



**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

August 30, 2023

Massachusetts Department of Energy Resources  
Energy Efficiency Division  
100 Cambridge St., 9<sup>th</sup> Floor  
Boston, MA 02114

## **Municipal Fossil Fuel Free Building Demonstration Program Application**

The following serves as the Town of Concord's application to participate in the Massachusetts Municipal Fossil Fuel Free Building Demonstration Program, as defined in 225 CMR 24.00.

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

On June 13, 2021, Concord Town Meeting passed Article 31, which included 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 submitted on August 10, 2021, and was officially filed by Rep: Tami L. Gouveia on September 20, 2021 as H. 4117. A copy of the Home Rule Petition, and the original bylaw (Article 31), are attached.

### **B) Proposed Bylaw**

Article 31, passed by Town Meeting on June 13, 2021, also included a bylaw to regulate fossil fuel infrastructure in buildings. Minor amendments were adopted by Town Meeting as Article 1 on January 19, 2023 to better align with the draft regulations for the demonstration program issued by DOER. All amendments were efforts to streamline acceptance into the Demonstration Program. The most recent version of the bylaw (Article 1) is attached.

Concord's bylaw differs from DOER's model rule in several ways. Those differences are provided below, along with the rationale for the difference.

### **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.

The stated purpose of Concord's bylaw, which was enacted prior to the enactment of the Model Rule is 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."

Concord 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 stated purpose of the Concord 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 Concord bylaw does not alter the effect of Concord'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.**

Concord's bylaw includes definitions of "building," "effective date," "new building," and "on-site fuel infrastructure."

"Building," "effective date," "new building," and "on-site fuel infrastructure" are defined to provide greater clarity to applicants on the scope of Concord'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.

Concord's bylaw does not include a definition of "major renovation," because Concord's bylaw does not apply to major renovations.

#### **Applicability and Exceptions.**

Concord's bylaw applies to building permit applications issued by the Town, 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.

Unlike the Model Rule, Concord's bylaw does not apply to major renovations. Concord's focus on only new construction is meant to enable Concord, and by extension DOER, to understand the impacts of prohibiting fossil fuel connections and infrastructure in new construction first. By limiting the scope of the bylaw in this manner, Concord and DOER can better understand whether the prohibition on fossil fuel connections and infrastructure has the greater impact – in new construction or major renovations. This limited scope does not conflict with the Model Rule because Concord's bylaw applies to a smaller set of buildings, instead of a larger set, than what would be captured by the Model Rule.

Concord's bylaw also includes five 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 exception for "the development of new affordable housing" is Concord's commitment to ensuring more affordable housing is built in the Town. There are already a number of barriers that make the development of new affordable housing difficult in Concord, from lack of real estate to rising materials and labor costs. To the extent that prohibiting fossil fuel connections and infrastructure and requiring clean energy may add some other costs and thereby another barrier to developing new affordable housing Concord, this exception seeks to ensure that Concord is not inadvertently making it more difficult than it already is to develop new affordable housing in the town. This exception is consistent with the Model Rule's exception for multi-family building in that it seeks to build upon that exception in the realm of affordable housing. However, evidence suggests that the costs of highly-efficient, all-electric new building construction should be approaching parity with traditional, fossil fuel-based new building construction in the near future, at which time this exception may become irrelevant. In the meantime, the Town will continue to encourage developers of new affordable housing to avoid the use of fossil fuels whenever economically feasible.

The exceptions for "cooking stoves and ovens used in restaurants or commercial kitchens" recognizes potential challenges for restaurants, already challenged by the pandemic and other challenges over the past few years in adapting to the new requirements.

The exception for "any fossil fuel infrastructure the exclusive purpose of which is to fuel backup electric generators" addresses the fact that many of the buildings in Concord 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. These exceptions represent small compromises

to recognize the realities some Concord residents and businesses face, but do not compromise the overall purpose or effect of Concord's bylaw or the Model Rule.

