

# **Town of Lexington**Town Manager's Office

James J. Malloy, Town Manager Kelly E. Axtell, Deputy Town Manager

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Massachusetts Department of Energy Resources Energy Efficiency Division 100 Cambridge St., 9th Floor Boston, MA 02114

# Municipal Fossil Fuel Free Building Demonstration Program Application

The following serves as the Town of Lexington's formal request to participate in the Massachusetts Municipal Fossil Fuel Free Building Demonstration Program, as defined in 225 CMR 24.00.

#### A) Home Rule Petition

On March 22, 2021, Lexington Town Meeting passed Article 29, which included a Home Rule Petition to the Massachusetts General Court for the authority to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. The Home Rule petition was officially filed on May 5, 2021. A copy of the Home Rule Petition is attached.

#### B) Proposed Bylaw

Article 29, passed by Town Meeting on March 22, 2021, also included a bylaw to regulate fossil fuel infrastructure in buildings. Minor amendments were adopted by Town Meeting on November 2, 2022 to better align with the language outlining the Demonstration Program in Section 83 of "An Act Driving Clean Energy and Offshore Wind." Another round of minor amendments was adopted by Town Meeting on April 24, 2023 to better align with the draft regulations for the demonstration program issued by DOER. All amendments were efforts to streamline acceptance into the Demonstration Program. The various iterations of the bylaw can be provided by the Town upon request. The most recent version of the bylaw is attached.

Lexington's bylaw differs from DOER's model rule in several ways. Those differences are provided below, along with the rationale for the difference.

#### 1. Purpose

The Model Rule's statement of purpose reads as follows:

The purpose of 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

The stated purpose of Lexington's bylaw, which was enacted prior to the implementation of the model rule is to "protect health, safety, and the natural environment and reduce air pollution and greenhouse gas emissions, which causes climate change, thereby threatening the Town and its inhabitants."

Lexington believes the Town's further elaboration on the bylaw's purpose is appropriate as it reflects the full scope of Town Meeting's purposes in enacting its bylaw. It also avoids confusion for residents and businesses in the Town who may be less familiar with 225 CMR 24.00 and its procedural measures to implement the Demonstration Program.

The stated purpose of the Lexington bylaw is, nonetheless, consistent with that provided in the Model Rule, as the regulations are intended to serve the same policy goals of curbing the use of fossil fuels and the consequences associated with use of the same. Moreover, the stated purpose of the Lexington bylaw does not alter the effect of Lexington's bylaw, which is to prohibit fossil fuel connections and infrastructure in new construction and major renovations – the same effect of adopting the amendments to the Specialized Energy Code as called for in the Model Rule.

#### 2. Definitions

Lexington's bylaw includes definitions of "combustion equipment," "effective date," "new building," and "on-site fossil fuel infrastructure," which are not included in the Model Rule, but nonetheless do not cause Lexington's bylaw to deviate in substance or effect from the Model Rule.

"Combustion equipment" is defined in order to account for additional exceptions to the bylaw as explained in greater detail below.

"Effective date," "new building," and "on-site fuel infrastructure" are defined to provide greater clarity to applicants on the scope of Lexington's prohibition against new fossil-fuel infrastructure and are procedural elements of the bylaw that do not change the overall consistency with the Model Rule.

Lexington's bylaw also contains a streamlined definition of "major renovation," which Lexington has defined as a "Level 3 Alteration" as defined in 225 CMR 22.00 and 23.00. This incorporates the definition of "Level 3 Alteration" from the International Existing Building Code ("IEBC"). The Model Rule's definition of "major renovation" incorporates the definition of that phrase as it appears in 225 CMR 24.00, which in turn incorporates in part, the definition of "Level 3 Alterations" from the IEBC. The distinction between the two definitions is that Lexington's definition is slightly less inclusive as it does not include all additions to a building. Therefore, Lexington's

definition of "major renovation," while streamlined, is consistent with the definition of "major renovation" appearing in the Model Rule.

#### 3. Applicability and Exceptions

Lexington's bylaw applies to building permit applications for projects proposed in whole or in part within Lexington, rather than buildings generally as called for in the Model Rule, in order to provide applicants clarity on how the prohibition against fossilfuel infrastructure will be enforced, as described in greater detail below.

Lexington's bylaw also includes six exceptions to the prohibition against fossil-fuel infrastructure in addition to the four already called for in the Model Rule. These exceptions are consistent with DOER's prior guidance that municipalities may provide exceptions not included in the Model Rule, as long as the Bylaw does not otherwise expand on the authority granted to municipalities pursuant to Chapter 179 of the Acts of 2022, §84 or 225 CMR 24.00.

For example, the Town retained the exception for "buildings heated with clean biomass heating systems as defined in 225 CMR 23 as the only combustion equipment" as suggested in a prior draft of the Model Rule, in part because Lexington Town Meeting voted on the latest version of its Bylaw while the Model Rule was in development. The exceptions for "utility service piping connecting the grid to a meter, or to a gas meter itself"; "the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed"; and "repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector" are intended to allow property owners to make small improvements or repairs to exiting fossil fuel infrastructure. These exceptions will ensure property owners are not immediately forced to transition an entire building's heating system from fossil fuel to a zero energy or mixed fuel pathway, which may be cost prohibitive for some, for relatively small benefits. To require property owners to do so would also risk such systems being inadequate for building occupants or falling into disrepair and potentially jeopardizing the health and safety of building occupants. Thus, these exceptions represent small compromises to recognize the challenges and realities some Lexington residents face in their homes, but do not compromise the overall purpose or effect of Lexington's bylaw or the Model Rule.

The exception for "piping required to fuel backup electrical generators, indoor or outdoor cooking appliances, indoor or outdoor fireplaces or fire features, or appliances for outdoor heating," recognizes that many of the buildings in Lexington are residential and that many property owners would like to make this relatively small improvement to their home to utilize such a feature for safety measures and as a redundancy for day to day appliances. Like the exceptions described above, this exception does not compromise the overall purpose or effect of Lexington's bylaw or the Model Rule.

