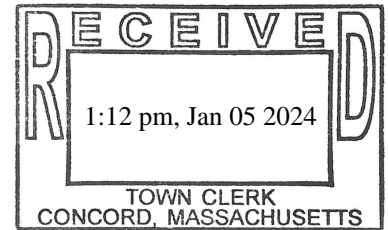


**CLIMATE ACTION COMMITTEE**  
**Tuesday January 9<sup>th</sup>, 2023**  
**7:00 PM**  
**MEETING AGENDA**



Meeting Location:

- In person: 2<sup>nd</sup> floor conference room, 141 Keyes Rd, Concord, MA
- Remotely, through the following meeting link:

<https://us02web.zoom.us/j/84538297108?pwd=Ti9OODdwbFFqdDEyQmk0ZkZOZm5SZz09>

Meeting ID: 845 3829 7108

Passcode: 453589

By phone: 833-548-0282 or 833-928-4608 (US Toll-free)

1. Welcome – comments and announcements [7:00]
2. Meetings and minutes [7:05]
  - a. Approval of November 28<sup>th</sup>, Dec 12<sup>th</sup> minutes
  - b. Clerk tonight – TBD
  - c. Upcoming meeting dates and clerks (Meeting Time: 7PM)  
February 6<sup>th</sup> (and subsequent first Tuesdays) – Clerk: TBD
3. Chair’s update (Brad) [7:10]
  - a. CAC annual report
  - b. CAC goals for 2024
4. Director’s update (Eric) [7:20]
  - a. Written update attached
  - b. Updates on grant opportunities
5. Requested Support for Transportation Investments from Transportation Advisory Committee – see attached message [7:30]
6. Update on Town Meeting Articles [7:40]
  - a. Schedule for TM presentations, etc.
  - b. Concord’s Updated Goals to Meet the Climate Challenge (Brad)
    - i. Draft presentation
  - c. Fossil-free bylaw update (Eric)
7. Updates from Working Group efforts: [7:50]
  - a. Municipal Solar Task Force report (Gavin)
  - b. Metrics/Reporting (Courtney/Eric)
  - c. Residential Engagement – public events, CoolerConcord.org
  - d. Municipal Electrification/Schools
8. Residential Engagement Campaign: Green Your Heat - 2024 [Brad] [8:00]
  - a. Campaign planning update
  - b. Preview of MassEnergize Campaign management tool
  - c. Selecting service providers through inclusive “Request for Qualifications”
    - i. How service providers can be listed on CoolerConcord.org site
  - d. Subdividing campaign plan into sub-projects that committee members can take on
9. CAC Functioning – open discussion on how committee is working [8:45]

10. Public comments

[8:55]

11. Adjourn

[9:00]

Distribution:

Committee Members: Brad Hubbard-Nelson (Chair), Courtney Eaton, Jake Swenson, Paul Kirshen, Ben Slayden, Gavin Colbert, Karen Gibson, Jerry Frenkil, Janet Miller, Michael McDonald, Cheryl Baggen

Town: Town Clerk, Mark Howell (Select Board Liaison), Eric Simms (Sustainability Director)

Local Groups: Mothers Out Front, ConcordCAN, League of Women Voters

# Sustainability Director's Update

January 9, 2024

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## Recent Highlights

- Received formal notification from the Department of Energy Resources on 1/22/23 that Concord was accepted into the Fossil Fuel Free Building Demonstration Program. The regulations will become effective in Concord in late March 2024. The acceptance letter included recommendations from DOER that Concord consider 1) including major renovations in our bylaw, and 2) removing the exemption for affordable housing. A warrant article to make these bylaw amendments was drafted for 2024 Town Meeting. The Sustainability Director presented the article to the Select Board in mid-December, and they voted in favor of supporting and sponsoring the article at Town Meeting.
- Coordinated with my sustainability peers from Lexington and Acton to host two professional development training sessions for stakeholders (i.e., developers, architects, building professionals, contractors) for the recently updated MA building codes. The two events were run by a contractor and took place on Dec. 5 and Dec. 12 in Acton and Lexington, respectively. Each event attracted about 40 participants.
- Continuing to coordinate with the GHG Inventory working group to move forward with updating the GHG inventory for Concord.
- Continuing to coordinate with Municipal Buildings workgroup to consider strategies for supporting the Schools with capital and strategic planning to identify and fund electrification and efficiency efforts, including efforts to advance a heat pump/boiler hybrid system at the Alcott School.
- Continuing efforts to develop a scope of work for conducting deep (investment grade) energy audits on a suite of municipal buildings, including a conversation with an individual who spearheaded that process in Lowell using an EaaS (Energy as a Service ) model with Ameresco. . The Town is finalizing the hiring process for a new Facilities Director, and once this position is filled (hopefully in a matter of weeks) it's expected that this effort will gain momentum.
- Helped to plan and schedule a 'Future of Water Resources in Concord' public forum with CPW on December 5<sup>th</sup> to share the current state and challenges facing Concord's water resources, including connections to Town sustainability efforts. Topics included current efforts on developing an Integrated Water Resources Management Plan and a Stormwater Utility, both of which are identified in our climate action plan. The event drew about 75 participants, both in person and online.
- Working on updating the Sustainable Concord dashboard
- Continuing to coordinate with the CAC Chair and CMLP Energy Efficiency and Electrification Coordinator to advance the proposal to do a Town-wide 'Green Your Heat' residential energy campaign in 2024

