

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

**PRESORT STANDARD  
U.S. POSTAGE PAID  
CONCORD, MA  
PERMIT No. 51**

**\*\*\*EDDM\*\*\*  
RESIDENTIAL CUSTOMER  
LOCAL 01742**

**WARRANT FOR SPECIAL TOWN MEETING  
THURSDAY, JANUARY 19, 2023**

**7:00 PM**

**CONCORD-CARLISLE REGIONAL HIGH SCHOOL**

**SNOW DATE IF NECESSARY  
FRIDAY, JANUARY 20, 2023**

**PUBLIC HEARINGS**

**FINANCE COMMITTEE**

**7:00PM ON THURSDAY, NOVEMBER 17, 2022**

**TOWN HOUSE AND ZOOM**

<https://us02web.zoom.us/j/87989159867?pwd=WExzZ3FBVEYrSDY2cHN2cFVlLdz09>

**Meeting ID: 879 8915 9867**

**Passcode: 933067**

**833-548-0276 (US Toll-free)**

**SELECT BOARD**

**6:30PM ON MONDAY, NOVEMBER 28, 2022**

**TOWN HOUSE AND ZOOM**

<https://us02web.zoom.us/j/86714360246?pwd=Z1Q2c1I0YjMrZlhnNFpWdTdKV203QT09>

**Meeting ID: 867 1436 0246**

**Passcode: 237605**

**877-853-5257 (US Toll-free)**

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**THE COMMONWEALTH OF MASSACHUSETTS  
WARRANT FOR SPECIAL TOWN MEETING  
Thursday, January 19, 2023**

Middlesex, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of the Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Thursday, the 19th day of January, 2023, at 7:00 P.M., by posting a printed copy of this Warrant by you attested, at the Town House. Further a copy thereof shall be posted on the Town's website and mailed to every household at least fourteen days before the Special Town Meeting, then and there to act upon the following Articles:

**FOSSIL FUEL INFRASTRUCTURE: CONFIRM AUTHORIZATION TO APPLY FOR PARTICIPATION IN FOSSIL FUEL-FREE DEMONSTRATION PROJECT**

**ARTICLE 1.** 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 authorized by the Massachusetts General Court Department of Energy Resources 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, fuel gas, fuel-oil, natural gas 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 a premises, extending from a supply tank or from the point of delivery behind a gas meter (customer-side of a 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, 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.

*This Bylaw was previously approved by voters at the 2021 Annual Town Meeting. It is accepted practice for towns to re-authorize special legislation petitions upon the expiration of each legislative session of the Massachusetts General Court. This article seeks Town Meeting reauthorization of the Bylaw as revised to reflect new statutory guidance from the Massachusetts Department of Energy Resources. Pursuing this opportunity furthers the Town's sustainability goals as printed in the 2020 Sustainable Concord: Climate Action and Resilience Plan: <https://concordma.gov/DocumentCenter/View/25318/Sustainable-Concord-Climate-Action-and-Resilience-Plan-2020?bidId=>.*

## **REAUTHORIZE SPECIAL LEGISLATION PETITION – REAL ESTATE TRANSFER FEE FOR AFFORDABLE HOUSING**

**ARTICLE 2.** To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below, in lieu of the special legislation approved under Article 25 of the 2019 Concord Annual Town Meeting, that would impose a real estate transfer fee to be used by the Town for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town, or take any other action relative thereto (~~struck-through~~ text to be removed and underlined text to be added):

**“An act establishing a real estate transfer fee upon the transfer of property in the Town of Concord.”**

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 \$1,060,000 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 \$100.00;
- (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 of Concord. 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 any purposes permitted thereunder.

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 mean 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 mean income.

SECTION 6. 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 ~~6~~7. The Town shall prepare and issue an annual report to 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 ~~7~~8. 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 ~~6~~7, inclusive shall take effect 30 days after such acceptance by the Town.

