



Article 27

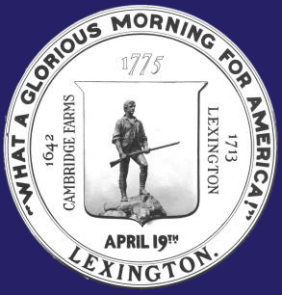
Amend Fossil Fuel Bylaw – Compliance with
Department of Energy Resources Regulations and
Guidance

Annual Town Meeting 2023



Purpose

To make minor updates to our Fossil Fuel Infrastructure Bylaw in preparation for application to the Department of Energy Resources (DOER) demonstration pilot for 10 communities to regulate fossil fuel infrastructure in new construction and major renovations



Timeline

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

- Home Rule Petition to request authorization for, and Bylaw to enact, regulation of fossil fuel infrastructure in new buildings and major renovations

15+ other communities passed similar home rule petitions

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

- Included DOER demonstration pilot for 10 communities (including Lexington) to regulate fossil fuel infrastructure in new construction and major renovations
- Participating communities required to meet 10% threshold on Subsidized Housing Inventory (Lexington does)



Timeline

November 2022 – Article 13 passed at Special Town Meeting by over 90%

- Technical corrections made to the bylaw, streamline acceptance into the pilot program

December 2022 – DOER issued draft regulations and a draft model bylaw for the pilot program

- Lexington participated in DOER feedback meetings and submitted public comment on draft regulations and model bylaw

March 2023 – Town Meeting passed the Specialized Stretch Code by over 90% (a requirement of participation in the demonstration pilot)

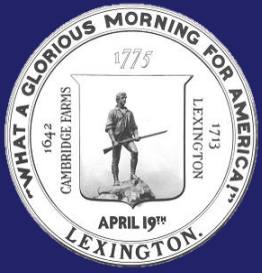


We are ready for the next step

DOER final regulations are complete and soon to be publicly available

Town is proposing minor updates in this Article to ensure alignment with DOER regulations and recommendations

DOER has reviewed Lexington's previously passed bylaw and these minor updates for compliance with DOER regulations



Why is this important?

Lexington's emissions:



69%

BUILDINGS



27%

TRANSPORTATION



4%

SOLID WASTE



<1%

WATER &
WASTEWATER

Fossil fuel buildings have no path to zero emissions



Summary of updates

1. Added DOER definition for “Combustion Equipment”

“Combustion Equipment” means as defined in 225 CMR 23.

2. Updated the definition of “Major Renovation” to the DOER recommended definition

“Major Renovation” shall mean a project associated with a valid building permit application filed on or after the Effective Date of this article that meets the definition of Level 3 Alteration as defined in 225 CMR 22 and 23.



Summary of updates

3. Updated the exemption for hot water to DOERs recommended exemption.

This Chapter shall not apply to:

- *Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 that utilize gas or propane for domestic water heating as the only combustion equipment.*

4. Added DOER's recommended Biomass heating exemption.

This Chapter shall not apply to:

- *Buildings heated with Clean Biomass Heating Systems as defined in 225 CMR 23 as the only combustion equipment.*



Summary of updates

5. List of exemptions was reordered and reworded with no change of meaning.

6. Added reference to the recently passed Specialized Building Code (Chapter 115).

On or after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings and Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter except in accordance with this Chapter and Chapter 115.



What's next?

Submit application to DOER for the fossil fuel free demonstration pilot

- These minor updates as recommended by DOER put Lexington in position to be one of the 10 communities in the pilot

Effective date (no change): 90 days after Town is authorized by DOER to regulate fossil fuel infrastructure.