#### 4. Enforcement

Lexington's bylaw includes an enforcement section which explains to applicants in plain words how the prohibition against new fossil-fuel infrastructure will be implemented; requires the Town Manager to review the impact of the prohibition against new fossil-fuel infrastructure with the Select Board on an annual basis; and grants the Select Board the authority to adopt additional requirements, exemptions, and regulations to implement or enforce the prohibition against new fossil-fuel infrastructure as the Select Board learns more about the impact of the prohibition as implemented.

As a procedure-oriented section, this section does not conflict with the substantive requirements of Chapter 179 of the Acts of 2022 or 225 CMR 24.00, and allows municipalities to meet the goals of the Demonstration Program to enable municipalities to experiment with the most effective and efficient means of transitioning away from historical reliance on fossil fuel connections and infrastructure.

#### 5. Waiver and Appeals Process

Lexington's bylaw includes a mechanism by which building permit applicants may seek a waiver from the prohibition against new fossil-fuel infrastructure based on financial infeasibility or implementation impracticality. The Building Commissioner may grant such a waiver subject to reasonable conditions, consistent with DOER's statement that municipalities are allowed to include additional language in its bylaw "such as details about a waiver and exemption process."

The waiver provision is meant to ensure the bylaw is appropriately flexible and does not frustrate an otherwise reasonable and beneficial construction or development project, but that any granted waiver is as narrow as possible. If a party is dissatisfied with the Building Commissioner's decision under the waiver process, Lexington's bylaw contains an appeal process through the Select Board.

This section is consistent with the Model Rule, as it enables Towns to make reasonable compromises with Lexington residents on a case-by-case basis, while ensuring that any compromises are as tailored as possible, so the compromise does not undermine the general purposes of the bylaw.

#### 6. Reporting

Lexington's bylaw contains a section requiring the Select Board to provide data and other information concerning the impacts of the bylaw as required or requested by DOER and the Secretary of Housing and Economic Development, memorializing Lexington's obligation to comply with the reporting requirements described in 225 CMR 24.07.

#### C) Implementation Plan

#### 1. Timeline

Lexington's bylaw regulating fossil fuels goes into effect 90 days following the date by which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure. 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 in accordance with the bylaw.

#### 2. Commitment to Data Collection, Reporting, and Outreach/Training

The Town of Lexington is committed to the success of the Fossil Fuel Free Building Demonstration Program. The Town will collaborate with the Department of Energy Resources on data collection, reporting, and outreach/training however is required for participation in the program. All Town departments that will be involved in data collection, reporting, and outreach have been consulted and are prepared to meet the requirements.

#### 3. <u>Building Permit Data and Certificates of Occupancy</u>

The Town of Lexington uses the OpenGov software to collect, review, and approve permit applications. This platform stores all building permit data and certificates of occupancy. The system has user-friendly ways to query data and export reports, which will be utilized for Lexington's compliance with reporting requirements for the Demonstration Program.

The Town has reviewed the reporting requirements laid out in the 225 CMR 24.00 and has adjusted required fields in the permit applications to ensure all required data will be available. See below for more details about the information Lexington can provide.

- Applicant name Already a required field for all permits.
- Street address Already a required field for all permits.
- Building usage type Lexington has a field called Occupancy Type, which includes the following categories: commercial, commercial multi-family dwelling, residential one family dwelling, residential two-family dwelling, or municipal. The Town also has a field called Building Type, which includes: commercial, residential, and municipal. The Town can use either classification to report building usage type based on guidance from DOER.
- Square footage The Town has added four fields to the relevant permits in order
  to collect more accurate square footage data for new construction and major
  renovations. These permits now have the following fields: Proposed GFA, Final
  GFA, Proposed Conditioned Area, and Final Conditioned Area. The applicants
  fill out the "proposed" fields and the Building Department will verify and fill
  out the "final" fields.
- Estimated construction cost Project Cost is already a required field for all relevant permits.
- Third-party energy reporting Lexington can provide electronic copies of any third-party energy reporting on new construction and major renovation projects,

such as HERS reports and Passive house certification reports, that are attached to building permit applications. These reports are typically attached as PDF documents, so the data cannot be easily exported.

#### 4. Process Loads

Lexington's bylaw includes a clearly defined waiver and appeal process, which can be employed for any building permit, including those with commercial and industrial process loads. The waiver and appeal processes are copied below.

#### 106-5 Waivers

A. The Building Commissioner may grant a waiver from the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:

a. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; or b. technological or other factors would make the project unsuitable for its intended purpose.

- B. Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.
- C. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.
- D. In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.
- E. The Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within thirty (30) days in accordance with policies established by the Select Board.
- F. The Select Board shall, prior to the Effective Date issue, and may thereafter amend, guidance regarding the process for requesting and granting waivers, and describing reasonable conditions that may be placed on a waiver.

106- 6 Appeals

The Select Board, or its designee, shall hear appeals from decisions of the Building Commissioner under this Chapter.

In addition to the waiver and appeals process, there are exemptions for a number of building types that may be more likely to have significant process loads. For example, the bylaw shall not apply to:

- A. Research laboratories for scientific or medical research,
- B. Hospitals regulated by the department of public health as a health care facility,
- C. Medical offices regulated by the department of public health as a health care facility.

#### D) Housing Production Eligibility

According to the Department of Housing and Community Development's Chapter 40B Subsidized Housing Inventory, 11.2% of Lexington's housing units are subsidized as of December 21, 2020. This meets the housing eligibility threshold requirements for participation in the demonstration program as set by the Department of Energy Resources in 225 CMR 24.00. The Subsidized Housing Inventory verifying this information is included in the application materials.

In addition to meeting the required SHI threshold, Lexington Town Meeting amended the Town's Zoning Bylaw and Zoning Map to create Village & Multi-Family Overlay Districts, in accordance with the MBTA community multi-family zoning requirements, in April 2023. The Lexington Planning Board submitting these amendments, along with the accompanying regulations, to the Executive Office of Housing and Livable Communities ("EOHLC," formerly DHCD) and Attorney General's Office for approval. The Attorney General's office approved the amendments on August 2, 2023. EOHLC is currently reviewing the amendments.