The exception for "public utilities, their operations, or installations other than in the Buildings constructed by others" are intended to enable property owners to make small improvements or repairs to existing fossil fuel infrastructure. This exception 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. Like the exceptions described above, this exception does not compromise the overall purpose or effect of Concord's bylaw or the Model Rule.

The fifth exception, for certain health care facilities, tracks the Model Rule.

Concord's bylaw also 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." Concord'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." Concord'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.

Concord's exception also makes a few minor modifications to the Model Rule's exception to better tailor the exemption to the unique circumstances present in Concord – namely, that there are few multi-family buildings that exceed 12,000 square feet. Thus, Concord exception lowers the threshold square footage to better capture multi-family buildings as they exist in Concord. Concord'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 Concord' 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.**

Concord's bylaw includes an enforcement section which explains to applicants in plain words how the prohibition against new fossil-fuel infrastructure will be 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.

#### **Appeals Process.**

Concord's bylaw includes a mechanism by which building permit applicants may appeal the denial of a building permit to the board or committee as designated by the Commissioner, 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 appeals provision is meant to ensure the bylaw has room for nuance by providing applicants the opportunity to present considerations that may not have been obvious or before the Building and Inspections Department. This nuance would ensure the bylaw is appropriately implemented and enforced, consistent with the bylaw's and Model Rule's goals.

#### **Severability.**

Concord's bylaw includes a section stating each provision of the bylaw will be construed separately such that if any part of the bylaw is invalidated, the remainder of the bylaw will continue in full force and effect. The severability section is a reflection of the process that led to the Demonstration Project. As you are aware, a number of towns first tried to enact bylaws prohibiting new fossil fuel connections and infrastructure in 2019, but were prevented from doing so after the Attorney General opined that such bylaws were preempted by the state Utilities and Building Codes. Some of these towns attempted to amend the bylaws in light of the Attorney General's opinion, but were unsuccessful. These town and others, including Concord, ultimately sought special legislation allowing the bylaws. Recognizing the growing interest in and importance of promoting sustainability programs, the legislature ultimately passed Chapter 179 of the Acts of 2022 that gave rise to the Demonstration Project. The severability section is meant to preserve that progress, in the event that Chapter 179 of the Acts of 2022 or 225 CMR 24.00 is challenged and enjoined or invalidated by a court. The effect of the severability section is to ensure that the Demonstration Project continues for as long as possible.

#### **Reporting.**

Concord'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 Concord's obligation to comply with the reporting requirements described in 225 CMR 24.07.

### **C) Implementation Plan**

1. Timeline

Concord's bylaw regulating fossil fuels will go into effect 90 days 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 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 Concord is committed to the success of the Fossil Fuel Free Building Demonstration Program and is prepared to collaborate with the DOER on data collection, reporting, and outreach/training as is required for participation in the program. Town departments anticipated to be involved in data collection, reporting, and outreach have been consulted and are prepared to support the Town in meeting the requirements.

Concord is exploring options for effective outreach and communication regarding the anticipated effective date and implementation of the new bylaw with contractors and developers who regularly work in Town, as well as building inspectors and other relevant Town departments, and residents. The Town would welcome collaborative efforts with other pilot towns and DOER to leverage resources and best practices to maximize the impacts of these efforts.

3. Building Permit Data and Certificates of Occupancy

The Town of Concord uses the PermitEyes software system to collect, review, and approve building 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 Concord'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 has adjusted required fields in the permit applications to ensure all required data will be available. See below for more details about the information Concord can provide.

- Applicant name – Already a required field for all permits.
- Street address – Already a required field for all permits.
- Building usage type – Concord has two separate building permit application types: residential, and commercial. The residential

application is for one or two-family dwellings for any nature of construction. The commercial permit application is for all other construction. The specifics as to nature, or category of construction is further identified. We have a "Building Type" report which can generate the permit information which includes owner, project address, cost, date, for all permits or specific criteria such as new homes, additions, and numerous types of "alterations". Additionally, we have an "Occupancy Report" which would reflect completed projects for any given date range.

