

Concord Municipal Affordable Housing Trust
Tuesday, August 1, 2023 at 5:00 pm
Virtual Meeting via Zoom
Approved Meeting Minutes

Call to Order / Roll Call – Chair Keith Bergman called the meeting to order at 5:03 pm on Zoom. Roll call of members present: Linda Escobedo, Mike Lawson, Rich Feeley, and Keith Bergman. Kerry Lafleur was not present. Also present were Concord Housing Development Corporation chair Lee Smith and member Julie McClure; and Karlen Reed.

Approval of minutes – The chair reported that minutes for the Trust’s July 18, 2023 meeting would be available for approval at a future meeting.

Comments to Select Board on NOVO Riverside Commons site application for 40B development at 300-310 Baker Avenue (due to MassHousing by August 8th) – The chair indicated that members had agreed to schedule an agenda item for today’s meeting to discuss what comments the Trust may wish to submit to the Select Board prior to an August 8th deadline from MassHousing for the Town’s comments on an application for site approval filed with MassHousing by NOVO Riverside Commons, LLC, for a proposed 40B development at 300-310 Baker Avenue. The developer proposes to construct 201 rental units of which 51 (25%) would be deed restricted as affordable at 80% of AMI.

The chair had prepared and distributed to Trust members before this meeting a draft set of comments, including: (1) the proposed site is specifically identified in Housing Production Plan Strategy #3 as a preferred location for a 40B; (2) the site is located across the Assabet River from the West Concord commuter rail station and should be considered for inclusion in the MBTA Communities Zoning bylaw; (3) the project’s 201 rental units would all count on the Town’s Subsidized Housing Inventory, increasing total SHI units from 715 to 916, and Concord’s 40B percentage¹ from 9.97% to 12.77%; (4) the project would also help the Town qualify for Housing Choice Designation with access to and preferential treatment for many state grant and capital funding programs; (5) proposing that the Select Board negotiate a host community agreement with the developer to address such issues as the Select Board may determine, including potential waiver of sewer fees for the affordable units, contribution of developer funds for a pedestrian bridge across the Assabet River, and keeping as many of the 201 units as rentals as possible; and (6) urging the Town to obtain grant funding through Massachusetts Housing Partnership’s Chapter 40B Technical Assistance Program, to engage a qualified third-party consultant to work with the Zoning Board of Appeals in reviewing the comprehensive permit application filed by the developer.

Linda Escobedo thanked the chair for preparing the set of draft comments, and added that providing pedestrian access from the 40B site to West Concord village and the MBTA commuter rail station would be very important for the developer to address. Linda also asked whether tenant storage areas and bike racks would be provided, and was concerned about egress in and out of the site onto Baker Avenue. Mike Lawson and Keith Bergman agreed with Linda’s

¹ Concord’s Chapter 40B goal is 717.2 SHI units-- 10% of its 7,172 year-round housing units, per 2020 US Census.

comments about amenities and access, but suggested because other boards and departments will be bringing those to the Select Board’s attention—and to the Zoning Board of Appeals-- the Trust might want to limit its comments for MassHousing to matters from a housing perspective. CHDC chair Lee Smith commented that having a pedestrian bridge across the Assabet River is vital for the project and the developer should be asked to make a contribution to its cost. Rich Feeley said the Concord Housing Foundation’s letter to MassHousing asked that the developer make such a contribution, since the bridge benefits the entire Concord Meadows Corporate Center, of which the proposed 40B site is a part. Noting that the cost of the bridge had increased from \$2-\$3 million to a \$8-million “Assabet River Multi-Use Trail and Bridge Construction” project currently proposed for inclusion in the Boston MPO Transportation Improvement Program (TIP)², the consensus of the meeting was that the Select Board should be asked to reexamine the project’s scope, so the priority would be to complete the bridge first. Members were supportive of the idea of a host community agreement, and suggested the Trust offer to be a part of the negotiation process to assist the Select Board and the Town as may be required.

After discussion, Mike Lawson moved that the Trust vote to authorize the chair to send a letter to the Select Board in support of NOVO Riverside Commons, LLC’s application to MassHousing for site approval for a proposed 40B development at 300-310 Baker Avenue, with comments as amended; seconded by Rich Feeley; and approved by unanimous vote (4-0). [The letter sent to the Select Board with the Trust’s comments is attached to these minutes.]