*This petition for special legislation previously was approved by voters at the 2019 Annual Town Meeting. It is accepted practice for towns to re-authorize special legislation petitions upon the expiration of each legislative session of the Massachusetts General Court. This article seeks Town Meeting authorization of this updated home rule petition to be refiled for consideration in the next State legislative session. If subsequently enacted, all funds collected will establish "predictable, sustainable funding for affordable homes" in Concord. Pursuing this legislation was one of the top four recommendations included in the Affordable Housing Funding Committee's 2018 report. The concept has since gained traction with other Massachusetts towns and cities filing similar home rule petitions.*

(See <https://concordma.gov/DocumentCenter/View/16975/Affordable-Housing-Funding-Committee---Preliminary-Report-10-29-2018>)

## **REAUTHORIZE SPECIAL LEGISLATION PETITION – BUILDING PERMIT FEE SURCHARGE FOR AFFORDABLE HOUSING**

**ARTICLE 3.** To determine whether the Town will authorize the Select Board to petition the General Court for special legislation substantially in the form below, in lieu of the special legislation approved under Article 26 of the 2019 Concord Annual Town Meeting, that permits the Town to enact a bylaw charging a building permit surcharge to be used by the Town for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town, or take any other action relative thereto (~~struck-through~~ text to be removed and underlined text to be added):

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 deposited into 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 any purposes permitted thereunder.

SECTION 3. 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 mean 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 mean income as defined under section 1 of chapter 60 of the General Laws.

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.

*This home rule petition was originally approved by the 2019 Town Meeting. It is accepted practice for towns to re-authorize special legislation petitions upon the expiration of each legislative session of the Massachusetts General Court. This article seeks Town Meeting reauthorization of this updated home rule petition for purposes of creating a predictable and affordable funding source for affordable housing. This article authorizes the Select Board to petition the State Legislature to approve special legislation that would authorize Concord to charge a building permit fee surcharge with the revenues dedicated to fund affordable homes. The funds collected would be deposited into the Concord Municipal Affordable Housing Trust Fund and used to develop, maintain, rehabilitate or otherwise support affordable housing.*

## COMMUNITY PRESERVATION ACT COMMUNITY HOUSING RESERVE FUND

**ARTICLE 4.** To determine whether the Town will vote to rescind prior appropriations in the sum of \$1,044,255.76 from the Community Preservation Fund, appropriated at the 2015, 2017, 2018, and 2019 Annual Town Meetings for the Junction Village Assisted Living project, and to appropriate that amount to the Community Housing Reserve Fund, in accordance with Massachusetts General Laws Chapter 44B; to be appropriated for Community Housing projects; or take any other action relative thereto.

*This article proposes to rescind a total of \$1,044,255.76 in Community Housing funds originally appropriated for the Junction Village Assisted Living project. That project is not moving forward and the funds will not be used. To meet this appropriation, Community Housing funds will be transferred to the Community Housing Reserve Fund. Below see the breakdown of the funds being reappropriated:*

*Warrant Article 30 from the April 12-15, 2015 Annual Town Meeting totaled \$45,000 from which \$744.24 was spent for planning and development work, leaving the following amount to be rescinded: \$44,255.76;*

*Warrant Article 30 from the April 24-27, 2017 Annual Town Meeting: \$350,000.00;*

*Warrant Article 26 from the April 9-12, 2018 Annual Town Meeting: \$350,000.00; and*

*Warrant Article 22 from the April 8-10, 2019 Annual Town Meeting: \$300,000.00.*

## CONCORD MIDDLE SCHOOL BUILDING PROJECT

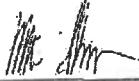
**ARTICLE 5.** To see if the Town will vote to appropriate a sum not to exceed \$7,200,000 (Seven Million Two Hundred Thousand Dollars), to be expended under the direction of the Town Manager, in consultation with the Concord Middle School Building Committee, for the additional costs to construct a new middle school to be located at 835 Old Marlboro Road, Concord, Massachusetts (present site of the Sanborn Middle School), which amount shall be expended in addition to the amount of \$102,816,000 appropriated under Article 1 of the January 20, 2022 Special Town Meeting, for a total appropriation for such project of \$110,016,000, including, without limitation, the costs of engineering, design, site preparation, construction, landscaping, paving, furnishing and equipping, demolishing the existing school, construction of recreational fields, driveways and parking lots, and all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow \$7,200,000 under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 21/2) amounts required to pay the principal of and interest on the borrowing authorized by this vote; or take any other action relative thereto.