The Town of Lexington appreciates DOER's leadership on this important effort and looks forward to working with the Department on refining this application however necessary to participate in the program.

Sincerely,

James J. Malloy
Town Manager

Town of Lexington

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## Town of Lexington

Mary de Alderete, Town Clerk mdealderete@lexingtonma.gov

Phone: 781-698-4558 fax: 781-861-2754

May 4, 2023

Ms. Nicole Caprioli Attorney General's Office Central Massachusetts Division 10 Mechanic Street, Suite 301 Worcester, MA 01608

Dear Ms. Caprioli,

Please accept Lexington's filing to the Attorney General's Office for the approval of the General and Zoning Bylaws passed by votes of the 2023 Annual Town Meeting, commencing on March 20, 2023.

Form 3, with applicable maps for Articles 34 and 36, is also attached in the filing.

Please do not hesitate to contact me if you have any questions.

Sincerely yours,

Mary de Alderete

Town Clerk

Enc. 2023 ATM Submittal

Vanydilldrike

## Form 1



# THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION 10 MECHANIC STREET, SUITE 301 WORCESTER, MA 01608

> (508) 792-7600 (508) 795-1991 fax www.mass.gov/ago

 $_{Town:}$  \_Lexington

#### Form 1

"Pursuant to G.L. c. 40, § 32, I hereby request approval of the enclosed amendments to our town by-laws. G.L. c. 40, § 32, specifies that this request must be made within thirty (30) days after final adjournment of Town Meeting. The mandatory forms are included."

1.)	Town	Meeting (check one):	NOTE: If "Other"	is selected, please specify (i), (ii), or (iii)
		_X_ Annual	Special	Other ( <i>specify</i> )
				i.) Authorized by Charter
				ii.) Authorized by Special Act
				iii.) Authorized by By-Law
2.)	Date T	Town Meeting First Conv	ened: 03/20/2023	
3.)				, and April 3,10,12, 24, 26, 2023
4.)	Identif	y Warrant Article(s) Sub	mitted:	
	a.)	/	No	Yes (if yes, please submit Form 6)  and 40
	•••	Does any by-law s	submitted in this packet, cr ing by-law)?	eate or amend a by-law adopted under G.L. c. 40R  Yes (if yes, please submit Form 6)
	b.)	Historical District		
	<b>c.</b> )	General Articles 25,	26, 27, 28, 29, 30,	and 31
	<b>d.</b> )	Charter Amendment (p to an existing charter p	•	, § 10)
5.)	Identi			Article(s): Articles 34 and 36

# Form 1

<b>6.)</b> Town Counsel contact information:	
Attorney Mina S. Makarious, Esq.	
Firm Anderson and Kreiger, LLP	
Mailing Address 50 Milk Street, 21st Floor	
City Boston	State MA Zip 02109
Phone 617-621-6525	Fax 617-621-6625
Email mina@andersonkreiger.com	
7.) Town Clerk contact information:	
Name (print) Mary de Alderete	
Signature Vandulldurte	
Mailing Address 1625 Massachusetts Avenue	
City Lexington	State MA Zip 02420
Phone (781) 698-4558	Fax (781) 861-2754
Email mdealderete@lexingtonma.gov	
Work Schedule Mon., Wed., Thur., 8:30 AM - 4:30	PM; Tues., 8:30 AM - 7:00 PM; Fri., 8:30 AM - 1:00 PM
<b>8.)</b> Planning Board member contact information:	
Name (print) Abby McCabe, Planning Director	
Mailing Address 1625 Massachusetts Avenue	
City Lexington	State MA Zip 02420
Phone (781) 698-4562	Fax
Email amccabe@lexingtonma.gov	
Work Schedule Mon., Wed., Thur., 8:30 AM - 4:30 PM;	Tues., 8:30 AM - 7:00 PM; Fri., 8:30 AM - 1:00 PM

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## Form 2

Town: Lexington

Date Town Meeting Convened: 03/20/2023

#### Form 2 – Town Meeting Action

#### Please provide the following:



Submission #1, EXISTING BY-LAW.

One (1) certified copy of the entire main section of the existing by-law within which each proposed amendment occurs. This requirement is very important because without the full text of the entire main section of the existing by-law being amended we will be unable to ascertain the full meaning of the proposed changes in context. Bylaw amendments include even minor technical changes in current by-laws, amendments to tables showing uses permitted in different zoning districts, and amendments which re-codify, reorganize or renumber existing by-laws previously approved by the Attorney General.

Note: if the Town's by-laws are available on the Internet, you may direct us to the website location rather than including a copy of the existing by-law being amended.

Existing by-law(s) may be found online at: <a href="https://ecode360.com/LE1818">https://ecode360.com/LE1818</a>



#### **Submission #2, TOWN MEETING ACTION.**

One (1) certified copy of the main motion, or amended main motion voted by town meeting, with the date, article number, name of Town and votes thereon. Because not all seals will show up when scanned and emailed, we request that you certify with "A true copy attest" language and your signature. Also, please include a copy of each floor amendment favorably acted upon by Town Meeting. We do not need copies of floor amendments that were unfavorably acted upon by Town Meeting.



# Submission #3, FINAL VERSION OF BY-LAW AS AMENDED.

One (1) certified copy of the by-law (Submission #1) as amended by town meeting (Submission #2).

For any vote requiring a simple majority it will be sufficient to certify that the moderator declared that the motion carried. Where the vote was unanimous, it will be sufficient to certify that the moderator declared that the motion carried unanimously.

For any vote requiring more than a simple majority and where the vote was not unanimous an actual vote count must be taken. Zoning by-laws and historic district by-laws require a two-thirds vote.

However, if the town has either (a) by vote of this town meeting, or (b) in a previously adopted general by-law, voted that a counted vote need not be taken and that the Moderator may **declare** that a 2/3ds vote has been achieved, then such declaration of the Moderator will be sufficient [see G.L. c. 39, § 15] (select below):

\_\_\_\_ If by (a), then please **attach** a certified copy of the Town Meeting action from this Town Meeting showing the vote to dispense with a counted vote.

