. Gouveia and Danilo A. Sena (by vote of the town) for legislation to authorize the town of Acton to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. Municipalities and Regional Government. [Local approval received]

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act authorizing the town of Acton to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

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

1           SECTION 1. Notwithstanding chapter 40A, section 13 of chapter 142, and chapter 164 of  
2   the General Laws, the State Building Code, the Fuel and Gas Code, or any other general or  
3   special law or regulation to the contrary, the town of Acton is hereby authorized to adopt and  
4   further amend general or zoning bylaws that restrict new construction or major renovation  
5   projects that do not qualify as fossil-fuel-free.

6           SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other  
7   general or special law or regulation to the contrary, the Building Commissioner of the town of  
8   Acton, or any designee thereof, shall be authorized to enforce restrictions on new building  
9   construction and major renovation projects that do not qualify as fossil-fuel-free, including  
10   through the withholding or conditioning of building permits.

11           SECTION 3. As used in this Act, the term “fossil-fuel-free” shall mean new building  
12 construction or major renovation that results in an entire building or an entire condominium unit  
13 that does not utilize coal, oil, natural gas, other fuel hydrocarbons, or other fossil fuels in support  
14 of its operation after construction.

15           SECTION 4. This Act shall take effect upon its passage. Any bylaws previously  
16 approved by the Acton Town Meeting that accomplish the goals set forth in Sections 1 through 3  
17 herein, including without limitation Chapter AC of the General Bylaws of the town of Acton as  
18 approved by the 2021 Acton Town Meeting, are hereby ratified.

19           SECTION 5. If any provision or section of this act is invalidated, the remainder shall  
20 survive in full force and effect.



## **ATTACHMENT B**

## **REVISED ARTICLE 13**

***May 1, 2023: As noted in this article's summary, the revised article language below reflects additional edits to General Bylaw Chapter AC.***

### **Article 13                      Amend General Bylaws – Regulating Fossil Fuel Infrastructure in Buildings (Majority vote)**

To see if the Town will vote to amend Chapter AC of the General Bylaws, "Regulating Fossil Fuel Infrastructure in Buildings" as follows, or take any other action relative thereto.

*[Note: Text deleted from the current bylaw is shown in ~~strike through~~; new text added to the bylaw is shown in **bold**.]*

#### Chapter AC. REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS

##### AC1. Purpose

This Bylaw is adopted by the Town of Acton to protect health and safety, and the natural environment, and to reduce air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. **In addition, this bylaw is intended to fulfill requirements of participation in the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as defined in 225 CMR 24.00 (the "Demonstration Project").**

##### AC2. Definitions

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

2.2 "New Building" shall mean a new building as defined in the Acton Zoning Bylaw, Chapter M of the General Bylaws of the Town of Acton, associated with a building permit application filed on or after the Effective Date.

2.3 "On-Site Fossil Fuel Infrastructure" shall mean piping, for ~~fuel~~ **natural** gas, fuel oil, or other fuel hydrocarbons, **or other synthetic equivalents**, that is 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 or the customer-side gas meter.

2.4 “Major Renovation” shall mean **a project associated with a valid building permit application filed on or after the Effective Date of this article that meets the definition of Level 3 Alteration as defined in 225 CMR 22 and 23.** ~~renovation project associated with a valid building permit application filed on or after the Effective Date of this chapter that:~~

~~3. for existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area of the principal dwelling, as defined in Section 1.3.7 of the Acton Zoning Bylaw, prior to the project; and~~

~~4. for existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.~~

~~2.5 “Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.~~

#### AC3. Applicability

3.1 This chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:

- A. Utility service piping connecting the grid to a meter, or to a gas meter itself;
- B. Piping required to:
  - i. fuel backup electrical generators, outdoor cooking appliances, or appliances for outdoor heating; or
  - ii. produce potable or domestic hot water from centralized hot water systems in buildings with a floor area 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;
- C. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed; or

- D. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

**E. Buildings where the primary use is as a Research Laboratory for Scientific or Medical Research, or as Hospitals or Medical Offices.**

AC4. Enforcement

4.1 As of the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure that is subject to this Chapter, except as provided ~~for in Chapter V or in Section AC3 "Applicability" and Section AC5 "Waivers."~~ **in Chapter V**

4.2 The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and ~~locations~~ **location** of ~~residential~~ building permit applications for new and major renovation projects exceeding 75% of the original gross floor area **of the principal dwelling**, and the number and ~~locations~~ **location** of commercial building permit applications for new and major renovation projects exceeding 50% of the building floor area prior to the project; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers, and the square footage of each project for which a waiver is granted.

