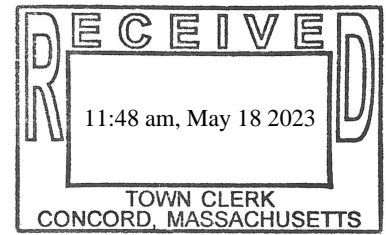


**CLIMATE ACTION COMMITTEE**  
**May 22, 2023**  
**7:00 PM**  
**MEETING AGENDA**

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Meeting Location:

- In person: Clocktower Room, Harvey Wheeler Community Center, 1276 Main St., Concord, MA
- Virtual, you may join by video conference:

<https://us02web.zoom.us/j/85712781183?pwd=OXpNZWpkNmJQVIZvaXI5anFDRi9LQT09>

Meeting ID: 857 1278 1183

Passcode: 844328

Via phone: 888.475.4499 or 833.548.0276

- |  |        |
|--|--------|
| 1. Welcome (Courtney)  | [7:00] |
| 2. Meetings and minutes (Courtney)   | [7:05] |
| a. Approval of March 22, 2023 and April 25, 2023 minutes (see attached)          |        |
| b. Clerk tonight – Karen Gibson  |        |
| c. Confirming regular meeting date (second Monday of the month @ 7:00pm)         |        |
| June 12, July 10, Aug 14   |        |
| 3. Chair's update (Courtney)   | [7:10] |
| a. Updates from Chair's Breakfast  |        |
| 4. Director's update (Eric)  | [7:20] |
| a. Written update (see attached)   |        |
| 5. Committee Elections   | [7:25] |
| a. Selection of Chair (May 2023 - April 2024)                                    |        |
| b. Selection of Vice Chair (May 2023 - April 2024)                               |        |
| b. Selection of Solar Task Force representative                                  |        |
| 6. Review of draft CAC Actions List (see attached) / Formation of Sub-Committees | [7:45] |
| a. Discussion of priority goals and actions for CAC                              |        |
| i. Energy / Mitigation   |        |
| ii. Vulnerability Assessment   |        |
| iii. Engagement  |        |
| iv. Measurement / Accountability   |        |
| b. Formation of Sub-Committees / Working Groups based on priority actions        |        |
| 7. DOER Fossil Fuel Free Building Demonstration Program                          | [8:25] |

a. Final regulations review (see attached)

8. New business [8:40]

a. Legislation H3150/S2117 - An Act Advancing Clean Energy, Equity, and Innovation within  
Municipal Utilities (Brad H.-N.)

b. CAC Social Media Presence (Gavin C.)

9. Public comments [8:50]

10. Adjourn [9:00]

*Upcoming meeting dates and clerks (Meeting Time: 7PM)*

ii. Jun - Jerry Frenkil

iii. Jul – Cheryl Baggen

iv. Aug - Janet Miller

**Distribution:**

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

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

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

## Climate Action Committee (CAC)

### Inaugural Meeting Minutes

March 22, 2023

7:00PM

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Pursuant to a notice duly filed with the Town Clerk, a public meeting of the Climate Action Committee (CAC) was held on March 22, 2023 at 7:00 pm in person and via Zoom (hybrid)

Background: Former CAAB and CSEC committees are merging to form the new CAC

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

See agenda [here](#)

#### 1. Motion on chair

- Motion to name Courtney Eaton chair of the new CAC until after town meeting end of April
- Motion passed — will revisit permanent chair at a later meeting
- Clerkship to rotate on a monthly basis

#### 2. Intros from members

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

#### 3. Housekeeping

- Will decide later what day/time to meet
- Still waiting on MA open meeting law for hybrid vs. in-person — sentiment is hybrid (Zoom and in-person) preferred

#### 4. Chair's update

- Will discuss specialized stretch code public meeting details with warrant articles later in meeting
- Chair's breakfast - most of conversation was the school budget
  - Also an update from Transportation Committee - will likely do a study of town transportation systems - important to follow this

#### 5. Eric Simms - Sustainability Director Update

- Building codes in town - Warrant Article 23 Specialized Stretch Code
  - There's a base building code, MA adopted stretch code about 10 years ago and updated recently, also created a specialized stretch code — two paths - fossil fuel free or fossil fuel powered by highly efficient - up for vote at town meeting
  - Concord also aiming to participate in pilot for state fossil fuel free buildings program for

new construction - first 10 towns for home rule to be on this list — we are currently positioned to sign up for this program and apply — on track to sign up for this (voted yes in 2021 at town meeting and re-upped in January)

○ Means any new construction in Concord will not have any fossil fuel infrastructure (residential and commercial) — there may be some exceptions but would still likely have to adhere to specialized stretch code at base if voted yes in town meeting

○ Effective date would be July 2024

- Still looking at how to use IRA and Infrastructure bill funds — keeping an eye on it; grants.gov for info — would welcome any input on that
- Conversations with Newbury Court about improving energy efficiency and sustainability at that campus - coordinating with them on this
- Concord Park has recently replaced natural gas systems with heat pumps - good case study
- EV Charging - already Level 2 chargers at Rideout - upgrading to Level 3 soon
  - Also alternative fuels - hydrogen, natural gas, etc.
  - John Bolduc: want to make the town and non-profits aware of tax credits with IRA - 30% tax credit for non-profits included (cash equivalent)
- Hanscom Airfield expansion - Concord wants environmental impact assessment and more info on this; see *Concord Bridge* [article](#)
- 2229 Main Street - Superfund site in town - activity around this — owner asked if the town was interested in acquiring the land - Select Board interested in creating a task force to see if town wants to purchase it
- Town has hired an economic vitality manager to start in April - liaising with the business community in town - hoping to work with them to bring sustainability to business committee
- Approached by a town resident - David Myers - CEO of [ERG Consulting](#) - offered free services to help the town - climate and sustainability expertise