Prepare for August 16th Concord Housing Roundtable: developing draft spending plan to implement Housing Production Plan production strategies - proposed priorities for Trust’s fund balance and upcoming funding rounds for CPA (due September 8th), ARPA, & Town funds for 2024 Annual Town Meeting, state grant opportunities. The chair reviewed a revised draft worksheet which had been circulated to Trust members for today’s meeting, as a suggested framework for discussion at the next Concord Housing Roundtable on Wednesday, August 16th at 7 pm on Zoom. The hope is to put together a prioritized spending plan for whatever funds are available for affordable housing projects.

In discussion, Mike Lawson thought it important for Roundtable partners to try to come to a common point of view about what community housing applications should be submitted to the Community Preservation Committee, so CPC is not pulled in different directions. Trust members recognized that such a consensus might be for specific projects ready for submission by September 8th and for which funds were not needed before next July 1st; or—especially if there were no such projects ready to go-- the Trust itself might apply for funding to have available in FY 2025 as current Trust funds are committed to move projects forward in FY 2024.

Linda Escobedo debriefed from CPC’s July 18th meeting at 7 pm, where the inquiry was reported from the Trust’s 5 pm meeting that day about exploring with CPC, for the Roundtable’s budget planning purposes, whether some figure beyond the minimum 10% could be made available for

² The [Boston MPO TIP for FFYs 2024-2028](#) notes on page 360 that the \$8,280,000 “Assabet River Multi-Use Trail and Bridge Construction” project “was originally a new Pedestrian Bridge with a \$2-3.6M price range. Scope has increased to include improvements for a multi-use trail alongside the bridge. Cost has increased accordingly and is now in preliminary design. Project location runs between the West Concord MBTA Station and the Concord Meadows Corporate Center with a hookup to the Southern Terminus of the Bruce Freeman” Rail Trail.

community housing. Linda reported that many CPC members preferred to retain flexibility on how much would be spent on the four purposes for which CPA funds can be spent, of which housing is one. CHDC chair Lee Smith said his preferred approach would be to have the Trust apply for funds from CPC, so that those funds would be available to the Trust as housing projects became ready to proceed. We need cash on hand, Lee said, and if CPC would want to have some reporting structure on how the funds are spent, we could try to address that. The CMAHT chair and CHDC chair will reach out to the CPC chair to explore, prior to CPC's next meeting when the matter will be on an agenda item.

Public Comment -

Karlen Reed said there is a project in the recreation master plan for a boat launch project which is located across the railroad tracks from the proposed NOVO 40B.

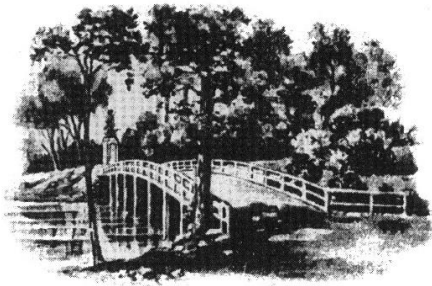
Julie McClure thanked the Trust members for their careful work on how to construct affordable housing without delay.

Mike Lawson also noted that, as a member of the Town's Economic Vitality Committee, he has been designated as its liaison the Planning Board, and could cover those meetings on behalf of the Trust as well. The chair thanked Mike for so volunteering.

Adjournment - Mike Lawson made a motion to adjourn the CMAHT meeting, seconded by Rich Feeley; and passed unanimously (4-0). The meeting adjourned at 6:35 pm.