4.3 The Select Board may adopt reasonable regulations to implement this Chapter.

AC5. Waivers

5.1 The Building Commissioner may grant a waiver subject to the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:

- A. as a result of factors beyond the control of the ~~applicant~~ **proponent**, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
- B. technological or other factors would make the project unsuitable for its intended purpose.

5.2 Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.

5.3 Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.

5.4 In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.

5.5 The Select Board shall, prior to the Effective Date, issue and may thereafter amend, guidance regarding the granting of waivers and describing reasonable conditions that may be placed on a waiver.

#### AC6. Appeals

An applicant may appeal a decision of the Building Commissioner concerning the grant or denial of a waiver pursuant to Section **AC5** to the Select Board, or its designee, within 30 days of the decision.

#### **AC7. Reporting**

**The Select Board, or 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.**

#### **MOTION:**

Mr. Snyder-Grant moves that the Town amend the General Bylaws as set forth in the revised Article handout provided to Town Meeting.

#### **MOTION CARRIES**

## **ATTACHMENT C**

## **Purpose.**

The Model Rule's statement of purpose reads as follows:

The purpose of 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

One stated purpose of Acton's bylaw, which was enacted prior to the promulgation of the final Model Rule, is to "protect health and safety, and the natural environment, and to reduce air pollution and greenhouse gas emissions, which causes climate change, thereby threatening the Town and its inhabitants." A second stated purpose of Acton's bylaw is to "fulfill requirements of participation in the Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as defined in 225 CMR 24.00 (the "Demonstration Project")."

Acton believes the Town's further elaboration on the bylaw's purpose is appropriate as it reflects the full scope of Town Meeting's purposes in enacting its bylaw. It also avoids confusion for residents and businesses in the Town who may be less familiar with 225 CMR 24.00 and its procedural measures to implement the Demonstration Program.

The substantive purpose of the Acton bylaw is, nonetheless, consistent with that provided in the Model Rule, as the regulations are intended to serve the same policy goals of curbing the use of fossil fuels and the consequences associated with use of the same. Moreover, the stated purpose of the Acton bylaw does not alter the effect of Acton's bylaw, which is to prohibit fossil fuel connections and infrastructure in new construction and major renovations – the same effect of adopting the amendments to the Specialized Energy Code as called for in the Model Rule.

## **Definitions.**

Acton's bylaw includes definitions of "effective date," "new building," and "on-site fossil fuel infrastructure," which are not included in the Model Rule, but nonetheless do not cause Acton's bylaw to deviate in substance or effect from the Model Rule.

"Effective date," "new building," and "on-site fuel infrastructure" are defined to provide greater clarity to applicants on the scope of Acton's prohibition against new fossil-fuel infrastructure and are procedural elements of the bylaw that do not change the overall consistency with the Model Rule.

Acton's bylaw also contains a definition of "major renovation," that is different in form, but not in substance, from the definition provided in the Model Rule. Acton defines "major renovation" as "a project associated with a valid building permit application filed on or after the Effective Date of this article that meets the definition of Level 3 Alteration as defined in 225 CMR 22 and 23." The Model Rule defines "major renovation" "as defined in 225 C.M.R. 24.00". These two definitions are substantively the same because "major renovation" is defined in 225 CMR 24.00 as "a level 3 alteration as defined in 225 CMR 22.00 and 23.00." Thus, Acton's definition of "major renovation" merely omits the reference to 225 CMR 24.00 and instead incorporates the definition of "major renovation" in 225 CMR 24.00 directly in its bylaw.