## 6. Committee Structure

- Will review governance and processes and vote next month - send in feedback - particularly regarding potential progress reports and coordination with other committees
  - Question: what do you need for votes to pass? Unanimous,  $\frac{2}{3}$ , simple majority?
    - Likely simple majority — will research this and figure it out
  - Will rotate clerk every month
  - Think about having both a Chair and a Vice Chair (would not be a successor but would have opportunity to fill in the role)
- Potential for sub-committees/working groups?
  - Topic-based or project-based? Would the meetings need to be public?
    - Will research how many people can meet/threshold for OML
    - Will research associate members and other people informally on working group
  - Potential groups: (e.g., Energy, Mitigation, Adaptation/Resilience; Reporting/Metrics)
    - John Bolduc: Could be more specific is better - efficiency

## 7. Annual Town Meeting Warrant Articles - Town Meeting: Sunday, April 30, 2023 at 1pm CCHS See warrant for town meeting [here](#)

### a. Article 21 – Light Plant Solar Expansion – Middle School

- An [update](#) on the project - capital cost down to \$7.5M from \$13M b/c battery storage cut in half from 8MWh to 4MWh - rates can drop
- Discussion around costs

- Motion to urge affirmative action on Article 21, seconded - **vote passes ; CAC backs Article 21**

b. Article 22 - Municipal In-Town Solar Generation Task Force (Citizen Petition)

- Discussion around the verbiage of the article - what is expected of CAC
- Context: CMLP committee discussing whether or not they are supportive
  - Light Plant has changed operational model
  - Questions about whether initial context of 20MW needs to be revisited
  - CMLP board might have some amendments for the warrant article
  - CMLP has been dragging its feet — town wants it to do more
  - Jerry - in support - need to move CMLP forward; John Bolduc: supports, and need resilience in the electricity system; Jake - CAC thinking about engagement with CMLP and climate action plan
  - CAC oversight and reporting role with if this Article is passed
  - Motion to vote on warrant in its original text: move that CAC move affirmative action on Article 22 as it appears in warrant, seconded - **vote passes ; CAC backs Article 22**

c. Article 23 – Adopt Specialized Energy Stretch Code (update from Brad H-N. / Matt J.?)

- Motion to urge affirmative action on Article 23, seconded - **vote passes ; CAC backs Article 23**

d. Article 37 – Prohibition of Gas-Powered Leaf Blowers (Citizen Petition)

- Contentious Article in town
- Two stroke leaf blowers, loud and local air pollution and fossil fuel combustion
- Question on if it is just handheld blowers
- Questions on equity of the article — might be better for outreach and education - no vote held
- Jerry: another way to address this issue — existing electric lawn-mower rebate but for leaf blowers

8. *Next Steps:*

- Vulnerability assessment at next meeting
- Will take a Doodle poll for best regular meeting time

9. *Public Comments:*

- N/A

10. *Adjourn at 9:00 PM*

## **Climate Action Committee (CAC)**

### **Meeting Minutes**

**April 25, 2023**

**7:00 PM**

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Pursuant to a notice duly filed with the Town Clerk, a public meeting of the Climate Action Committee was held on April 25, 2023 at 7:00 PM in person and on-line, via Zoom.

Members present: Jerry Frankel, Brad Hubbard-Nelson, John Bolduc, Janet Miller, Gavin Colbert, Karen Gibson, Courtney Eaton, and Ben Slayden

Select Board Liaison Present: N/A

Staff Present: Eric Simms

Members of the Public: Alice Daly, Phil Thayer

#### **1. Welcome by Courtney and Opening Remarks**

The protocol on revising CAC notes/minutes was raised by committee members, with relation to how to revise notes/minutes from past meetings based on comments/feedback received by the committee.

- Jerry mentioned that CSEC solicited comments on minutes well ahead of the next committee meeting

Meeting in the Select Board room and at the end of the month may not be a viable option going forward due to room availability.

- Other rooms in the town could host CAC meetings, but those options are limited due to Zoom/hybrid meeting capabilities.
- Eric to send out a Doodle poll to determine the best time and monthly meeting rhythm for the committee.
- In the past, CAAB would meet less frequently in the summer due to vacations, etc., whereas CSEC would continue to meet on a regular basis throughout the summer.
  - Solution: CAC will continue to meet monthly throughout the summer months.

#### **3. Chair's Update (Courtney Eaton)**

2b. Brian Crouse was invited to join the Bruce Freeman Rail Trail initiative, and as result, had to leave the CAC.

Next month (May) is John Bolduc's last CAC meeting as a Board Member.

Reminder – ethics training is coming up for members that are nearing their term renewal dates.

The MA Municipal Vulnerability Program (MVP) put out a Request For Proposals (RFP) for planning its MVP 2.0 grant. The town participated in the initial, predecessor program, in 2018, which led to a \$100,000 grant to Concord for the town's Climate Action Plan. Where does the town stand with regard to renewing or participating in MVP 2.0?

- MVP 2.0 is assumed to be focused on identifying what has changed from goals that were initially laid out in MVP 1.0 to now. As in, the idea behind MVP 2.0 is to update plans and measure progress compared to the 2018 program.
- MVP 2.0 is offering a bit more funding this time around, and will support a more rigorous, data driven, process. While also incorporating equity components into its evaluation.
- The MVP 2.0 grant is up to \$80,000.
- Deadline to apply is June.
- Action: Eric Simms and Courtney Eaton are to look into the MVP 2.0 opportunity more.