If by (b), then please provide the following:

The date on which it was adopted by town meeting:

Date: 04/18/1998

The date it was approved by the Attorney General's Office:

Date: 08/24/1998

A true copy.

EXCERPT OF THE TOWN OF LEXINGTON
ANNUAL TOWN MEETING
HELD MONDAY, MARCH 20, 2023, 7:30 P.M.
CARY MEMORIAL BUILDING – BATTIN HALL
WITH ADJOURNED SESSIONS HELD

MARCH 22, 27, 29, and APRIL 3, 10, 12, 24, 26, 2023

# ARTICLE 27 AMEND FOSSIL FUEL BYLAW - COMPLIANCE WITH DOER REGULATIONS AND GUIDANCE

**MOTION:** Mr. Pato moves that Town Meeting amend the bylaw previously approved by Town Meeting under Article 29 of the 2021 Annual Town Meeting on March 22, 2021 and amended as Article 13 of the 2022-3 Special Town Meeting on November 1, by replacing it with the below for participation 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:

Chapter 106: REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS

106-1 Purpose

This Bylaw is adopted by the Town of Lexington to protect health, safety, and the natural environment and reduce air pollution and greenhouse gas emissions, which causes climate change, thereby threatening the Town and its inhabitants.

106-2 Definitions

"Combustion Equipment" means as defined in 225 CMR 23.

"Effective Date" shall mean 90 days\_following the date by which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

"New Building" shall mean a new building or new accessory building, as defined in the Lexington Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, associated with a building permit application filed on or after the Effective Date.

"On-Site Fossil Fuel Infrastructure" shall mean piping for coal, 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.

"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.

#### 106-3 Applicability

This Chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:

- A. Research laboratories for scientific or medical research,
- B. Hospitals regulated by the department of public health as a health care facility,
- C. Medical offices regulated by the department of public health as a health care facility,
- D. Buildings heated with Clean Biomass Heating Systems as defined in 225 CMR 23 as the only combustion equipment,
- E. 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,
- F. Utility service piping connecting the grid to a meter, or to a gas meter itself;
- G. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed;
- H. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector, or
- I. Piping required to fuel backup electrical generators, indoor or outdoor cooking appliances, indoor or outdoor fireplaces or fire features, or appliances for outdoor heating.

#### 106-4 Enforcement

- 1. 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.
- 2. The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and location of building permit applications for new and major renovation projects exceeding 50% of the original gross floor area of the principal dwelling; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers and the square footage of each project for which a waiver is granted.
- 3. The Select Board may adopt additional requirements, exemption, and regulations to implement or enforce said new fossil fuel infrastructure restrictions in major construction, consistent with this Chapter.

#### 106-5 Waivers

- A. The Building Commissioner may grant a waiver from the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:
  - a. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; or
  - b. technological or other factors would make the project unsuitable for its intended purpose.
- B. Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.
- C. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.
- D. In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.
- E. The Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within thirty (30) days in accordance with policies established by the Select Board.

F. The Select Board shall, prior to the Effective Date issue, and may thereafter amend, guidance regarding the process for requesting and granting waivers, and describing reasonable conditions that may be placed on a waiver.

106-6 Appeals

The Select Board, or its designee, shall hear appeals from decisions of the Building Commissioner under this Chapter.

106-7. 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.

#### **Motion to Approve Article 27**

Adopted by a vote of:

Yes	No	Abstain
147	1	3

MOTION CARRIES

# ARTICLE 27 AMEND FOSSIL FUEL BYLAW - COMPLIANCE WITH DOER REGULATIONS AND GUIDANCE

Amendments shown in RED: struck-though text is to be removed and underlined text is to be added).

**MOTION:** Mr. Pato moves that Town Meeting amend the bylaw previously approved by Town Meeting under Article 29 of the 2021 Annual Town Meeting on March 22, 2021 and amended as Article 13 of the 2022-3 Special Town Meeting on November 1, by replacing it with the below for participation 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:

#### Chapter 106: REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS

#### <u>106- 1 Purpose</u>

This Bylaw is adopted by the Town of Lexington to protect health, safety, and the natural environment and reduce air pollution and greenhouse gas emissions, which causes climate change, thereby threatening the Town and its inhabitants.

#### 106-2 Definitions

"Combustion Equipment" means as defined in 225 CMR 23.

"Effective Date" shall mean 90 days following the date by which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

"New Building" shall mean a new building or new accessory building, as defined in the Lexington Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, associated with a building permit application filed on or after the Effective Date.

"On-Site Fossil Fuel Infrastructure" shall mean piping for coal, 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.

"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.

#### 106-3 Applicability

This Chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:

- A. Research laboratories for scientific or medical research,
- B. Hospitals regulated by the department of public health as a health care facility,
- C. Medical offices regulated by the department of public health as a health care facility,
- D. <u>Buildings heated with Clean Biomass Heating Systems as defined in 225 CMR 23 as the only</u> combustion equipment.
- E. <u>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.</u>
- F. Utility service piping connecting the grid to a meter, or to a gas meter itself;
- G. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed;

- H. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector, or
- I. Piping required to fuel backup electrical generators, indoor or outdoor cooking appliances, indoor or outdoor fireplaces or fire features, or appliances for outdoor heating.

#### 106-4 Enforcement

- 1. 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.
- 2. The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and location of building permit applications for new and major renovation projects exceeding 50% of the original gross floor area of the principal dwelling; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers and the square footage of each project for which a waiver is granted.
- 3. The Select Board may adopt additional requirements, exemption, and regulations to implement or enforce said new fossil fuel infrastructure restrictions in major construction, consistent with this Chapter.

#### 106-5 Waivers

- A. The Building Commissioner may grant a waiver from the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:
  - a. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; or
  - b. <u>technological or other factors would make the project unsuitable for its intended purpose.</u>
- B. Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.
- C. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.
- D. <u>In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.</u>
- E. The Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within thirty (30) days in accordance with policies established by the Select Board.
- F. The Select Board shall, prior to the Effective Date issue, and may thereafter amend, guidance regarding the process for requesting and granting waivers, and describing reasonable conditions that may be placed on a waiver.