Documents attached

- Comments to Select Board: NOVO Riverside Commons site application to MassHousing
- Revised draft worksheet for funding to implement HPP production strategies



OLD NORTH BRIDGE

TOWN OF CONCORD

TOWN HOUSE - P.O. BOX 535
CONCORD, MASSACHUSETTS 01742

To: Concord Select Board
From: Concord Municipal Affordable Housing Trust c/o chair Keith Bergman
CC: Housing Roundtable c/o chairs, ZBA c/o chair, Town staff
Date: August 2, 2023
SUBJ: Comments on NOVO Riverside Commons, LLC's application to MassHousing for site approval for a proposed 40B at 300-310 Baker Avenue with 201 rental units, of which 51 (25%) would be deed restricted as affordable at 80% of AMI

Please know that, at its meeting on August 1, 2023, the Concord Municipal Affordable Housing Trust voted unanimously (4-0)¹ to authorize the Trust's chair to send a letter to the Select Board in support of NOVO Riverside Commons, LLC's application to MassHousing for site approval for a proposed 40B development at 300-310 Baker Avenue, with the following comments:

Housing Production Plan. This project's location is specifically identified in the [FY 2023-2028 Housing Production Plan](#) in Strategy #3, which provides, in part, that "There are several parcels in private ownership which might be appropriate for residential developments across Concord, through 40B or other processes: | A. 300-310 Baker Ave. – a mixed use location . . ."

MBTA Communities Zoning. This 10-acre site is located within one half mile from the West Concord MBTA Commuter Rail Station and the Trust recommends it be considered-- along with other sites identified in the Housing Production Plan for affordable housing development-- for inclusion in the proposed MBTA Communities Zoning overlay district that will be brought to the April 2024 Annual Town Meeting for approval.

Subsidized Housing Inventory. Since 25% of this project's rental units would be deed-restricted as affordable at up to 80% of area mean income (AMI), all 201 units would be counted on the Town's [Subsidized Housing Inventory](#), increasing Concord's total number of SHI units from 715 to 916, and its 40B percentage² from 9.97% to 12.77%.

Housing Choice Designation. This project would also help the Town qualify for [Housing Choice Designation](#)-- with access to Housing Choice Community Grants and preferential treatment for many state grant and capital funding programs-- once it produces a 3% increase in new year-round housing units over the last 5 years, and demonstrates 7 of 15 Housing Choice "best practices."³ For Concord, 3% would be met by 216 units, which this project's 201 units would ensure.

¹ Linda Escobedo, Mike Lawson, Rich Feeley and Keith Bergman voted in favor; Kerry Lafleur was not present.

² Concord's Chapter 40B goal is 717.2 SHI units-- 10% of its 7,172 year-round housing units, per 2020 US Census.

³ See Housing Choice [2023 best practices](#), which will be updated for 2024.

Host Community Agreement. The Trust recommends that the Select Board negotiate a host community agreement (HCA) with the developer to address such issues as the Select Board may determine, including but not limited to the following:

- (1) whether the Town should defray all or a part of the affordable units' share of this project's sewer improvement fee, for which the CMAHT trust fund could be a source of funding⁴;
- (2) whether the developer should make a financial contribution towards the Assabet River Pedestrian Bridge, as originally proposed by the Town to connect West Concord MBTA commuter rail station and the Concord Meadows Corporation Center; and, further, that the Select Board reexamine the scope of the "Assabet River Multi-Use Trail and Bridge Construction" project currently proposed for inclusion in the Boston MPO Transportation Improvement Program (TIP)⁵ so the priority would be to complete the bridge first; and
- (3) whether to require that as many of the project's rental units as possible remain as rental units for as long as possible, in order to remain countable on the Subsidized Housing Inventory.

The Trust would be pleased to participate in the HCA process to whatever extent the Select Board may desire.

MHP 40B Technical Assistance for ZBA. Once MassHousing approves the developer's application for site approval, the Trust urges the Town to obtain grant funding-- referenced in [MassHousing's June 21st letter to the Select Board](#)-- through the Massachusetts Housing Partnership (MHP)'s Chapter 40B Technical Assistance Program, to engage a qualified third-party consultant to work with the Concord Zoning Board of Appeals in reviewing the comprehensive permit application then filed by the developer.

Please let us know what questions you have about any of this. Thanks very much.

⁴ The developer told the Select Board on July 24, 2023 that NOVO may ask the Town to defray the 51 affordable units' share of the \$1,500,000 sewer improvement fee for the project.