#### 4. Director's Update (Eric Simms)

There are a few upcoming grant opportunities:

- Department Of Transportation (DOT) Charging and Fueling Grants – 2 Tracks:
  1. Community-based grants, \$500,000 minimum grant awards
  2. Corridor/infrastructure grants (along major highways), \$1,000,000 minimum grant awards. \$800,000 funded by DOT, \$200,000 required to be funded by the town.
- Corridor Grant:
  1. We are interested in possibly pursuing the corridor grant to build EV charging stations. Route 2 identified as a potential site.
  2. Deadline for proposals is May 30<sup>th</sup>.
  3. We will likely pursue this opportunity next year (if available next year) given this year's tight deadline.
- EPA Climate Pollution Reduction Grant
  - Each state is entitled to \$3MM.
  - In MA, it is the Office of Climate Resilience who is responsible for doling out the \$3MM.
- DOE Block Grant Program
  - Concord does not qualify
- Competitive Opportunity Grants.
  - DOE looking for collaborative proposals (towns collaborating together).
  - COMSEC papers are due June 5<sup>th</sup>.
- Please submit ideas/comments to Eric as far as which grants to pursue.
- Open remarks on grant opportunities:
  - What is a priority for the town with regard to grants?
  - CAC members want to make sure it's in line with what's in the Climate Action Plan (CAP).

- Brad – maybe Concord Municipal Light & Power (CMLP) should be leading the Department Of Transportation (DOT) grant efforts, and the Climate Action Committee (CAC) should focus on those in the Climate Action Plan (CAP)?

Eric met with Kim Lundgren to discuss support with the climate dashboard. The town needs to update its greenhouse gas inventory.

There will be a new sustainability intern from UNH, doing engagement and outreach development with integrated water resource development, storm water management, drought, etc.

Stakeholders at 300 Baker Ave are interested in pursuing significant clean energy initiatives through the PACE program.

## 5. Annual Town Meeting Warrant Article Discussion

- 4a. Article 18 - CPS Budget Increase
  - Budgets are increasing and we may have to cut heat pumps. Does the committee need to make a statement?
  - Open discussion:
    - Janet – is it a matter of not happening at all or just a partial solution?
    - Eric – it is on hold or said another way, the CPS board is stepping back to reassess priorities.
    - Several folks: this is a city-wide issue – don't we want to hold all public departments to our climate goals?
    - Schools are focused on education, and rightfully so, but they should be leaning on other committees to flesh out initiatives like powering buildings, etc.
- 4b. Article 23 – Adopt Specialized Stretch Energy Code (Brad H-N. update)
  - Brad: I expect it to pass. I do not think we can expect the fossil fuel bylaw to pass, so Article 23 becomes even more important.
  - Eric to send list of communities that have already adopted the Specialized Stretch Energy Code to Brad.
- 4c. Article 35 – Zoning Bylaw Amendment – Combined Business Residence
  - Group commentary: we can bypass this discussion because there is not going to be a motion on it.
- 4d. Article 37 – Prohibition of Gas-Powered Leaf Blowers (Citizen Petition) – Revisit Topic?
  - Open question by Eric – What did we decide?
  - Consensus amongst the committee is that CAC is not sponsoring it.

## 6. Committee Structure (Courtney & Eric)

- Sub-Committees/Working Groups
  - Not a clear consensus as to whether sub-committees should be project-based or topic-based.



Not discussed at length - The topic will continue in future meetings.

## 7. Climate Resiliency Discussion

- 6a. Overview of Regional / Statewide Efforts (Paul K.)
  - Paul K absent.
- 6b. Review of Draft Proposal for Concord (John B.)
  - John's comments:
    - Our climate plan is more heavily weighted toward mitigation.
    - We need to strengthen our work on the adaptation side.
    - A lot of aspects of our community that are / will be influenced by climate. Too many issues to list.
    - Assessments are based on what's going to likely happen if we don't do anything.
    - Why a local assessment? Climate change impacts different regions in different ways. We don't really have local, Concord-specific projections on how our forests, infrastructure, etc., will be impacted. We have to do the local modeling to do that. We can expect new risks to emerge that we haven't had to deal with in the past. E.g., extended heat waves.
    - A local assessment specific to Concord gives us a strong foundation to locate areas that need work. For example, downscaling global models to identify and prioritize the climate-related issues that we are facing and will face as a community.
    - Please see Appendix A of these Meeting Minutes for John's presentation.

## 8. Mass Energize COP Update (Brad)

Not discussed

## 9. New Business

Not discussed

## 10. Public comments

None

## 11. Adjourn at 9:00 PM

Climate Action Committee (CAC)

Meeting Minutes – Appendix A

Climate Vulnerability Assessment Need – presentation by John Bolduc

April 25, 2023

7:00 PM

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Double click on the image below to open the presentation

## Climate and Concord's Quality of Life

- Ecosystems: forests, wetlands
- Biodiversity
- Agriculture
- Public health
- Economy
- Public safety
- Infrastructure systems
  - Energy
  - Drinking water
  - Sewage treatment
  - Stormwater
  - Transportation
  - Telecommunications