#### <u>106- 6 Appeals</u>

The Select Board, or its designee, shall hear appeals from decisions of the Building Commissioner under this Chapter.

#### 106-7. 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.

Attest: Waydellderete

Mary de Alderete, Town Clerk

# TOWN OF LEXINGTON WARRANT



# 2023 ANNUAL TOWN ELECTION

March 6, 2023

# 2023 ANNUAL TOWN MEETING

March 20, 2023

Detailed information on Town Meeting Warrant Articles can be found at <a href="https://lexingtonma.gov/2023atm">https://lexingtonma.gov/2023atm</a>

A true copy.

Attest: Waydealdowk

#### WARRANT

#### 2023 ANNUAL TOWN MEETING

# Detailed information on these Town Meeting Warrant Articles and other updated information can be found at

https://lexingtonma.gov/2023atm

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# Town of Lexington, Massachusetts Select Board

JILL I. HAI, CHAIR JOSEPH N. PATO SUZANNE E. BARRY DOUGLAS M. LUCENTE MARK D. SANDEEN

TEL: (781) 698-4580 FAX: (781) 863-9468

January 23, 2023

#### To the Residents of Lexington:

This warrant document provides notification of the 2023 Annual Town Meeting and advises residents of the various issues being considered at the meetings. Only Articles listed in this warrant may be discussed. The purpose of the Warrant is to inform citizens of the issues to be discussed and does not provide for detailed information about the Articles.

Articles for the Annual Town Meeting are grouped in three categories: Financial, General and Zoning. Descriptions are provided in an attempt to make the Warrant useful and understandable.

The most important votes that take place at the Annual Town Meeting are related to the budget. We urge citizens to read the budget, understand it, and help us find a way to foster excellence within the community. The Town website, <a href="https://lexingtonma.gov/2023atm">https://lexingtonma.gov/2023atm</a>, includes the most recent version of the FY2024 Budget and other financial Articles as well as other relevant information for each Article.

Between now and Town Meeting there will be multiple meetings to develop a comprehensive recommended budget for FY2024. That budget will be delivered to all Town Meeting Members prior to the consideration of any financial articles by Town Meeting.

**SELECT BOARD** 

Jill I. Hai, Chair Joseph N. Pato Suzanne E. Barry Douglas M. Lucente Mark D. Sandeen



DESCRIPTION: This article would permit the Select Board to accept easements for trails and utility infrastructure in order to allow these amenities to be built and conveyed to the Town as required in accordance with many land use permits, as opposed to requiring each such easement to be approved by Town Meeting.

#### ARTICLE 25 AMEND THE GENERAL BYLAWS - DEMOLITION DELAY

To see if the Town will vote to amend Chapter 19 of the General Bylaw of the Town of Lexington by changing the current demolition delay requirements for buildings listed as "historically significant", from twelve (12) months to twenty-one (21) months; or act in any manner in relation thereto.

(Inserted by the Select Board at the request of the Lexington Historical Commission)

DESCRIPTION: This article would amend Chapter 19 of the General Bylaws, commonly known as the Demolition Delay Bylaw for Historically Significant Buildings.

# ARTICLE 26 AMEND THE GENERAL BYLAWS - MUNICIPAL OPT-IN SPECIALIZED STRETCH ENERGY CODE

To see if the Town will vote to replace the existing Chapter 115 of the Code of the Town of Lexington entitled "Stretch Energy Code" with the "Specialized Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications, a copy of which is on file with the Town Clerk; or take any other action in relation thereto.

(Inserted by the Select Board at the request of the Sustainable Lexington Committee)

DESCRIPTION: The 2021 Massachusetts Climate Act required the development of a new Municipal Optin Specialized energy code (Specialized Code), in addition to updating the existing Stretch Code. The Stretch Code is an above-code appendix to the state's base building energy code, designed to result in cost-effective construction that is more energy-efficient than what is built under the base code. The Specialized Code includes additional requirements above and beyond the Stretch Code, designed to ensure that new construction and major renovations are consistent with a net-zero economy by 2050. This code is expected to help Massachusetts meet its goal of net-zero emissions by 2050.

# ARTICLE 27 AMEND FOSSIL FUEL BYLAW - COMPLIANCE WITH DOER REGULATIONS AND GUIDANCE

To see if the Town will vote to make further amendments to, or replace, the Town's Fossil Fuel Bylaw, adopted pursuant to Article 29 of the 2021 Spring Town Meeting (as previously amended), to be consistent with Chapter 179 of the Acts of 2022 authorizing a demonstration program for municipal regulation of fossil fuels in new construction, and the regulations or guidance adopted by the Massachusetts Department of Energy Resources in accordance with that legislation; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Sustainable Lexington Committee)

DESCRIPTION: The state's Climate Bill passed August 2022 includes authorization to implement a pilot project that authorizes ten communities to regulate fossil fuels in buildings if they have passed a Home Rule Petition (which Town Meeting passed in 2021). On December 23, 2022, the Department of Energy Resources issued draft regulations implementing these provisions in the Climate Bill. This Article is proposed to ensure the Town has an opportunity to make changes to the Bylaw as adopted in 2021, and amended in Fall 2022, as needed to align with the Department's regulations.



And you are directed to serve this warrant seven days at least before the time of said meeting as provided in the Bylaws of the Town.

Hereof fail not, and make due return on this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands at Lexington this 23rd day of January 2023.

Select Board

Syam C Sarry of

Lexington Lexington

A true copy, Attest:

Constable of Lexington

Town of Lexington, MA 02420

PRESORTED STANDARD

U.S. Postage PAID

Boston, MA Permit No. 3011

\*\*\*\*\*\*\*\*\*\*\*\*ECRWSSEDDM\*\*\*\*

Residential Customer LEXINGTON, MA

Detailed information on Town Meeting Warrant Articles can be found at <a href="https://lexingtonma.gov/2023atm">https://lexingtonma.gov/2023atm</a>

#### CONSTABLE'S RETURN OF SERVICE

February 15, 2023

I have served the foregoing warrant for the March 20, 2023 Annual Town Meeting by posting a printed copy thereof in the Town Office Building also by sending by mail, postage prepaid, a printed copy of such warrant addressed to each dwelling house and to each dwelling unit in multiple dwelling houses, apartment building, or other buildings in the Town, 7 days at least before the time of said Annual Town Meeting.