### **Applicability and Exceptions.**

Acton's bylaw applies to building permit applications for projects proposed in whole or in part within Acton, rather than buildings generally as called for in the Model Rule in order to provide applicants clarity on how the prohibition against fossil-fuel infrastructure will be enforced, described in greater detail below.

Acton's bylaw also includes four exceptions to the prohibition against fossil-fuel infrastructure in addition to the those already called for in the Model Rule. These exceptions are consistent with DOER's prior guidance that municipalities may provide exceptions not included in the Model Rule, as long as the Bylaw does not otherwise expand on the authority granted to municipalities pursuant to Chapter 179 of the Acts of 2022, §84 or 225 CMR 24.00.

The exceptions for "utility service piping connecting the grid to a meter, or to a gas meter itself;" "the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed;" and "repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector" are intended to allow property owners to make small improvements or repairs to existing fossil fuel infrastructure. These exceptions will ensure property owners are not immediately forced to transition an entire building's heating system from fossil fuel to a zero energy or mixed fuel pathway, which may be cost prohibitive for some, for relatively small benefits. To require property owners to do so would also risk such systems being inadequate for building occupants or falling into disrepair and potentially jeopardizing the health and safety of building occupants. Thus, these exceptions represent small compromises to recognize the challenges and realities some Acton residents face in their homes, but do not compromise the overall purpose or effect of Acton's bylaw or the Model Rule.

The exception for "piping required to fuel backup electrical generators, outdoor cooking appliances, or appliances for outdoor heating," recognizes that many of the buildings in Acton are residential and that many property owners would like to make this relatively small improvement to their home to utilize such a feature for safety measures and as a redundancy for day to day appliances. Like the exceptions described above, this exception does not compromise the overall purpose or effect of Acton's bylaw or the Model Rule.

Acton's bylaw includes a modification on the Model Rule's exception for "multi-family buildings over 12,000 square feet with permit application filed prior January 1, 2027," which "may utilize gas or propane for domestic water heating as the only combustion equipment." Acton's exception covers "piping required to produce potable or domestic hot water from centralized hot water systems in buildings with a floor area 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." Acton's exception is consistent with the Model Rule's exception in that the goal is to exempt systems necessary for providing hot water to multi-family buildings.



Acton's exception makes a few minor modifications to the Model Rule's exception to better tailor the exemption to the unique circumstances present in Acton – namely, that there are few multi-family buildings that exceed 12,000 square feet. Thus, Acton's exception lowers the threshold square footage to better capture multi-family buildings as they exist in Acton. Acton's exception also includes a requirement for an Engineer of Record to certify that providing electric hot water will be 150% more expensive than conventional fossil-fuel systems before the exception applies, in order to capture circumstances where it is financially feasible to provide hot water utilizing an electric system. These modifications make it clear that the overall effect of Acton's amended exception is to promote the use of clean energy systems, while being mindful of the need to provide affordable and quality multi-family housing.

### **Enforcement.**

Acton's bylaw includes an enforcement section which explains to applicants in plain words how the prohibition against new fossil-fuel infrastructure will be implemented; requires the Town Manager to review the impact of the prohibition against new fossil-fuel infrastructure with the Select Board on an annual basis; and grants the Select Board the authority to adopt reasonable regulations to implement or enforce the prohibition against new fossil-fuel infrastructure as the Select Board learns more about the impact of the prohibition as implemented.

As a procedure-oriented section, this section does not conflict with the substantive requirements of Chapter 179 of the Acts of 2022 or 225 CMR 24.00, and allows municipalities to meet the goals of the Demonstration Program to enable municipalities to experiment with the most effective and efficient means of transitioning away from historical reliance on fossil fuel connections and infrastructure.

### **Waiver and Appeals Process.**

Acton's bylaw includes a mechanism by which building permit applicants may seek a waiver from the prohibition against new fossil-fuel infrastructure based on financial infeasibility or implementation impracticality. The Building Commissioner may grant such a waiver subject to reasonable conditions, consistent with DOER's statement that municipalities are allowed to include additional language in its bylaw "such as details about a waiver and exemption process."