**The Concord we have known developed under the climate of the past**

# Sustainability Director's Update

May 22, 2023

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## General

- Participated in Annual Town Meeting in support of Sustainability related articles
- Attended 'Decarbonizing Communities and Campuses' workshop, sponsored by Northeast Energy Efficiency Partnerships (NEEP) and PowerOptions – networked and attended sessions on retrofitting municipal buildings, electrifying municipal fleets, and clean heating and cooling campaigns.
- Met with MAPC Minuteman Advisory Group on Interlocal Coordination (MAGIC) program coordinator in conjunction with Planning Division and Economic Vitality Manager
- Attended meetings focused on community engagement:
  - Monthly co-host of Conservation/Sustainability Coffee
  - MassEnergize Community of Practice meeting
  - ConcordCAN meeting on Hanscom Airfield Expansion (Neal Rasmussen SOH presentation)
- Attended webinar sponsored by Senator Markey's office on IRA funding
- Engaged with several 8<sup>th</sup> grade CMS students to provide information for their Civil Actions Project assignments

## Recurring

- Participation in monthly EV Working Group meetings
- Participation in Planning Division meetings
- Regular attendance at the bi-weekly CMLP Board meetings
- Participation in the CPS Sustainability Committee
- Participation in CFPL Sustainability Plan Implementation workgroup
- Participation in MAPC MAGIC meetings
- Participation in SuAsCo Climate Resiliency Coalition meetings
- Responded to multiple resident's inquiries regarding sustainability issues and initiatives
- Engagement in activity surrounding the MassPort proposed Hanscom Airfield Expansion
- Participating in an internal working group for the Town on efforts to consider the purchase and potential uses of the 2229 Main St. (Starmet) property

## Built Environment

- Engaging with Concord Business Partnership and Taurus Investments (300 Baker Ave. owner), in conjunction with the Town and the Economic Vitality Manager (and hopefully CMLP), to develop a workshop for commercial property owners to 1) share planned efficiency upgrades for 300

Baker Ave., 2) highlight rebates and incentives, and 3) highlight the PACE program as a funding pathway.

- Reviewing just-released final regulations for the DOER Fossil Fuel Free Building Demonstration Program participation, including application requirements and process – coordinating with Town Counsel and other participating communities (via direct conversations and with ZeroCarbonMA)
- Coordinating with Building Dept. to determine any need for an informational session targeting developers/builders in anticipation of the Specialized Stretch Code implementation
- Continued participation as a member of the Middle School Building Committee
- Met with Town Planner to discuss engagement of Sustainability in planning initiatives, including the development of Site Rules and Regulations – intend to attend one weekly Planning staff meeting per month (in conjunction with the Economic Vitality Manager) to support regular communication between the Divisions
- Investigating pathways and strategies to foster improved collaboration and culture between the Schools and Sustainability, including through their capital improvement planning
- Engaged in discussions with Beede Center regarding planning for energy efficiency and reducing their carbon footprint, including potential solar

### **Transportation/Mobility**

- Participated in review of Comprehensive Transportation Plan proposals and consultant interviews with the Planning Division
- Regular participation in monthly EV Working Group meetings
- Coordination with Schools to plan for applying for EPA Electric School Bus funding opportunities this Summer and Fall
- Seeking funding opportunities to increase EV charging infrastructure and station in Town

### **Energy**

- Met with Brian Foulds (CMLP Board Chair) to improve understanding and discuss strategies to address CMLP infrastructure challenges to increased electrification demands – have a meeting scheduled with Laura Scott (CMLP) to discuss the same topic
- Looking for opportunities to support CMLP and the Town in strategic planning efforts to determine how to best advance infrastructure improvements and load management for the local grid
- Expected to work closely with the new Municipal In-Town Solar Task Force to advance solar initiatives in Town

### **Natural Resources**

- Supporting efforts to coordinate a tree planting initiative in conjunction with the 250<sup>th</sup> Celebration

- Planning for an updated Town-wide tree inventory/survey, and the development of a Master Tree Plan (in Climate Action Plan)

### **Resilience**

- Participating in the CPW planning process to develop an Integrated Water Resources Management Plan (in Climate Action Plan)
- Co-managing a 2023 UNH Sustainability Summer Fellow with DPW, who will work on water data analysis and community engagement efforts
- Intent to pursue resources for a Town-wide Climate Vulnerability Assessment

### **'Cross-Initiative' Efforts**

- Prioritizing and increasing community engagement initiatives, campaigns, and efforts for residential and commercial audiences across the entire Climate Action Plan
- Regularly attempting to identify and prioritize funding opportunities for a broad range of Climate Action Plan priorities
- Managing reporting for Town requirements and grant/program requirements (e.g., Green Communities)
- Managing reporting for progress on Climate Action Plan – would welcome help with this!

## Sustainable Concord - Climate Actions Sustainability Division

### Sustainability Division as Champion

**May 22, 2023**

Action Name	Implementation Step	Time Frame	Champion	Progress Made To-Date
<b>Increase electrification and improve energy efficiency of residential buildings</b>			<b>CMLP / Sustainability</b>	
	Explore and provide streamlined pathways for residents to go from audit to action	2021-2025		
	Promote and provide education on home energy assessments, home energy efficiency improvements and electrification through activities (see list)	2021-2025		
	Explore potential time of sale energy assessment requirement and report out on pros/cons, cost/benefits and recommendation to implement in Concord	2022-2025		Home Energy Scorecard - in development
<b>Improve energy performance of commercial buildings</b>			<b>CMLP / Sustainability</b>	
	Research, design and develop pilot program for energy performance disclosure for existing commercial buildings	2021-2023		
	Coordinate education, outreach and technical resources for commercial property owners and tenants	2021-2025		In progress - planning a workshop for commercial property owners
	Evaluate policy options for commercial buildings	2023-2025		Partially addressed - updated Stretch Code and new Specialized Stretch Code adopted, and Fossil Fuel Free Building Demo Pilot Program participation being pursued
<b>Set progressive sustainability standard for new municipal buildings and schools and develop a phased plan for deep energy retrofits to existing Town buildings</b>			<b>Sustainability, Facilities, Schools</b>	
	Update Town's Municipal Energy Reduction Plan	2020-2022		