Attest:

Michael R. Barry

Constable of Lexington

A true copy.

ttest: Waydelldrete

Mary de Alderete, Town Cler

# HOUSE . . . . . . . . . . . . No. 3893

### The Commonwealth of Massachusetts

PRESENTED BY:

#### Michelle L. Ciccolo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Lexington to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

#### PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michelle L. Ciccolo	15th Middlesex	5/5/2021
Cindy F. Friedman	Fourth Middlesex	5/26/2021

# **HOUSE**

. No. 3893

By Ms. Ciccolo of Lexington, a petition (accompanied by bill, House, No. 3893) of Michelle L. Ciccolo and Cindy F. Friedman (by vote of the town) that the town of Lexington be authorized to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. Municipalities and Regional Government. [Local Approval Received.]

#### The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act authorizing the town of Lexington to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Notwithstanding chapter 40A, section 13 of chapter 142, and chapter 164 of
- 2 the General Laws, the State Building Code, the Fuel and Gas Code, or any other general or
- 3 special law or regulation to the contrary, the Town of Lexington is hereby authorized to adopt
- 4 and further amend general or zoning bylaws that restrict new building construction or major
- 5 renovation projects that do not qualify as fossil fuel-free.
- 6 SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other
- 7 general or special law or regulation to the contrary, the Building Commissioner of the town of
- 8 Lexington, or their designee, shall be authorized to enforce restrictions on new building
- 9 construction and major renovation projects that do not qualify as fossil fuel-free, including
- through the withholding or conditioning of building permits.

11	SECTION 3. As used in this act, the term "fossil fuel-free" shall mean new building
12	construction or major renovation that results in an entire building or an entire condominium unit
13	that does not utilize coal, oil, natural gas other fuel hydrocarbons (including synthetic
14	equivalents), or other fossil fuels in support of its operation after construction.
15	SECTION 4. This act shall take effect upon its passage. Any bylaw previously approved
16	by the Lexington Town Meeting consistent with Sections 1 through 3 of this Act, including,
17	without limitation Chapter 106 of the Code of the Town of Lexington as enacted by the 2021
18	Lexington Town Meeting, is hereby ratified.
19	SECTION 5. If any provision or section of this act is invalidated, the remainder shall
20	survive in full force and effect. And further, that the Code of the Town of Lexington be
21	amended by adding a new Chapter 106, "Regulating Fossil Fuel Infrastructure in Buildings", as
22	follows:
23	REGULATING FOSSIL FUEL INFRASTRUCTURE IN BUILDINGS
24	Section 1. Purpose
25	This Bylaw is adopted by the Town of Lexington to protect health, safety, and the natural
26	environment and reduce air pollution and greenhouse gas emissions, which causes climate

#### Section 2. Definitions

change, thereby threatening the Town and its inhabitants.

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"Effective Date" shall mean December 1, 2022, or six months following the date by which the Town is authorized by the Massachusetts General Court to regulate fossil fuel infrastructure, whichever is later.

"New Building" shall mean a new building or new accessory building, as defined in the	e
Lexington Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, associated with	a
building permit application filed on or after the Effective Date.	

"On-Site Fossil Fuel Infrastructure" shall mean piping for fuel gas, fuel oil, or other fuel hydrocarbons, including synthetic equivalents, 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.

"Major Renovation" shall mean a project associated with a valid building permit application filed on or after the Effective Date of this article that:

for existing structures regulated by the current edition of the International Residential Code as amended by 780 CMR 51: Massachusetts Residential Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 75% of the Gross Floor Area of the principal dwelling, as defined in the Lexington Zoning Bylaw, prior to the project; and

for existing structures regulated by the current edition of the International Building Code as amended by 780 CMR 34: Massachusetts Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area, not including any added space, is more than 50% of the building floor area prior to the project, as defined by the Massachusetts Building Code.

"Work Area" shall mean the portions of a building affected by renovations for the reconfiguration of space or building systems, as shown in the drawings included with a building permit application. Areas consisting of only repairs, refinishing, or incidental work not

associated with the renovations or reconfiguration for which a building permit is required are excluded from the Work Area.

#### Section 3. Applicability

- This Chapter shall apply to all building permit applications for New Buildings and Major Renovations proposed to be located in whole or in part within the Town, except that this Chapter shall not apply to:
  - A. utility service piping connecting the grid to a meter, or to a gas meter itself;
- B. piping required to:
- i. fuel backup electrical generators, indoor or outdoor cooking appliances, indoor or outdoor fireplaces or fire features, or appliances for outdoor heating; or
- ii. produce potable or domestic hot water from centralized hot water systems in commercial buildings with building floor areas of at least 10,000 square feet, provided that the Engineer of Record certifies that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation or operational costs, compared to a conventional fossil fuel hot water system;
- C. the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, provided new fossil fuel piping is not installed;
- D. life science buildings, research laboratories for scientific or medical research or medical offices regulated by the Massachusetts Department of Public Health as a healthcare facility; or

75 E. repairs of any existing portions of a fuel piping system deemed unsafe or 76 dangerous by the Plumbing and Gas Fitting Inspector.

#### Section 4. Enforcement

- A. On and after the Effective Date, no building permit shall be issued by the Town for the construction of New Buildings or Major Renovations that include the installation of new On-Site Fossil Fuel Infrastructure subject to this Chapter.
  - B. The Town Manager, or their designee, shall publish and present an annual report to the Select Board quantifying the number and location of building permit applications for new and major renovation projects exceeding 50% of the original gross floor area of the principal dwelling; the number of new and major renovation projects requesting a waiver from this Chapter, the disposition of those waivers, the reasons for granting or denying those waivers and the square footage of each project for which a waiver is granted.
  - C. The Select Board may adopt additional requirements, exemption, and regulations to implement or enforce said new fossil fuel infrastructure restrictions in major construction, consistent with this Chapter.