⁵ The [Boston MPO TIP for FFYs 2024-2028](#) notes on page 360 that the \$8,280,000 "Assabet River Multi-Use Trail and Bridge Construction" project "was originally a new Pedestrian Bridge with a \$2-3.6M price range. Scope has increased to include improvements for a multi-use trail alongside the bridge. Cost has increased accordingly and is now in preliminary design. Project location runs between the West Concord MBTA Station and the Concord Meadows Corporate Center with a hookup to the Southern Terminus of the Bruce Freeman" Rail Trail.

TOWN OF CONCORD – HOUSING PRODUCTION PLAN – IMPLEMENTATION

DRAFT FUNDING WORKSHEET – Projects by HPP Strategy - funded to date, proposed for FY 2024 & Beyond

HPP Strategy (HPP pp.)	Project(s) [See end notes, below]	Project Amount	Previously funded	FY 2024	FY 2025	Beyond	Source(s); comment
1. Assabet River Bluff - 5 SHI units (pp. 28-29)	<input checked="" type="checkbox"/> Assabet River Bluff acquire land	\$1,000,000	\$1,000,000				CMAHT/CPA/CHF, 2022
	<input checked="" type="checkbox"/> Assabet – phase 2 funding	500,000	500,000				CPA 2023
	<input type="checkbox"/> Assabet – develop 3 units ⁱ	1,500,000	-	?	?		CMAHT and/or CPA
2. Junction Village (30-31)	<input type="checkbox"/> Junction Village pre-develop ⁱⁱ	50,000		?	?		CMAHT?
	<input type="checkbox"/> Junction Village development	?			?	?	
3. Other land to create SHI units (32, 35)	<input checked="" type="checkbox"/> 930 Main St. – 2 units	150,000	150,000				SB from TM funds, 2019
	<input type="checkbox"/> 300-310 Baker Ave 40B ⁱⁱⁱ	?	-	?	?	?	CMAHT?
	<input type="checkbox"/> 91B Main St. State surplus ^{iv}	?	-	?	?	?	
	<input type="checkbox"/> Feasibility: specific site(s)	100,000		?	?	?	CMAHT
	<input type="checkbox"/> Other (specify):	?		?	?	?	
4. SHI units in private developments (32-33)	<input checked="" type="checkbox"/> Preserve Emerson Avenue unit	95,000	95,000				SB from TM funds, 2021
	<input checked="" type="checkbox"/> Buy-down 135 Baker Ave. unit	38,000	38,000				CMAHT, 2023
	<input type="checkbox"/> Other (specify):	?		?	?	?	
13. Concord Housing Authority units (47-48)	<input checked="" type="checkbox"/> Gerow Feasibility	50,000	50,000				SB from TM funds, 2019
	<input type="checkbox"/> Other (specify):			?	?	?	
14. Services for seniors, low income (48-49)	<input type="checkbox"/> CHDC small grant program ^v	50,000	-	25,000?	25,000?	?	CMAHT not CPA-eligible
	<input type="checkbox"/> Town rental assistance ^{vi}	50,000		?	?	?	
TOTALS							

Sources of Funding	Available FY 2024	Projected FY 2025	Projected FY 2026
CMAHT fund balance ^{vii}	\$3,123,140		
Free Cash ^{viii}		\$0?	?
CPA CH annual appropriation ^{ix}		?	
Town ARPA funds ^x	?	?	?
State grant opportunities ^{xi}	?	?	?
TOTALS			

Include as project selection criteria?

<input type="checkbox"/>	Listed in Housing Production Plan
<input type="checkbox"/>	Adds to Subsidized Housing Inventory
<input type="checkbox"/>	Leverages non-Town funding
<input type="checkbox"/>	On property Town owns/acquired
<input type="checkbox"/>	Sewer availability
<input type="checkbox"/>	Offers deeper affordability
<input type="checkbox"/>	Other (specify):
<input type="checkbox"/>	Other (specify):

See Housing Production Plan pp. 28-57 for description of all 24 housing strategies