	Make public pledge to lead by example and achieve high sustainability standards in all new construction of town facilities, leading to (NZE)	2021-2024		
	Use Municipal Energy Reduction Plan to develop capital improvement plan for Town facilities	2020-2024		
<b>Establish policies and incentives for new development to achieve high standards for sustainable and resilient design</b>			<b>CAAB / Sustainability</b>	
	Engage stakeholders and conduct research to understand options for local policy mechanisms available to the Town to influence new development, such as updating current bylaws or developing new ordinances	2020-2022		Partially addressed - updated Stretch Code and new Specialized Stretch Code adopted, and Fossil Fuel Free Building Demo Pilot Program participation being pursued
	Recommend preferred policy options, draft policies, engage stakeholders, and adopt policies. Implement town-wide outreach and awareness campaign, including industry training and education, collaborating with regional entities where possible	2021-2025		CAC recommended Town adopt Home Rule Petition for fossil fuel buildings and specialized energy code, leading to NZE residential (for new development)
	Develop options for new construction incentives such as technical support or permitting incentives	2021-2025		
	Advocate at state-level for improvements to state building code and / or other policies that will allow Town to have more influence over standards of new construction	2021-2025+		
<b>Provide incentives for businesses and homeowners to invest in renewable energy</b>			<b>CMLP / Sustainability</b>	
	Maintain, promote and enhance solar incentive programs for residential and commercial customers to ensure continued adoption of renewable energy in Town	2020-2025		CAAB developed Financing Options memo (Warren Leon); need to push forward to CMLP
	Create PACE financing program	2020-2021		

	Explore potential offering incentives for customer-sited energy storage projects	2022-2025		
	Explore potential for on-bill financing, revolving loan funds, and other financing options for renewable and battery storage.	2022-2025		
<b>Increase use of public transportation and other low-carbon and no-carbon transportation options</b>			<b>Sustainability, Planning / Land Mgmt, CPW</b>	
	Identify stakeholder groups, gathering baseline data and barriers to use of public transit and shared transit for commuting, visitors and in-town mobility	2020-2022		In progress – Comprehensive Transportation Study scheduled to start in 2023
	Pilot operating a local bus to connect Town centers with train stations for Concord workers and residents with workforce transportation grant	2020-2021		Pilot In progress
	Collaborate with neighboring communities to pilot transportation for visitors between tourist sites and Town centers	2020-2022		
	Develop and launch communications plan for encouraging public transit or other shared transit options by visitors and residents.	2021-2023		
	Develop a plan for improved accessibility of MBTA transit stops by low/no carbon modes	2023-2024		In progress – Comprehensive Transportation Study scheduled to start in 2023
	Establish a central transportation planning function within Town Government	2024-2025		Done - Transportation Planner position funded
<b>Accelerate adoption of electric vehicles</b>			<b>CMLP, Sustainability, EV Working Group</b>	
	Analyze existing public deployments of EVSE infrastructure and identify gaps in level 2 EVSE coverage, need for level 3 and number of	2020-2022		



	stations to support strong adoption rate			
	Continue to provide and explore new incentives for EV charging	2020-2025		
	Provide and/or make available financial incentives to residents and businesses to purchase new and used electric vehicles	2020-2025		Done – CMLP DriveEV Rebate Program; MA MOR-EV rebates; market Federal reabates?
	Engage community on the benefits of driving electric vehicles with a wide variety of online, community and EV sector engagement	2020-2025		CSEC / EV Working Group hosted a least 2 EV events; another scheduled for October 2023
<b>Implement a long-term plan to electrify school and municipal fleets</b>			<b>Sustainability, Dept Heads, CCRSD</b>	
	Conduct a fleet baseline by reviewing existing vehicles			Done - Fleet Electrification Plan
	Update Town Vehicle Policy to be electric-first policy			
	Use fleet analysis to develop a vehicle transition plan			Done - Fleet Electrification Plan
<b>Work with homeowners to promote sustainable landscaping</b>			<b>NRD, CPW, Sustainability</b>	
	Develop and execute communications plan to promote Concord's Sustainable Landscaping Handbook	2020-2021		
	Develop list of BMPs for landscape, nursery and garden center retailers that align with Sustainable Landscaping Guide goals	2020-2021		
	Survey area landscaping and gardening providers about sustainable practices. Create ongoing mechanism for business to report practices and share with residents	2020-2021		
	Develop incentive-based program for Town, residential, and commercial sustainable landscaping.	2021-2022		

	Establish a tool share and seed exchange facility	2021-2022		
<b>Assess the vulnerability of natural resources most at risk to projected climate change</b>			<b>NRD</b>	
	Review existing assessments and analysis. Prepare detailed list of assets and resources, prepare sets of maps, prioritize assets and develop matrix of typologies	2021-2022		This could be addressed through a Town-wide Vulnerability Assessment
<b>Conduct a threat assessment for Concord's critical infrastructure</b>			<b>Emergency Planning</b>	
	Conduct more detailed assessments as needed to understand direct impact / hazard potential, utilizing site inspections, GIS analysis, flood modeling, etc. Integrate climate projections data into planning process	2023-2024		This could be addressed through a Town-wide Vulnerability Assessment

**DOER Fossil Fuel Free Building Demonstration Program**  
**Final Regulations – May, 2023**

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Program documentation can be found [here](#).