The waiver provision is meant to ensure the bylaw is appropriately flexible and does not frustrate an otherwise reasonable and beneficial construction or development project, but that any granted waiver is as narrow as possible. If a party is dissatisfied with the Building Commissioner's decision under the waiver process, Acton's bylaw contains an appeals process through the Select Board.

This section is wholly consistent with the Model Rule, as it enables Towns to make reasonable compromises with Acton residents on a case-by-case basis, while ensuring that any compromises are as tailored as possible so the compromise does not undermine the general purposes of the bylaw.

**Reporting.**

Acton's bylaw contains a section requiring the Select Board to provide data and other information concerning the impacts of the bylaw as required or requested by DOER and the Secretary of Housing and Economic Development, memorializing Acton's obligation to comply with the reporting requirements described in 225 CMR 24.07.

## **ATTACHMENT D**

Department of Housing and Community Development  
Chapter 40B Subsidized Housing Inventory (SHI)  
as of December 21, 2020\*

<b>Community</b>	<b>2010 Census Year Round Housing Units</b>	<b>Total Development Units</b>	<b>SHI Units</b>	<b>%</b>
Abington	6,364	662	629	9.9%
Acton	8,475	1,440	894	10.5%
Acushnet	4,097	125	95	2.3%
Adams	4,337	324	324	7.5%
Agawam	12,090	618	618	5.1%
Alford	231	0	0	0.0%
Amesbury	7,041	787	706	10.0%
Amherst	9,621	1,262	1,215	12.6%
Andover	12,324	2,195	1,657	13.4%
Aquinnah	158	33	33	20.9%
Arlington	19,881	1,445	1,129	5.7%
Ashburnham	2,272	144	29	1.3%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	936	415	6.3%
Athol	5,148	284	284	5.5%
Attleboro	17,978	1,169	1,169	6.5%
Auburn	6,808	251	251	3.7%
Avon	1,763	75	75	4.3%
Ayer	3,440	409	254	7.4%
Barnstable	20,550	1,818	1,487	7.2%
Barre	2,164	83	83	3.8%
Becket	838	0	0	0.0%
Bedford	5,322	1,243	987	18.5%
Belchertown	5,771	416	390	6.8%
Bellingham	6,341	983	801	12.6%
Belmont	10,117	673	661	6.5%
Berkley	2,169	158	40	1.8%
Berlin	1,183	308	201	17.0%
Bernardston	930	22	22	2.4%
Beverly	16,522	2,489	1,954	11.8%
Billerica	14,442	1,979	1,664	11.5%
Blackstone	3,606	165	123	3.4%
Blandford	516	0	0	0.0%
Bolton	1,729	180	69	4.0%
Boston	269,482	58,609	55,509	20.6%
Bourne	8,584	1,129	591	6.9%

Boxborough	2,062	323	266	12.9%
Boxford	2,730	80	39	1.4%
Boylston	1,765	30	30	1.7%
Braintree	14,260	1,670	1,373	9.6%
Brewster	4,803	368	268	5.6%
Bridgewater	8,288	1,216	948	11.4%
Brimfield	1,491	59	59	4.0%
Brockton	35,514	4,604	4,604	13.0%
Brookfield	1,452	13	13	0.9%
Brookline	26,201	3,525	2,674	10.2%
Buckland	866	3	3	0.3%
Burlington	9,627	1,858	1,302	13.5%
Cambridge	46,690	7,089	6,898	14.8%
Canton	8,710	1,237	1,099	12.6%
Carlisle	1,740	65	59	3.4%
Carver	4,514	142	142	3.1%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	182	176	5.1%
Chelmsford	13,741	1,903	1,349	9.8%
Chelsea	12,592	2,419	2,414	19.2%
Cheshire	1,481	0	0	0.0%
Chester	585	3	3	0.5%
Chesterfield	524	14	14	2.7%
Chicopee	25,074	2,662	2,623	10.5%
Chilmark	418	0	0	0.0%
Clarksburg	706	9	9	1.3%
Clinton	6,375	547	547	8.6%
Cohasset	2,898	321	307	10.6%
Colrain	731	0	0	0.0%
Concord	6,852	926	721	10.5%
Conway	803	0	0	0.0%
Cummington	426	14	14	3.3%
Dalton	2,860	159	159	5.6%
Danvers	11,071	1,556	1,140	10.3%
Dartmouth	11,775	1,037	1,007	8.6%
Dedham	10,115	1,166	1,121	11.1%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	422	390	5.1%
Dighton	2,568	427	151	5.9%
Douglas	3,147	140	140	4.4%
Dover	1,950	69	18	0.9%
Dracut	11,318	866	590	5.2%
Dudley	4,360	104	104	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	509	432	7.8%
East Bridgewater	4,897	230	176	3.6%