#### Section 5. Waivers

A. The Building Commissioner may grant a waiver from the requirements of this Chapter in the event that compliance with the provisions of this Chapter makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible if, without limitation:

- 95 i. as a result of factors beyond the control of the proponent, the additional cost of 96 the project over the long term, including any available subsidies, would make the project 97 commercially unviable; or
- 98 ii. technological or other factors would make the project unsuitable for its intended 99 purpose.

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- B. Waivers from compliance with this Chapter may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Chapter, rather than entire projects.
- C. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans.
- D. In considering a request for a waiver, the Building Commissioner may consider as a factor the requesting party's status as a non-profit or government-sponsored affordable housing entity.
- E. The Building Commissioner's decision with respect to the granting of a waiver, the scope thereof, and any conditions imposed by a waiver, shall be appealable to the Select Board, or its designee, within thirty (30) days in accordance with policies established by the Select Board.

F. The Select Board shall, prior to the Effective Date issue, and may thereafter amend, guidance regarding the process for requesting and granting waivers, and describing reasonable conditions that may be placed on a waiver.

Section 6. Appeals

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The Select Board, or its designee, shall hear appeals from decisions of the Building Commissioner under this Chapter.

#### Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory (SHI) as of December 21, 2020\*

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	2010 Census Year	Total		
	Round Housing	Development		
Community	Units	Units	SHI Units	%
Abington	6,364	662	629	9.9%
Acton	8,475	1,440	894	10.5%
Acushnet	4,097	125	95	2.3%
Adams	4,337	324	324	7.5%
Agawam	12,090	618	618	5.1%
Alford	231	0	0	0.0%
Amesbury	7,041	787	706	10.0%
Amherst	9,621	1,262	1,215	12.6%
Andover	12,324	2,195	1,657	13.4%
Aquinnah	158	33	33	20.9%
Arlington	19,881	1,445	1,129	5.7%
Ashburnham	2,272	144	29	1.3%
Ashby	1,150	0	0	0.0%
Ashfield	793	2	2	0.3%
Ashland	6,581	936	415	6.3%
Athol	5,148	284	284	5.5%
Attleboro	17,978	1,169	1,169	6.5%
Auburn	6,808	251	251	3.7%
Avon	1,763	75	75	4.3%
Ayer	3,440	409	254	7.4%
Barnstable	20,550	1,818	1,487	7.2%
Barre	2,164	83	83	3.8%
Becket	838	0	0	0.0%
Bedford	5,322	1,243	987	18.5%
Belchertown	5,771	416	390	6.8%
Bellingham	6,341	983	801	12.6%
Belmont	10,117	673	661	6.5%
Berkley	2,169	158	40	1.8%
Berlin	1,183	308	201	17.0%
Bernardston	930	22	22	2.4%
Beverly	16,522	2,489	1,954	11.8%
Billerica	14,442	1,979	1,664	11.5%
Blackstone	3,606	165	123	3.4%
Blandford	516	0	0	0.0%
Bolton	1,729	180	69	4.0%
Boston	269,482	58,609	55,509	20.6%
Bourne	8,584	1,129	591	6.9%

Boxborough	2,062	323	266	12.9%
Boxford	2,730	80	39	1.4%
Boylston	1,765	30	30	1.7%
Braintree	14,260	1,670	1,373	9.6%
Brewster	4,803	368	268	5.6%
Bridgewater	8,288	1,216	948	11.4%
Brimfield	1,491	59	59	4.0%
Brockton	35,514	4,604	4,604	13.0%
Brookfield	1,452	13	13	0.9%
Brookline	26,201	3,525	2,674	10.2%
Buckland	866	3	3	0.3%
Burlington	9,627	1,858	1,302	13.5%
Cambridge	46,690	7,089	6,898	14.8%
Canton	8,710	1,237	1,099	12.6%
Carlisle	1,740	65	59	3.4%
Carver	4,514	142	142	3.1%
Charlemont	615	3	3	0.5%
Charlton	4,774	83	83	1.7%
Chatham	3,460	182	176	5.1%
Chelmsford	13,741	1,903	1,349	9.8%
Chelsea	12,592	2,419	2,414	19.2%
Cheshire	1,481	0	0	0.0%
Chester	585	3	3	0.5%
Chesterfield	524	14	14	2.7%
Chicopee	25,074	2,662	2,623	10.5%
Chilmark	418	0	0	0.0%
Clarksburg	706	9	9	1.3%
Clinton	6,375	547	547	8.6%
Cohasset	2,898	321	307	10.6%
Colrain	731	0	0	0.0%
Concord	6,852	926	721	10.5%
Conway	803	0	0	0.0%
Cummington	426	14	14	3.3%
Dalton	2,860	159	159	5.6%
Danvers	11,071	1,556	1,140	10.3%
Dartmouth	11,775	1,037	1,007	8.6%
Dedham	10,115	1,166	1,121	11.1%
Deerfield	2,154	33	33	1.5%
Dennis	7,653	422	390	5.1%
Dighton	2,568	427	151	5.9%
Douglas	3,147	140	140	4.4%
Douglas	1,950	69	18	0.9%
Dracut	11,318	866	590	5.2%
Dudley	4,360	104	104	2.4%
Dunstable	1,085	0	0	0.0%
Duxbury	5,532	509	432	7.8%
East Bridgewater	4,897	230	176	3.6%