**225 CMR 24.00 – Municipal Fossil Fuel Free Building Construction and Renovation  
Demonstration Project**

**Sections:**

24.01: Purpose and Application

24.02: Definitions

24.03: Prioritized Communities

24.04: Application Materials and Review Process

24.05: Eligibility Criteria

24.06: Substitute Communities

24.07: Reporting and Assessment of Results

24.08: Specialized Municipal Opt-in Energy Code and Model Rule

24.09: Severability

**24.01 Purpose and Application**

The purpose of 225 CMR 24.00 is to establish the framework, requirements, and timeline for cities and towns to participate in the Department’s Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project as authorized by St. 2022, c. 179, § 84.

**24.02 Definitions**

Comparable Municipalities. Municipalities designated by the Department for data collection and reporting purposes that share similar relevant characteristics to

Participating Communities.

Demonstration Project. Not more than 10 cities or towns as approved by the Department pursuant to 225 CMR 24.00 that may, notwithstanding chapter 40A of the General Laws, section 13 of chapter 142 of the General Laws and chapter 164 of the General Laws or any other general or special law to the contrary, adopt and amend general or zoning ordinances or by-laws that require new building construction or Major Renovation projects to be fossil fuel-free, and enforce restrictions and prohibitions on new building construction and Major Renovation projects that are not fossil fuel-free, including through the withholding or conditioning of building permits.

DHCD. The Massachusetts Department of Housing and Community Development, as established by M.G.L. c. 23B.

Department. The Massachusetts Department of Energy Resources, as established by M.G.L. c. 25A.

Fossil Fuel-free. As defined by a city or town to include, but not be limited to, an entire building or entire condominium unit that does not, in support of its operation after construction, utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.

Home Rule Petition - A petition submitted to the General Court pursuant to § 8 of art. 89 of the Amendments to the Constitution of the Commonwealth.

Hospitals or Medical Offices. A facility licensed or approved by the Department of Public Health to provide health care, including clinics licensed as health care facilities and facilities that provide substance use disorder treatment services, including outpatient withdrawal management, opioid treatment programs, office-based opioid treatment programs, acute treatment services (inpatient detoxification), and clinical stabilization

services.

Local Approval. By a majority vote of the: (i) city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) city council in every other city; (iii) annual town meeting or a special town meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) town council in the case of a municipality with a town council form of government.

Major Renovation. Major renovation is defined as (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, or (d) Change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) Sections 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) Sections C505.

Participating Community. A city or town approved by the Department for participation in the Demonstration Project.

Prioritized Community. One of the first ten communities to file a home rule petition with the general court and listed in 225 CMR 24.03(1); provided, however, that a city or town that submits a letter of withdrawal pursuant to 225 CMR 24.03(2) shall no longer be considered a Prioritized Community.

Process load. Energy demand in commercial or industrial buildings that is not covered by the Massachusetts building energy code.

Research laboratories for scientific or medical research. A building where a laboratory procedure or research activity occurs, where the building has an average ventilation at full occupancy greater than 0.5 cfm/sf. Such buildings shall provide the ventilation design documentation described Section C103.2 of 225 CMR 23.00 at the time of building permitting.

Substitute Community. A city or town that applies to the Department for participation in the Demonstration Project that is not a Prioritized Community listed in 225 CMR 24.03(1).

### **24.03 Prioritized Communities**

(1) Prioritized Communities. As established by St. 2022, c. 179, § 84, the Department will prioritize the following 10 Prioritized Communities, being the first 10 communities to have filed home rule petitions with the general court in the following order:

Order Filed Town Filing Date

1. Arlington 4/22/2021
2. Lexington 5/05/2021
3. Brookline 6/01/2021
4. Acton 8/27/2021
5. Concord 9/01/2021
6. Cambridge 4/06/2022
7. Lincoln 4/19/2022
8. Newton 4/20/2022
9. West Tisbury 6/14/2022
10. Aquinnah 6/14/2022

(2) Letter of Withdrawal. Any Prioritized Community that will not apply to participate in the

Demonstration Project must submit a letter of withdrawal to the Department not later than September 1, 2023, and will no longer be considered a Prioritized Community.

(a) This letter must be:

1. signed by an authorized representative of the city or town, and
2. affirm the city or town's intention not to participate in the Demonstration Project.

(b) The Department will post letters of withdrawal to its website.

#### **24.04 Application Materials and Review Process**

(1) Application Materials. Applications must be submitted in a manner and form to be determined by the Department, and shall include all of the following information:

(a) Copy of home rule petition and date submitted and proof of Local Approval.

1. Home rule petitions previously filed and associated Local Approvals do not need to be updated or resubmitted to the general court to be eligible for participation in the Demonstration Project.

(b) Copy of proposed by-law or ordinance for participation in the Demonstration Project. If the city or town proposes a by-law or ordinance that is not the model rule, the application must include an explanation of differences and provide the applicant's rationale for any differences.

(c) An implementation plan, including:

1. If Local Approval of the community's proposed by-law or ordinance has not been acquired, the community's plan, including any associated timelines, for acquiring Local Approval of the proposed by-law or ordinance;
2. If Local Approval of the community's proposed by-law or ordinance has been acquired, timeline and effective dates of the by-law or ordinance's provisions or requirements;
3. A demonstrated commitment to collaborate with the Department on data collection, reporting, and outreach/training;

4. Description of the current process within each city and town for storing building permit data and certificates of occupancy;
5. Description of how the by-law or ordinance will affect the use of fossil fuels for commercial and industrial Process Load in buildings subject to the by-law or ordinance, including but not limited to, restaurants, dry cleaners, and manufacturing uses;
6. Description of exemption or waiver process from any requirements, if any, to be included in the by-law or ordinance.

