



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Via Email: klafleur@concordma.gov

June 12, 2025

Kerry Lafleur, Town Manager
Town of Concord
22 Monument Square
Concord, MA 01742

Re: Concord – Determination of Conditional Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Town Manager Lafleur:

Congratulations! The Executive Office of Housing and Livable Communities (EOHLC) reviewed the district compliance application for the Town of Concord’s “MBTA Multi-Family Overlay District” (District). After careful review and analysis, EOHLC determined that Concord is **conditionally compliant** with Section 3A and 760 CMR 72.00 (the Regulations). EOHLC recognizes the diligent work by the Town of Concord to meet the requirements of the MBTA Communities Law. EOHLC’s review of the District identified three issues that Town staff agreed to address in order to remove the condition from this determination. We appreciate the time and effort of your staff to work on solutions that will resolve these issues which are described in detail below.

Please note that this determination of conditional compliance by EOHLC does **not** qualify Concord for the MBTA Communities Catalyst Fund. Concord will be eligible for the catalyst fund when it receives a determination of compliance that is not conditional. You can learn more about this grant program at the [MBTA Communities Catalyst Fund](#) website. This grant program is a part of the [Community One Stop for Growth](#), a single application portal and collaborative review process. Contact EOHLCMBTACommCatalyst@mass.gov with questions.

Concord is designated as a Commuter Rail Community with 7,295 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum land area of 50 acres, and a minimum multi-family unit capacity of 1,094 units. At least fifty percent (50%) of the District’s requirements must be met within transit station areas.

EOHLC conducted a thorough review of the application, and made the following preliminary determinations:

1. The District comprises **84.4 acres**.
2. As of right multi-family unit capacity for the District is estimated at **1,198 units**.
3. The gross density of the District is estimated at **22.6 dwelling units per acre**.
4. The District **does not** contain one contiguous land area that is at least fifty percent (50%) of the total district land area.
5. **At least fifty percent (50%)** of the required District land area and estimated unit capacity is within transit station areas.
6. There are no dimensional zoning requirements captured by the compliance model that will clearly reduce the District’s estimated multi-family unit capacity below its requirement.
7. The inclusionary zoning requirements set forth in Section 7.11.5 of Concord’s zoning bylaw required the Town to submit an economic feasibility analysis pursuant to Section 72.04(1)(b)1b of the Regulations. **EOHLC determined that the Economic Feasibility Analysis provided by the Town supports the feasibility of multi-family housing development in the district based on its current configuration.**

The following table shows the **required** District minimums, the estimates **submitted** in the District application, and estimates as **preliminarily determined** by EOHLC following its review:

	Required	Submitted	Preliminarily Determined
Land area (acres)	50	84.4	84.4
Multi-family unit capacity (units)	1,094	1,198	1,198
Gross density (units per acre)	15	22.6	22.6
One 50% contiguous area	Yes	No	No

Please note that continued district compliance is **subject to** the following requirements:

- The District’s geography is less contiguous than the flexibilities provided in Section 72.05(1)(a)(3) of the Regulations permit. At least half of the District land areas must comprise contiguous lots of land.
- Several areas of the District appear subject to special permit requirements, including §7.2 Floodplain Conservancy District, and §6.2.2 Minimum Lot Area. These two sections together subject a large portion of the District to special permit requirements due to the presence of flood zone areas. The Town can either exempt the District from this requirement and move the substantive requirements into Site Plan Review or another non-discretionary process, or remove the affected parcels from the District’s unit capacity.

- The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation
- EOHLC may establish a system to monitor compliance over time to ensure that approved districts allow multi-family housing in accordance with the criteria under which they were approved.
- EOHLC may rescind a determination of conditional district compliance or require changes to the District to remain in conditional compliance pursuant to Section 72.10 of the Regulations if it becomes aware of additional information not identified in this conditional compliance review that would render the District noncompliant with Section 3A.

Concord's status as conditionally compliant with Section 3A is valid for one year after the date of this letter. EOHLC staff have been in contact with the Town Planner, and remain available to work with the Town to resolve this issue. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Edward M. Augustus, Jr.
Secretary

cc:

Senator Michael Barrett, Mike.Barrett@masenate.gov
Representative Carmine Gentile, carmine.gentile@mahouse.gov
Representative Simon Cataldo, Simon.Cataldo@mahouse.gov
Elizabeth Hughes, Town of Concord, ehughes@concordma.gov