Proposed article text:

Title: Concord's Updated Goals to Meet the Climate Challenge

Text:

To determine whether Town Meeting will:

- a) Declare a Climate Emergency, in recognition that climate change threatens humanity-and that we could do significantly more to mitigate the harms imposed by climate change;
- b) Update Concord's Energy Goals (2017 Article 51) to reflect our commitment to the Commonwealth's greenhouse gas emission reduction goals. Therefore Concord will strive to reduce emissions by 50% by 2030, 75% by 2040 and by 85% by 2050 from the baseline established in 2008;
- c) Concord will report on emissions on an annual basis and on its progress towards the Climate Action and Resilience Plan with specific initiatives on a quarterly basis.

We urge Concord to remain a leader in demonstrating our commitment to reducing greenhouse gas emissions in every sector of the economy and by our actions inspire communities across the Commonwealth to do the same.

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Reference:

1. Commonwealth goals: [www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2050](http://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2050)
2. Article 51 presentation: <https://concordma.gov/DocumentCenter/View/8015/Art-51--Concords-Energy-Goals>

**2024 Town Meeting - Draft Warrant Article to Amend the Fossil Fuel Free Building  
Demonstration Program Bylaw**

MOTION: To determine whether the Town will vote to amend the Bylaw previously approved by Town Meeting as Article 31 of the 2021 Annual Town Meeting on June 13, 2021, and later amended as Article 1 of the 2023 Special Town Meeting on January 19, 2023, to participate in the Massachusetts Department of Energy Resources' Municipal Fossil Fuel-Free Building Demonstration Program as established in Section 84 of Chapter 179 of the Acts of 2022, 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):

FOSSIL FUEL-FREE DEMONSTRATION: BYLAW AMENDMENTS FOR PROGRAM PARTICIPATION

Article X.

PROHIBITION ON THE EXPANSION OF FOSSIL FUEL INFRASTRUCTURE FOR NEW CONSTRUCTION AND  
MAJOR RENOVATIONS

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~~ ninety (90) days 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~~.

“Fossil Fuel-Free Demonstration” shall mean codified by the entirety of 225 CMR 24.00, the Fossil Fuel-Free Demonstration

“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 or the ~~(customer-side of a gas meter).~~

“Major Renovation” shall be defined as in 225 CMR 24:

(a) low-rise residential additions over 1,000 square feet and additions exceeding 100% of the conditioned floor area of the existing dwelling unit;

(b) additions over 20,000 square feet and additions that exceed 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential;

(c) Level 3 Alterations as defined in the International Existing Building Code (IEBC 2021) (which exceed 50% of the existing conditioned floor area) exceeding 1,000 square feet for low rise residential, or exceeding 20,000 square feet for all other building uses;

(d) Change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) § R505; or

(e) change of use of over 20,000 square feet or change of use of 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential, International Energy Conservation Code (IECC 2021) § C505.

“Specialized Energy Code” shall mean codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

### 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 Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter. With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the inspector of buildings or building commissioner and will go into effect for any project seeking a permit after the effective date.

a. Low-rise Residential Code (225 CMR 22 Appendix RC) 1. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.

b. Commercial and All Other (225 CMR 23 Appendix CC) i. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, excluding the exceptions identified in 3.2.

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~~ (i) cooking stoves and ovens used in restaurants or commercial kitchens; ~~(iii) (ii) any fossil fuel infrastructure the exclusive purpose of which is to fuel~~

backup electrical generators; ~~(iv)~~ (iii) public utilities, their operations, or installations other than in the Buildings constructed by others; or ~~(v)~~ (iv) 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. Waivers

5.1 The Building Commissioner may grant a waiver from 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 proponent, the additional cost of the project over the long term, including any available subsidies, would make the project commercially 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 Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within twenty (20) days in accordance with policies established by the Select Board.

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

##### ~~5.2~~ 6. 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.~~ 7. 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.~~ 8. 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 initially approved by voters at the 2021 Annual Town Meeting, and later amended and reauthorized at the Special Town Meeting in January 2023 to reflect new statutory guidance from the Massachusetts Department of Energy Resources (DOER).

This article seeks to further amend the bylaw to address guidance received from DOER during the program application review process, including the specific recommendation of including 'major renovations' for buildings as defined by the program regulations. This article also presents the opportunity to remove the specific exemption for affordable housing projects, recognizing that the cost differential between traditional building construction and highly energy efficient construction has approached parity, and further demonstrating Concord's commitment to the comfort, health, safety, and economic well-being of all residents. The resulting bylaw will more closely align with the DOER program regulations and be consistent with other participating towns.

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-Actionand-Resilience-Plan-2020?bidId=.](https://concordma.gov/DocumentCenter/View/25318/Sustainable-Concord-Climate-Actionand-Resilience-Plan-2020?bidId=)