(d) Documentation sufficient to demonstrate that the applicant has achieved at least one of the three housing production eligibility thresholds set forth in 24.05(2).

1. Prioritized and Substitute Communities that do not meet one of the three housing production and eligibility thresholds set forth in 24.05(2) at the time of application may submit an application but must include an explanation of its current status and the applicant's plan to meet such criteria on or before February 11, 2024.
2. Prioritized and Substitute Communities that do not meet one of the housing production and eligibility thresholds set forth in 24.05(2) at the time of application must provide updates at regular intervals, to be established by the Department, on its status and progress in meeting such criteria on or before February 11, 2024.

(2) Additional Materials for Substitute Communities. In addition to the above components, an application from a Substitute Community must include a description of the actions it has taken or will take after the adoption of the proposed by-law or ordinance, to encourage the production of multi-family housing. This description should include, but is not limited to:

- (a) The community's progress toward creation of a multi-family zoning district compliant with Sec. 3A of G.L. Ch. 40A, if applicable.
- (b) Initiatives taken by the community to support the preservation and production of



housing units, including multi-family housing.

(c) Substitute Communities may submit letters of support from community leaders and/or community members.

(3) Review Process. The Department will review and approve applications from Prioritized Communities on a rolling basis.

(a) The Department shall withhold approval of an application submitted by any Prioritized Community that does not, at the time of application, contain all application materials listed in 24.04(1), until such time as that community submits all materials listed in 24.04(1), or until September 1, 2023, as provided in 24.04(3)(d).

(b) The Department shall issue a conditional approval and withhold final approval of an application submitted by any Prioritized Community that does not, at the time of application, meet the housing production eligibility requirements set forth in 24.05(2), until such time as that community demonstrates compliance with such requirements, or until February 11, 2024, as described in 24.04(3)(g).

1. In the event the Department conditionally approves an application on this basis, the Department will provide written notice to such applicant, and proceed with review and approval of Prioritized Communities that meet all applicable requirements.

(c) The Department will provide feedback on completeness of application materials and notify applicant if any requirements are not met, or if any clarifications are needed for approval.

(d) Prioritized Communities may update and re-submit applications through September 1, 2023 based on Department feedback.

(e) September 1, 2023 is the final deadline for Prioritized Communities to submit a complete application. If a Prioritized Community fails to submit a complete application by September 1, 2023, the community will not be considered for participation in the Demonstration Project.

(f) Substitute Communities may update and re-submit applications through November 10, 2023.

(g) November 10, 2023 is the final deadline for Substitute Communities to submit a complete application.

(h) February 11, 2024 is the final deadline to meet all eligibility requirements listed in 225 CMR 24.05. After such date, an application of any Prioritized or Substitute Community failing to meet the eligibility requirements shall be designated as incomplete and shall expire and be deemed void.

(4) Final By-Law or Ordinance. If a Prioritized or Substitute Community does not have Local Approval of their proposed by-law or ordinance at the time of application, the community shall provide the Department with a copy of the final by-law or ordinance once Local Approval is acquired. The Department reserves the right to revoke a community's Participating Community status if the final by-law or ordinance conflicts with the requirements of St. 2022, c. 179, § 84.

(a) Final by-laws or ordinances must be submitted to the Department not later than July 1, 2024. A community may request an extension of this deadline for good cause shown, which the Department will consider on a case-by-case basis.

#### **24.05 Eligibility Requirements**

(1) Application Requirements. All Prioritized and Substitute Communities must meet the following requirements prior to submissions of application to the Department:

(a) Home Rule Petition filed with the general court on the subject matter of these regulations;  
and

(b) Local Approval of Home Rule Petition.

(2) Housing Eligibility Thresholds. On or before February 11, 2024, the applicant must demonstrate that it has achieved one of the following housing eligibility thresholds:

(a) The municipality has met the 10 per cent housing affordability threshold set

under chapter 40B of the General Laws as of December 21, 2020 or in a subsequent update from DHCD; or

(b) The municipality has been granted safe harbor status through a valid Housing Production Plan that DHCD has certified in accordance with 760 CMR 56.03(4); or

(c) The municipality has approved a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, that such multi-family housing shall be without age restrictions and shall be suitable for families with children, as evidenced by a determination of district compliance issued by the department of housing and community development pursuant to its guidelines implementing section 3A of chapter 40A of the General Laws.

#### **24.06 Substitute Communities**

(1) Application Submission. Substitute Communities may submit applications starting on the effective date of these regulations.

(a) The Department will not review applications from Substitute Communities until:

1. Receipt of a Letter of Withdrawal from one or more Prioritized Communities forfeiting their prioritized status, or
2. Failure of one or more of the Prioritized Communities to meet the requirements of 225 CMR 24.05(2).

(b) The Department will notify and work with applicants to update applications if missing information or for which clarifications are required.

(c) Substitute Communities must meet all requirements set forth in 225 CMR 24.04 and 225 CMR 24.05 prior to submitting applications to the Department.

(2) Timeline of Review. Substitute Communities applications will be considered if less than 10 of the Prioritized Communities participate in the Demonstration Project. The

Department will not issue approvals for any Substitute Communities before March 1, 2024.