East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	532	464	7.6%
Eastham	2,632	128	119	4.5%
Easthampton	7,567	1,036	537	7.1%
Easton	8,105	1,035	834	10.3%
Edgartown	1,962	78	73	3.7%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	875	875	5.2%
Fairhaven	7,003	495	495	7.1%
Fall River	42,650	4,631	4,535	10.6%
Falmouth	14,870	1,380	1,070	7.2%
Fitchburg	17,058	1,775	1,581	9.3%
Florida	335	0	0	0.0%
Foxborough	6,853	930	878	12.8%
Framingham	27,443	3,483	2,963	10.8%
Franklin	11,350	1,819	1,357	12.0%
Freetown	3,263	104	86	2.6%
Gardner	9,064	1,361	1,361	15.0%
Georgetown	3,031	352	352	11.6%
Gill	591	24	24	4.1%
Gloucester	13,270	1,043	1,008	7.6%
Goshen	440	0	0	0.0%
Gosnold	41	0	0	0.0%
Grafton	7,160	740	381	5.3%
Granby	2,451	79	79	3.2%
Granville	630	0	0	0.0%
Great Barrington	3,072	378	243	7.9%
Greenfield	8,325	1,301	1,284	15.4%
Groton	3,930	410	224	5.7%
Groveland	2,423	145	88	3.6%
Hadley	2,200	275	275	12.5%
Halifax	2,971	36	36	1.2%
Hamilton	2,783	126	86	3.1%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	568	568	11.8%
Hanson	3,572	270	160	4.5%
Hardwick	1,185	3	2	0.2%
Harvard	1,982	263	114	5.8%
Harwich	6,121	333	333	5.4%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,959	2,744	10.7%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,799	1,008	11.4%

Hinsdale	918	0	0	0.0%
Holbrook	4,262	436	436	10.2%
Holden	6,624	514	406	6.1%
Holland	1,051	4	4	0.4%
Holliston	5,077	515	245	4.8%
Holyoke	16,320	3,189	3,189	19.5%
Hopedale	2,278	115	115	5.0%
Hopkinton	5,087	843	725	14.3%
Hubbardston	1,627	49	49	3.0%
Hudson	7,962	1,059	901	11.3%
Hull	4,964	83	83	1.7%
Huntington	919	32	32	3.5%
Ipswich	5,735	608	527	9.2%
Kingston	4,881	359	204	4.2%
Lakeville	3,852	433	250	6.5%
Lancaster	2,544	374	250	9.8%
Lanesborough	1,365	28	28	2.1%
Lawrence	27,092	4,037	4,017	14.8%
Lee	2,702	176	176	6.5%
Leicester	4,231	176	176	4.2%
Lenox	2,473	178	172	7.0%
Leominster	17,805	1,406	1,369	7.7%
Leverett	792	2	2	0.3%
Lexington	11,946	1,565	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	370	298	14.0%
Littleton	3,443	653	456	13.2%
Longmeadow	5,874	276	276	4.7%
Lowell	41,308	5,189	5,119	12.4%
Ludlow	8,337	292	292	3.5%
Lunenburg	4,037	315	315	7.8%
Lynn	35,701	4,307	4,307	12.1%
Lynnfield	4,319	632	494	11.4%
Malden	25,122	2,765	2,562	10.2%
Manchester	2,275	137	115	5.1%
Mansfield	8,725	1,118	953	10.9%
Marblehead	8,528	399	333	3.9%
Marion	2,014	204	162	8.0%
Marlborough	16,347	1,944	1,848	11.3%
Marshfield	9,852	1,024	821	8.3%
Mashpee	6,473	369	343	5.3%
Mattapoisett	2,626	68	68	2.6%
Maynard	4,430	595	419	9.5%
Medfield	4,220	474	406	9.6%
Medford	23,968	2,847	1,719	7.2%
Medway	4,603	830	529	11.5%
Melrose	11,714	1,463	934	8.0%