- Square footage - Square footage information is already within the commercial permit application. For residential permits we require the proposed GFA showing both conditioned area and non-conditioned area on the department's GFA worksheet that is attached to all pertinent applications. The information is verified during permit review and can be incorporated within the body of the permit to allow this information to be generated on a report. Subsequent fields will be added to reflect the final numbers after completion.
- Estimated construction cost – Project Cost is already a required field for all relevant permits.
- Third-party energy reporting – Concord can provide electronic copies of any third-party energy reporting on new construction and major renovation projects, such as HERS reports and Passive house certification reports, that are attached to building permit applications. These reports are typically attached as PDF documents, so the data cannot be easily exported.

#### 4. Commercial and Industrial Process Loads

Concord is primarily a residential community with a limited manufacturing and industrial sector. As such, we anticipate that the bylaw will have a minimal effect on the use of fossil fuels for process loads, and that the use of fossil fuels for these purposes will not contribute significantly to the Town's overall greenhouse gas emissions. Additionally, given that Concord's bylaw is currently limited to new construction only, and that the likelihood of new commercial or industrial facilities with large process loads being sited in Concord is likely small, the expectation that the Town will receive waiver requests for significant new process loads is low.

Having said that, Concord's bylaw includes a waiver and appeal process, which can be employed for any building permit, including those with commercial and industrial process loads. In addition to the waiver and appeals process, the Town expects that the types of new businesses with process loads most likely to locate in Concord will largely be covered by the exemptions already outlined in the bylaw. These exemptions include:

- A. Cooking stoves and ovens used in restaurants and commercial kitchens
- B. Research laboratories for scientific or medical research,
- C. Hospitals regulated by the department of public health as a health care facility,
- D. Medical offices regulated by the department of public health as a health care facility.

In the event that Concord modifies its bylaw in the future to also include major renovations, we look forward to refining the waiver and appeal process based on the experience of the other participating communities, assuming that process loads may come into question more often through major renovation efforts of existing businesses than through new construction process.

#### **D) Housing Production Eligibility**

According to the Department of Housing and Community Development's Chapter 40B Subsidized Housing Inventory, 10.41% of Concord's housing units are subsidized based on a listing dated March 4, 2022. 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 – i.e., meeting the threshold of 10% housing affordability as of December 21, 2020, or in a subsequent update from DCHD. The Subsidized Housing Inventory verifying this information is included in the application attachments.

Additionally, Concord is committed to advancing initiatives to increase the amount of multi-family and affordable housing in Town. One such effort underway is the Assabet River Bluff Housing project that will combine conservation and housing, with one acre dedicated to five affordable dwelling units. The Town is also currently engaged in the process of identifying overlay by-right zoning districts for additional multi-family housing in conjunction with the MBTA Communities program requirements. The Town has recently conducted several community outreach meetings with residents to identify the most appropriate districts for overlay zoning, including discussion of the possible inclusion of affordable housing.

The Town of Concord values the leadership and efforts of DOER to implement this important effort to reduce the emission of greenhouse gases in the built environment, and we are committed to working with DOER to make the program a success. Thank you for your consideration, and we encourage you to contact us with any questions regarding our application.



Sincerely,

A handwritten signature in blue ink, appearing to read "K. Lafleur", with a stylized, cursive flourish at the end.

Kerry Lafleur  
Town Manager  
Town of Concord

**HOUSE . . . . . No. 4117**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Tami L. Gouveia***

*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 Concord to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>8/19/2021</i>

**HOUSE . . . . . No. 4117**

By Ms. Gouveia of Acton, a petition (accompanied by bill, House, No. 4117) of Tami L. Gouveia (by vote of the town) that the town of Concord be authorized to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction in said town. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

An Act authorizing the town of Concord 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 164 of the General Laws, section 13 of chapter  
2 142 of the General Laws, the State Building Code, or any other general or special law or  
3 regulation to the contrary, the town of Concord is hereby authorized to adopt and further amend  
4 general or zoning by-laws that restrict new construction projects that do not qualify as fossil-  
5 fuel-free, as defined in section 3 of this act.

