

Article 13

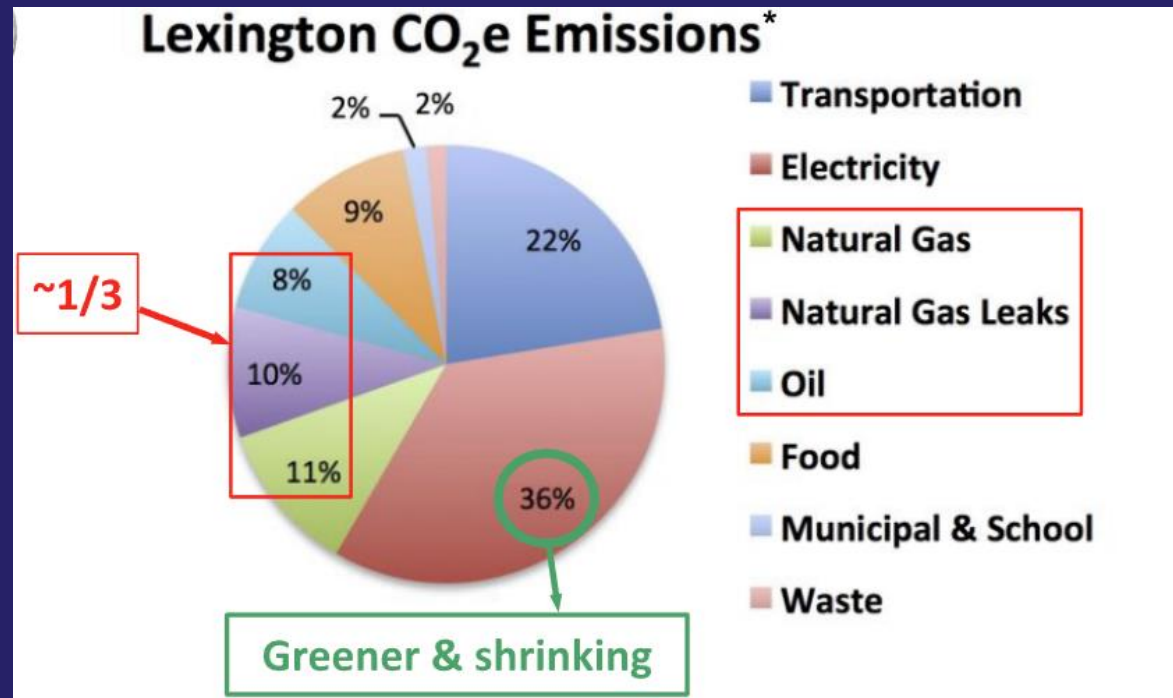
Technical Correction – General Bylaw (Fossil Fuel)

Special Town Meeting 2022-3



BACKGROUND: LEXINGTON'S GOALS

2020 – Special Town Meeting votes for Climate Emergency Declaration to reach net zero emissions by 2035



* Sustainable Action Plan – 2015 Data



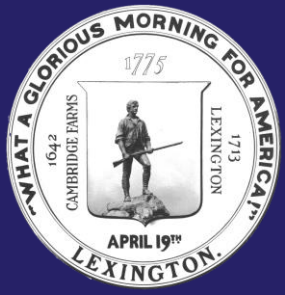
BACKGROUND: ARTICLE 29

March 2021 – Article 29 passed at Annual Town Meeting by over 90%

- Home Rule Petition to authorize regulation of fossil fuel infrastructure
- Bylaw enacting regulation of fossil fuel infrastructure in new buildings and major renovations

10 communities passed similar home rule petitions

Home rule petitions and bylaws have yet to be approved by the Attorney General's Office



BACKGROUND: STATE LEGISLATION

August, 2022 – Massachusetts’ “Act Driving Clean Energy and Offshore Wind” signed into law

- Includes a DOER demonstration pilot for 10 communities to regulate fossil fuel infrastructure in new construction and major renovations
- Participating communities required to meet 10% threshold on Subsidized Housing Inventory
- Exemptions for research laboratories for scientific or medical research, hospitals, and medical offices
- Regulations no later than July 1, 2023



JOINING THE PILOT

Lexington meets housing affordability threshold: 11.2% of Lexington units are SHI units (as of December 21, 2020)

The Town sent a letter to DOER in August expressing its formal interest in participating in the pilot

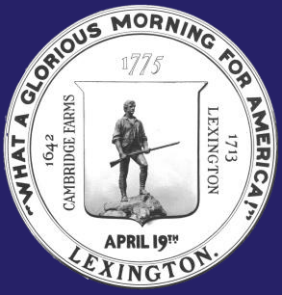
With input from Town Counsel, merely looking to streamline the application process by ensuring local bylaw is in compliance with state regulations

Town staff will be prepared to enforce the bylaw by effective date



MOTION

That Town Meeting confirm the Select Board is authorized to apply to participate in the Department of Energy Resources' municipal fossil fuel-free demonstration project as established in Section 84 of Chapter 179 of the Acts of 2022, and further that the Select Board apply to the demonstration project with legislation previously approved by Town Meeting as Article 29 of the 2021 Annual Town Meeting on March 22, 2021, with technical corrections to the Bylaw passed thereunder in substantially the form below (struck-through text to be removed and underlined text to be added).



AMENDMENTS

“Effective Date” shall mean ~~December 1, 2022, or six months~~ 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.~~

“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 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.



AMENDMENTS

Exemptions:

- Life science buildings, research laboratories for scientific or medical research, or to hospitals or medical offices regulated by the Massachusetts Department of Public Health as a healthcare facility

Reporting:

- The Select Board, or its 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.

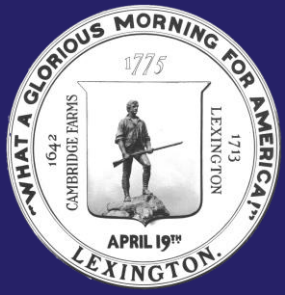


WHAT'S NEXT?

Application guidance from DOER

- These amendments put Lexington in position to be one of the 10 communities in the pilot

Home rule petition and bylaw approval from DOER (and likely AGO)



APPENDIX

[Full Motion](#)

[Letter sent to DOER \(August 17, 2022\)](#)