Mendon	2,072	77	40	1.9%
Merrimac	2,527	402	146	5.8%
Methuen	18,268	2,162	1,708	9.3%
Middleborough	8,921	979	799	9.0%
Middlefield	230	2	2	0.9%
Middleton	3,011	258	156	5.2%
Milford	11,379	1,483	701	6.2%
Millbury	5,592	244	221	4.0%
Millis	3,148	185	122	3.9%
Millville	1,157	26	26	2.2%
Milton	9,641	765	477	4.9%
Monroe	64	0	0	0.0%
Monson	3,406	120	120	3.5%
Montague	3,926	407	375	9.6%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	509	199	4.1%
Natick	14,052	1,856	1,477	10.5%
Needham	11,047	1,605	1,410	12.8%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,132	5,095	11.9%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	667	551	6.9%
Newton	32,346	2,745	2,509	7.8%
Norfolk	3,112	521	187	6.0%
North Adams	6,681	866	866	13.0%
North Andover	10,902	1,398	950	8.7%
North Attleborough	11,553	366	354	3.1%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	650	538	9.6%
Northampton	12,604	1,506	1,441	11.4%
Northborough	5,297	715	606	11.4%
Northbridge	6,144	483	468	7.6%
Northfield	1,290	27	27	2.1%
Norton	6,707	916	596	8.9%
Norwell	3,652	461	180	4.9%
Norwood	12,441	1,241	1,229	9.9%
Oak Bluffs	2,138	129	117	5.5%
Oakham	702	0	0	0.0%
Orange	3,461	410	410	11.8%
Orleans	3,290	326	296	9.0%
Otis	763	0	0	0.0%



Oxford	5,520	404	404	7.3%
Palmer	5,495	307	266	4.8%
Paxton	1,590	66	66	4.2%
Peabody	22,135	2,761	2,122	9.6%
Pelham	564	3	3	0.5%
Pembroke	6,477	773	618	9.5%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	5	5	0.8%
Pittsfield	21,031	2,004	1,883	9.0%
Plainfield	283	0	0	0.0%
Plainville	3,459	624	577	16.7%
Plymouth	22,285	1,229	1,006	4.5%
Plympton	1,039	67	55	5.3%
Princeton	1,324	26	26	2.0%
Provincetown	2,122	254	206	9.7%
Quincy	42,547	4,212	4,201	9.9%
Randolph	11,980	1,294	1,294	10.8%
Raynham	5,052	604	487	9.6%
Reading	9,584	1,563	1,004	10.5%
Rehoboth	4,252	99	27	0.6%
Revere	21,956	1,735	1,725	7.9%
Richmond	706	4	4	0.6%
Rochester	1,865	8	8	0.4%
Rockland	7,030	648	453	6.4%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	179	94	4.2%
Royalston	523	3	3	0.6%
Russell	687	2	2	0.3%
Rutland	2,913	86	86	3.0%
Salem	18,998	2,431	2,391	12.6%
Salisbury	3,842	807	395	10.3%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	461	314	3.8%
Saugus	10,754	784	756	7.0%
Savoy	318	0	0	0.0%
Scituate	7,163	482	358	5.0%
Seekonk	5,272	114	87	1.7%
Sharon	6,413	936	678	10.6%
Sheffield	1,507	30	30	2.0%
Shelburne	893	46	46	5.2%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	106	106	4.4%
Shrewsbury	13,919	1,226	891	6.4%
Shutesbury	758	4	4	0.5%