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 Inspector of the town of  
8 Concord, or any designee thereof, shall be authorized to enforce restrictions on new construction  
9 that do not qualify as fossil-fuel-free, as defined in Section 3 of this act, including through the  
10 withholding of building permits.

11           SECTION 3. As used in this act, the term “fossil-fuel-free” shall refer to construction that  
12 results in an entire building or an entire condominium unit that does not utilize coal, oil, natural  
13 gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of  
14 its operation.

15           SECTION 4. This act shall take effect upon its passage. Any bylaw previously approved  
16 by the Concord Town Meeting consistent with Sections 1 through 3 of this act, including,  
17 without limitation, the bylaw adopted by the 2021 Concord Annual Town Meeting by  
18 affirmative vote on Article 31, is 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.



# Town of Concord

Office of the Town Clerk  
22 Monument Square  
Concord, Massachusetts 01742-0535

## ANNUAL TOWN MEETING

June 13, 2021

### Home Rule Legislation and Bylaw Amendment Regulation of Fossil Fuel Infrastructure

#### ARTICLE 31.

#### WARRANT ARTICLE

**ARTICLE 31.** To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below to establish the Town's authority to regulate the use of fossil fuels in new construction as an important step in meeting the greenhouse gas emission reductions approved by Concord voters in Article 51 of the 2017 Town Meeting, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court that are within the scope of the general objectives of the petition:

#### AN ACT AUTHORIZING THE TOWN OF CONCORD TO ADOPT AND ENFORCE LOCAL REGULATIONS RESTRICTING NEW FOSSIL FUEL INFRASTRUCTURE IN CERTAIN CONSTRUCTION

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

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

**SECTION 3.** As used in this act, the term "fossil-fuel-free" shall refer to construction that results in an entire building or an entire condominium unit that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic equivalents), or other fossil fuels in support of its operation after construction.

**SECTION 4.** This act shall take effect upon its passage. Any bylaw approved by Concord Town Meeting that is consistent with Sections 1 through 3 of this act, including, without limitation, a bylaw adopted by the 2021 Concord Annual Town Meeting by affirmative vote on Article 31 thereof, is hereby ratified.

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

(iv) public utilities, their operations, or installations other than in the Buildings constructed by others.

**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.

or take any other action relative thereto.

### **VOTE**

Upon a **MOTION** made by Ms. Escobedo and duly seconded, the following was **VOTED**:

That the Town take affirmative action on Article 31 as printed in the Warrant.

Passed by well more than a majority

June 13, 2021

A True Copy Attest:



Kaari Mai Tari  
Town Clerk



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

TEL: 978-318-3000  
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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



## Town of Concord

Office of the Town Clerk  
22 Monument Square  
Concord, Massachusetts 01742

### SPECIAL TOWN MEETING JANUARY 19, 2023

#### **Fossil Fuel Infrastructure: Confirm Authorization to Apply for Participation in Fossil Fuel-Free Demonstration Project**

**ARTICLE 1.** Upon a **MOTION** made by Mr. Johnson and duly seconded, the following was **VOTED**.

That the Town take affirmative action on Article 1 as printed in the warrant.

#### WARRANT ARTICLE

To determine whether the Town will vote to confirm that the Select Board is authorized to apply to participate in the Massachusetts Department of Energy Resources' municipal fossil fuel-free demonstration project as established in Section 84 of Chapter 179 of the Acts of 2022, and further that the Select Board apply to the demonstration project with the Bylaw previously approved by Town Meeting as Article 31 of the 2021 Annual Town Meeting on June 13, 2021, with technical corrections to the Bylaw passed thereunder in substantially the form below (~~struck-through~~ text to be removed and underlined text to be added):

#### 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



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, or the Town Manager's 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.