TOWN OF CONCORD – HOUSING PRODUCTION PLAN – IMPLEMENTATION

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- ⁱ [Assabet River Bluff](#) is a one-acre parcel acquired for \$1,000,000 for 5 affordable housing units, with an existing 2-family structure and adjacent land on which 3 new units could be constructed. \$500,000 has been appropriated for phase 1 development, and CHDC seeks an additional \$1.5-million to complete development, including the 3 new units. The Town's Housing Production Plan specifically lists this property in Strategy #1.
- ⁱⁱ [Junction Village](#) is a 12-acre parcel adjacent to MCI-Concord at the end of Winthrop Street. The property was acquired by CHDC from the state for affordable housing and open space purposes. CHDC seeks \$50,000 in pre-development funding. Additional funding would be sought after a developer is selected. The Town's Housing Production Plan specifically lists this property in Strategy #2.
- ⁱⁱⁱ [300-310 Baker Avenue 40B- NOVO Riverside Commons project](#) proposes 201 rental units, of which 51 (25%) would be deed-restricted at up to 80% of AMI, allowing all 201 units to count on Concord's Subsidized Housing Inventory. The Town's Housing Production Plan specifically lists this property in Strategy #3. The developer told the Select Board on 7/24/23 that NOVO may ask the Town to defray the 51 affordable units' share of the \$1,500,000 sewer improvement fee for the project. 25% of that fee would be \$375,000.
- ^{iv} [91B Main Street surplus state property](#) is a 1.4-acre surplus state property appraised at between \$620,000 and \$690,000, with Town sewer availability. The Town's Housing Production Plan specifically lists this property in Strategy #3. Town officials have been told by MassDOT that the property might be able to be acquired for less than market value for affordable housing purposes if the Federal Highway Administration concurs; and the Town is pursuing this through its legislative delegation.
- ^v [CHDC Small Grant Program](#) – CHDC requests \$50,000 to fund its small grant program, which is about to run out of funds and is not eligible for CPA funding. The Town's Housing Production Plan specifically lists this program in Strategy #14.
- ^{vi} [Town rental assistance program](#) - The Town's Community Services Coordinator requests \$50,000 for a rental assistance program. While such a program is not specifically mentioned in the Housing Production Plan, it would seem to fall under HPP Strategy #14, services for seniors and low-income households.
- ^{vii} [CMAHT Fund Balance](#) - \$4,106,140.35 has been deposited in the Trust since Town Meeting began setting aside funds for a Trust in 2019—a total which includes \$2,044,255.76 transferred to the Trust at 2023 ATM from prior appropriations for Christopher Heights at Junction Village. Of that \$4.1 million total, some \$983,000 has been committed for support or creation of 10 affordable units, leaving a current uncommitted fund balance of \$3,123,140.35.
- ^{viii} [Free Cash](#) - \$500,000 annual appropriations for the Trust were transferred from certified free cash at the 2019, 2020, 2021, and 2022 ATMs—with 2022's sum back filled by ARPA funds. There was no appropriation from free cash at the 2023 ATM; and none is forecast for 2024 ATM.
- ^{ix} [CPA Community Housing annual appropriation](#) - The Administration reports that projected CPA revenues for the 2024 ATM (FY 2025) will become available in November 2023 from the Town of Concord's Finance Department. The CPA Act provides that a minimum of 10% must be allocated to each of the three categories: community housing, open space, and historic preservation. The [CPC Plan for 2023](#) reported that community housing accounted for 21% of total CPA funds distributed from 2006 through 2022 ATM. The 2023 ATM appropriated \$533,000 for community housing-- 28.9% of the total \$1,839,680 in CPA funds appropriated for FY 2024.
- ^x [Town ARPA Funds](#) - The Administration reports that \$30,000 has been committed from the Town's ARPA funds for "affordable housing - develop inventory of all potential units to be added to SHI." It is unclear whether additional Town ARPA funds would be available for affordable housing.
- ^{xi} [State Grant Opportunities](#) – The Town has applied for funding through the [Community One-Stop for Growth](#) for a wastewater feasibility study, to remove barriers to the production of affordable housing. Concord can obtain [Housing Choice Designation](#)-- with access to Housing Choice Community Grants and preferential treatment for many state grant and capital funding programs-- once it produces a 3% increase in new year-round housing units over the last 5 years. For Concord, 3% would be met by 216 units, which NOVO Riverside Commons' 201 units would help secure. The State is also launching a new HousingWorks grant program later this year.