Somerset	7,335	269	269	3.7%
Somerville	33,632	3,261	3,250	9.7%
South Hadley	7,091	424	424	6.0%
Southampton	2,310	44	44	1.9%
Southborough	3,433	809	294	8.6%
Southbridge	7,517	384	384	5.1%
Southwick	3,852	131	131	3.4%
Spencer	5,137	312	311	6.1%
Springfield	61,556	10,307	10,041	16.3%
Sterling	2,918	285	72	2.5%
Stockbridge	1,051	113	113	10.8%
Stoneham	9,399	504	498	5.3%
Stoughton	10,742	1,500	1,284	12.0%
Stow	2,500	393	179	7.2%
Sturbridge	3,759	357	209	5.6%
Sudbury	5,921	888	669	11.3%
Sunderland	1,718	183	183	10.7%
Sutton	3,324	176	55	1.7%
Swampscott	5,795	256	212	3.7%
Swansea	6,290	275	243	3.9%
Taunton	23,844	1,874	1,683	7.1%
Templeton	3,014	511	233	7.7%
Tewksbury	10,803	1,379	1,062	9.8%
Tisbury	1,965	147	107	5.4%
Tolland	222	0	0	0.0%
Topsfield	2,157	205	187	8.7%
Townsend	3,356	184	145	4.3%
Truro	1,090	25	25	2.3%
Tyngsborough	4,166	847	469	11.3%
Tyringham	149	0	0	0.0%
Upton	2,820	190	145	5.1%
Uxbridge	5,284	427	257	4.9%
Wakefield	10,459	1,394	703	6.7%
Wales	772	25	25	3.2%
Walpole	8,984	661	649	7.2%
Waltham	24,805	2,709	1,819	7.3%
Ware	4,539	363	363	8.0%
Wareham	9,880	875	745	7.5%
Warren	2,202	76	76	3.5%
Warwick	363	0	0	0.0%
Washington	235	0	0	0.0%
Watertown	15,521	2,770	1,212	7.8%
Wayland	4,957	460	330	6.7%
Webster	7,788	707	707	9.1%
Wellesley	9,090	1,160	1,044	11.5%
Wellfleet	1,550	38	38	2.5%
Wendell	419	5	5	1.2%

Wenham	1,404	196	128	9.1%
West Boylston	2,729	413	223	8.2%
West Bridgewater	2,658	175	121	4.6%
West Brookfield	1,578	67	67	4.2%
West Newbury	1,558	150	43	2.8%
West Springfield	12,629	426	426	3.4%
West Stockbridge	645	0	0	0.0%
West Tisbury	1,253	26	11	0.9%
Westborough	7,304	1,253	960	13.1%
Westfield	16,001	1,173	1,170	7.3%
Westford	7,671	1,487	1,057	13.8%
Westhampton	635	17	17	2.7%
Westminster	2,826	138	87	3.1%
Weston	3,952	467	331	8.4%
Westport	6,417	480	290	4.5%
Westwood	5,389	922	598	11.1%
Weymouth	23,337	1,903	1,628	7.0%
Whately	654	4	4	0.6%
Whitman	5,513	208	208	3.8%
Wilbraham	5,442	306	305	5.6%
Williamsburg	1,165	55	55	4.7%
Williamstown	2,805	261	213	7.6%
Wilmington	7,788	1,059	766	9.8%
Winchendon	4,088	326	326	8.0%
Winchester	7,920	439	296	3.7%
Windsor	387	0	0	0.0%
Winthrop	8,253	638	638	7.7%
Woburn	16,237	2,121	1,706	10.5%
Worcester	74,383	10,023	10,017	13.5%
Worthington	553	22	22	4.0%
Wrentham	3,821	597	431	11.3%
Yarmouth	12,037	786	599	5.0%
<b>Totals</b>	<b>2,692,186</b>	<b>315,591</b>	<b>273,004</b>	<b>10.1%</b>

\*This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire. Community percentages will be based upon 2020 Census data upon the release of such data by the U.S. Census Bureau.