Passed by a near unanimous vote under the Consent Calendar  
January 19, 2023

A True Copy Attest



Kaari Mai Tari  
Town Clerk

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY**

**Concord**

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
791	CHA	267-279 Walden & Grove Street	Rental	7	Perp	Yes	DHCD
793	CHA: Everett Gardens Expansion	34 Everett Street	Rental	20	Perp	No	DHCD
794	CHA: Everett Gardens	34 Everett Street	Rental	32	Perp	No	DHCD
795	CHA: Peter Bulkeley Terrace	115 Stow Street	Rental	28	Perp	Yes	DHCD HUD
796	CHA	282 Thoreau Street	Rental	8	Perp	Yes	DHCD
797	CHA & Minuteman Arc	Thoreau Street	Rental	3	Perp	No	DHCD
798	CHA	Bedford St. & Strawberry Hill Rd	Rental	14	Perp	No	DHCD
799	CHA	Westvale/Barkus Farm	Rental	3	Perp	No	DHCD
800	Community Housing Options	22 West St.	Rental	20	2037	No	HUD
801	Emerson Annex	Stow Street	Rental	1	Perp	No	DHCD DHCD
802	Emerson Annex	58 Stow Street	Ownership	10	Various (earliest 2028)	NO	DHCD
803	Concord Homes	Peabody Ct/Fuller Ln/Dunbar Way	Ownership	5	Perp	Yes	DHCD
3704	Wamer Woods	247 Laws Brook Road	Rental	80	Perp	Yes	FHLBB
4249	DDS Group Homes	Confidential	Rental	23	N/A	No	DDS
4774	HUD Scattered Sites	Conant Street	Rental	3	Perp	No	HUD
4775	HUD Scattered Sites	Bedford Street	Rental	1	Perp	No	HUD
4776	HUD Scattered Sites	Commonwealth Avenue	Rental	2	Perp	No	HUD

3/4/2022

Concord  
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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.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY**

**Concord**

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
4777	HUD Scattered Sites	Bedford Court	Rental	2	Perp	No	HUD
4778	HUD Scattered Sites	Collage Street	Rental	1	Perp	No	HUD
4779	HUD Scattered Sites	Main Street	Rental	1	Perp	No	HUD
4780	HUD Scattered Sites	Peter Spring Road	Rental	1	Perp	No	HUD
4781	HUD Scattered Sites	Upland	Rental	1	Perp	No	HUD
4782	HUD Scattered Sites	145 Powder Mill	Rental	6	Perp	No	HUD
4784	Fairhaven Gardens	Abbott Lane	Rental	42	2043	Yes	FHLBB
9015	Baker Homes	Baker Ave and Gifford Lane	Ownership	7	Perp	NO	DHCD DHCD
9016	Burke Farm	Old Bedford Road	Ownership	3	Perp	NO	DHCD
9017	Concord Commons	Conant Street	Ownership	3	Perp	NO	
9044	Alexan Concord	48 Old Powdermill Road	Rental	350	Perp	YES	MassHousing
9143	Finigan Way	14A Strawberry Hill Road	Ownership	6	Perp	NO	DHCD
9381	409-417 Old Bedford Road	409-417 Old Bedford Road	Rental	4	Perp	NO	DHCD
9382	Concord Walden Condominiums	335 Walden Street	Ownership	5	Perp	NO	DHCD
9383	Lalli Woods	Elm Street	Ownership	3	Perp	NO	DHCD
9384	Elm Court	1273 Elm Street	Ownership	2	Perp	YES	MassHousing
9385	Elm Brook	Elm Brook Road	Ownership	3	Perp	NO	DHCD

3/4/2022

Concord  
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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.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Concord

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
9647	1257 Elm St/Shaw Farm VillageD	1257 Elm St	Ownership	2	Perp	YES	DHCD
9658	Old Bedford Road	Old Bedford Road	Ownership	1	Perp	NO	DHCD
9834	Brookside Square	70 Beharrell Street	Rental	8	Perp	NO	DHCD
9951	Millstone Concord	Ingham Lane	Ownership	1	Perp	NO	DHCD
10142	Concord Junction	6X Winthrop St	Rental	0	Perp	YES	DHCD
10612	Forest Ridge	Forest Ridge	Ownership	1	Perp	NO	DHCD
<b>Concord Totals</b>				713	<b>Census 2010 Year Round Housing Units</b>		6,852
					<b>Percent Subsidized</b>		10.41%