*Special Town Meeting approved in January 2022 an appropriation of \$102,816,000 for the construction of a new unified middle school at the current Sanborn Middle School site. The projected project costs have subsequently increased due to historic levels of inflation and increased costs of building materials. Approval of this article will provide sufficient funds to allow the Town to proceed with the middle school building project substantially in accordance with the design presented to Special Town Meeting in January 2022 and to maintain the project's schedule. More information is available at <https://www.cmsbuildingproject.org/>.*

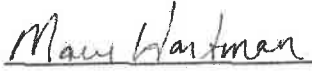


Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.


Given under our hands this 31<sup>st</sup> day of October in the year two thousand twenty-two.

  
\_\_\_\_\_  
Matthew Johnson, Chair

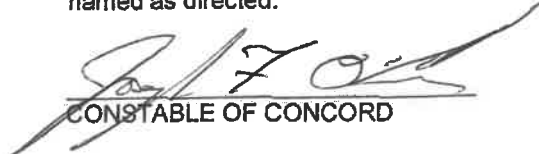
\_\_\_\_\_  
Terri Ackerman, Clerk

  
\_\_\_\_\_  
Mary Hartman

  
\_\_\_\_\_  
Henry Dane

  
\_\_\_\_\_  
Linda Escobedo

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for purposes within named as directed.

  
\_\_\_\_\_  
CONSTABLE OF CONCORD

SELECT BOARD

## **SPECIAL TOWN MEETING INFORMATION**

### **MEETING VENUE**

The Special Town Meeting called by this Warrant will be held on Thursday, January 19, 2023 at 7:00PM inside the Concord-Carlisle Regional High School. The Meeting venue will include multiple locations within the building with audio-visual connections to each other. Snow date is Friday, January 20th, 2022, at 7:00PM, same location.

### **VOTER REGISTRATION**

All voters who were registered to vote by **January 9, 2023** are eligible to participate at Town Meeting and are encouraged to attend, participate, and vote. Residents who are not currently registered to vote in Concord must register by Monday, January 9, 2023 in order to participate. All attendees must check in with the Town Clerk's staff.

### **COVID-19 PROTOCOL**

Although a significant portion of Concord's population is fully vaccinated against COVID-19 and public health restrictions have been lifted, the risk of COVID-19 transmission in indoor public spaces persists. Every Concord voter who wishes to participate in Town Meeting should feel safe enough to do so. Accordingly, voters are asked **not to attend** if they have a confirmed or suspected case of COVID-19, or have had a known exposure within the preceding two weeks to a person infected with COVID-19. In addition, attendees will be asked to wear facial coverings and to observe a reasonable physical distance from others when queuing and moving about the venue. Those who opt not to wear facial coverings will be directed to a separate seating area within the venue. Seating will be arranged to allow moderate physical distancing.

### **PARKING**

Town Meeting attendees should enter the high school parking lot via the Walden Street entrance only. Accessible parking will be clearly marked. Overflow parking will be available at the Beede Center and at the Alcott School, with busing between Alcott and the high school.

### **CHILDCARE**

Concord Recreation will be providing childcare at Special Town Meeting for those that need it. This service is available at the High School for children ages 2.5 years old to 12 years old. In order to sign up for this service, participants are required to pre-register on the Concord Recreation website, [www.ConcordRec.com](http://www.ConcordRec.com).

### **SENIORS**

Seniors may arrange transportation on a first-come first-served basis with the Council on Aging office by calling 978-318-3020. Advance reservations are necessary.

### **ASSISTED LISTENING DEVICES**

Assisted Listening Devices will be available.

### **SPECIAL ARRANGEMENTS OR NEEDS**

Anyone with a disability requiring special arrangements for Town Meeting should contact Kellie Hebert, Interim Assistant Town Manager/ADA Coordinator before 4:30 p.m. on January 12, 2023 at (978)-318-3013.

### **MINUTEMAN MEDIA BROADCAST**

Town Meeting proceedings are broadcast live by MMN on cable through channel 9, on WIQH Radio 88.3 FM, and online (live) by visiting [www.minuteman.media](http://www.minuteman.media), clicking on the Government button and then clicking the play button.

### **VOLUNTEERS**

Volunteers are needed to serve as Tellers and Ushers at Special Town Meeting. If you are willing to volunteer, please email: [Moderator@concordma.gov](mailto:Moderator@concordma.gov).

### **MORE INFORMATION**

For more information, visit: <https://concordma.gov/3184/Special-Town-Meeting>.