(3) Selection Criteria. In addition to ensuring that Substitute Communities meet the requirements set forth in 225 CMR 24.04 and 225 CMR 24.05, the Department will consider the following factors when evaluating applications and selecting Substitute Communities for participation up to a total of 10 Participating Communities and may consider such additional factors as the Department deems appropriate.

(a) Contribution to the overall Demonstration Project, including diversity of Participating Communities which includes but is not limited to gateway cities, environmental justice communities, diversity of demographics, diversity of size, scale of building development, and type of housing development;

(b) Ability to meet Department reporting requirements and effectively monitor and ensure code compliance and implementation;

(c) Consistency of proposed by-law or ordinance to the model rule provided by the Department;

(d) A preference for cities and towns that meet the compliance guidelines implementing section 3A of chapter 40A of the General Laws through an approved zoning ordinance or, in the case of a town that must seek by-law approval from the Attorney General (AGO) pursuant to G.L. c.40 § 32, an AGO-approved by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as right, or, if not applicable, a similar commitment to multi-family housing production as determined by the Department, in consultation with the Executive Office of Housing and Economic Development;

(e) Localized electric grid investments needed to support the Demonstration Project as determined through consultation between the Department and electric distribution companies;

(f) Demonstrated support from community members and municipal leaders.

(4) Selection. The Department will issue a determination letter upon approval of any

application of a Substitute Community documenting its selection as a Participating Community and the basis therefor. The Department will publish determination letters on its website.

#### **24.07 Reporting and Assessment of Results**

(1) Department Reporting. Not later than September 30, 2025, and every 2 years thereafter, the Department shall compile a report to be filed with the Senate and House Committees on Ways and Means, the Joint Committee on Housing, and the Joint Committee on Telecommunications, Utilities and Energy. The report shall include, but not be limited to, the following components:

- (a) Description of Demonstration Project and list of Participating Communities;
- (b) Description of the Department's process for selecting Comparable Municipalities as a comparison group for the Demonstration Project;
- (c) An analysis of the net reduction in emissions:
  - 1. for each newly constructed building or Major Renovation project subject to the Demonstration Project in each municipality participating in the Demonstration Project; and
  - 2. for each comparable newly constructed building or Major Renovation project in a number of Comparable Municipalities, as selected by the Department, not participating in the Demonstration Project;
- (d) An analysis of impacts on: housing production, if any; housing affordability, if any, including electric bills, heating bills and other operating costs; housing affordability for persons of low and moderate income, if any, including electric bills, heating bills and other operating costs;
- (e) Recommendations for the continuation or termination of the Demonstration Project.

(2) Reporting Requirements for Participating Communities. Annually, not later than June 30th, Participating Communities shall submit the following data, in a timely and

accurate manner, and in an accessible format as established by the Department, to the appropriate electric and gas distribution companies, or other designees as determined by the Department:

(a) For each applicant for a building permit, the applicant's name, street address, building usage type, square footage, and estimated construction cost.

(b) Electronic copies of any third-party energy reporting on new construction and Major Renovation projects that illustrate the expected energy use for each major end use. These include but are not limited to relevant sections of: final Home Energy Reporting System rating reports; Passive house certification reports; building energy modeling reports used to demonstrate commercial energy code compliance through ASHRAE 90.1 or Thermal Energy Demand Intensity (TEDI) building code compliance pathway.

(3) Reporting Requirements for Electric and Gas Utilities. Each year beginning in 2024, not later than September 30th, all electric and gas distribution companies serving customers in Participating Communities or the Comparable Municipalities shall, in an accessible and standardized format approved by the Department, report the following data:

(a) Monthly kWh and therm usage, monthly electric costs, broken down by cost category, and monthly gas costs, broken down by cost category.

(b) The information above shall be submitted by account, with an associated anonymized account identifier to track information over time. Each account shall be submitted with an associated rate class, and street address, and be linked to a permit number provided through 225 CMR 24.07(2).

(4) Comparable Municipalities. The Department will identify and designate Comparable Municipalities in a manner to be determined by the Department. Comparable Municipalities shall report data as set forth in 225 CMR 24.07(2). The Department will coordinate with Comparable Municipalities on the method and process of data collection and reporting.

## **24.08 Specialized Municipal Opt-in Energy Code and Model Rule**

(1) Recommended Process. The Department has published a model rule and other guidance in order to assist Participating Communities in achieving the objectives of the Demonstration Project. The Department recommends that cities or towns seeking to participate in the Demonstration Project:

- (a) Adopt the Specialized Municipal Opt-in Energy Code, as established in 225 CMR 22.00 and 225 CMR 23.00, and
- (b) Adopt through Local Approval the model rule published by the Department.

(2) Model Rule. The model rule published by the Department ensures appropriate integration with the Massachusetts Specialized Municipal Opt-in Energy Code. If a Participating Community determines that adoption of a local by-law or ordinance that differs from the model rule published by the Department is necessary, the Participating Community shall provide information as described in 225 CMR 24.04(1)(b) in its application.

- (a) A Participating Community may modify the model rule provided by the Department, provided such modifications do not conflict with the requirements of 225 CMR 24.00 or the requirements of St. 2022, c. 179, § 84.
- (b) Deviations from the model rule provided by the Department must include exemptions from fossil fuel free requirements for Research Laboratories for Scientific or Medical Research, or for Hospitals or Medical Offices.

## **24.09 Severability**

If any provision of 225 CMR 24.00 is declared invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

REGULATORY AUTHORITY

St. 2022, c. 179, § 84.