East Brookfield	888	0	0	0.0%
East Longmeadow	6,072	532	464	7.6%
Eastham	2,632	128	119	4.5%
Easthampton	7,567	1,036	537	7.1%
Easton	8,105	1,035	834	10.3%
Edgartown	1,962	78	73	3.7%
Egremont	596	0	0	0.0%
Erving	778	0	0	0.0%
Essex	1,477	40	40	2.7%
Everett	16,691	875	875	5.2%
Fairhaven	7,003	495	495	7.1%
Fall River	42,650	4,631	4,535	10.6%
Falmouth	14,870	1,380	1,070	7.2%
Fitchburg	17,058	1,775	1,581	9.3%
Florida	335	0	0	0.0%
Foxborough	6,853	930	878	12.8%
Framingham	27,443	3,483	2,963	10.8%
Franklin	11,350	1,819	1,357	12.0%
Freetown	3,263	104	86	2.6%
Gardner	9,064	1,361	1,361	15.0%
Georgetown	3,031	352	352	11.6%
Gill	591	24	24	4.1%
Gloucester	13,270	1,043	1,008	7.6%
Goshen	440	0	0	0.0%
Gosnold	41	0	0	0.0%
Grafton	7,160	740	381	5.3%
Granby	2,451	79	79	3.2%
Granville	630	0	0	0.0%
Great Barrington	3,072	378	243	7.9%
Greenfield	8,325	1,301	1,284	15.4%
Groton	3,930	410	224	5.7%
Groveland	2,423	145	88	3.6%
Hadley	2,200	275	275	12.5%
Halifax	2,971	36	36	1.2%
Hamilton	2,783	126	86	3.1%
Hampden	1,941	60	60	3.1%
Hancock	326	0	0	0.0%
Hanover	4,832	568	568	11.8%
Hanson	3,572	270	160	4.5%
Hardwick	1,185	3	2	0.2%
Harvard	1,982	263	114	5.8%
Harwich	6,121	333	333	5.4%
Hatfield	1,549	47	47	3.0%
Haverhill	25,557	2,959	2,744	10.7%
Hawley	137	0	0	0.0%
Heath	334	0	0	0.0%
Hingham	8,841	2,799	1,008	11.4%

Hinsdale	918	0	0	0.0%
Holbrook	4,262	436	436	10.2%
Holden	6,624	514	406	6.1%
Holland	1,051	4	4	0.4%
Holliston	5,077	515	245	4.8%
Holyoke	16,320	3,189	3,189	19.5%
Hopedale	2,278	115	115	5.0%
Hopkinton	5,087	843	725	14.3%
Hubbardston	1,627	49	49	3.0%
Hudson	7,962	1,059	901	11.3%
Hull	4,964	83	83	1.7%
Huntington	919	32	32	3.5%
Ipswich	5,735	608	527	9.2%
Kingston	4,881	359	204	4.2%
Lakeville	3,852	433	250	6.5%
Lancaster	2,544	374	250	9.8%
Lanesborough	1,365	28	28	2.1%
Lawrence	27,092	4,037	4,017	14.8%
Lee	2,702	176	176	6.5%
Leicester	4,231	176	176	4.2%
Lenox	2,473	178	172	7.0%
Leominster	17,805	1,406	1,369	7.7%
Leverett	792	2	2	0.3%
Lexington	11,946	1,565	1,334	11.2%
Leyden	300	0	0	0.0%
Lincoln	2,153	370	298	14.0%
Littleton	3,443	653	456	13.2%
Longmeadow	5,874	276	276	4.7%
Lowell	41,308	5,189	5,119	12.4%
Ludlow	8,337	292	292	3.5%
Lunenburg	4,037	315	315	7.8%
Lynn	35,701	4,307	4,307	12.1%
Lynnfield	4,319	632	494	11.4%
Malden	25,122	2,765	2,562	10.2%
Manchester	2,275	137	115	5.1%
Mansfield	8,725	1,118	953	10.9%
Marblehead	8,528	399	333	3.9%
Marion	2,014	204	162	8.0%
Marlborough	16,347	1,944	1,848	11.3%
Marshfield	9,852	1,024	821	8.3%
Mashpee	6,473	369	343	5.3%
Mattapoisett	2,626	68	68	2.6%
Maynard	4,430	595	419	9.5%
Medfield	4,220	474	406	9.6%
Medford	23,968	2,847	1,719	7.2%
Medway	4,603	830	529	11.5%
Melrose	11,714	1,463	934	8.0%

Mendon	2,072	77	40	1.9%
Merrimac	2,527	402	146	5.8%
Methuen	18,268	2,162	1,708	9.3%
Middleborough	8,921	979	799	9.0%
Middlefield	230	2	2	0.9%
Middleton	3,011	258	156	5.2%
Milford	11,379	1,483	701	6.2%
Millbury	5,592	244	221	4.0%
Millis	3,148	185	122	3.9%
Millville	1,157	26	26	2.2%
Milton	9,641	765	477	4.9%
Monroe	64	0	0	0.0%
Monson	3,406	120	120	3.5%
Montague	3,926	407	375	9.6%
Monterey	465	0	0	0.0%
Montgomery	337	0	0	0.0%
Mount Washington	80	0	0	0.0%
Nahant	1,612	48	48	3.0%
Nantucket	4,896	509	199	4.1%
Natick	14,052	1,856	1,477	10.5%
Needham	11,047	1,605	1,410	12.8%
New Ashford	104	0	0	0.0%
New Bedford	42,816	5,132	5,095	11.9%
New Braintree	386	0	0	0.0%
New Marlborough	692	0	0	0.0%
New Salem	433	0	0	0.0%
Newbury	2,699	94	94	3.5%
Newburyport	8,015	667	551	6.9%
Newton	32,346	2,745	2,509	7.8%
Norfolk	3,112	521	187	6.0%
North Adams	6,681	866	866	13.0%
North Andover	10,902	1,398	950	8.7%
North Attleborough	11,553	366	354	3.1%
North Brookfield	2,014	142	142	7.1%
North Reading	5,597	650	538	9.6%
Northampton	12,604	1,506	1,441	11.4%
Northborough	5,297	715	606	11.4%
Northbridge	6,144	483	468	7.6%
Northfield	1,290	27	27	2.1%
Norton	6,707	916	596	8.9%
Norwell	3,652	461	180	4.9%
Norwood	12,441	1,241	1,229	9.9%
Oak Bluffs	2,138	129	117	5.5%
Oakham	702	0	0	0.0%
Orange	3,461	410	410	11.8%
Orleans	3,290	326	296	9.0%
Otis	763	0	0	0.0%

Oxford	5,520	404	404	7.3%
Palmer	5,495	307	266	4.8%
Paxton	1,590	66	66	4.2%
Peabody	22,135	2,761	2,122	9.6%
Pelham	564	3	3	0.5%
Pembroke	6,477	773	618	9.5%
Pepperell	4,335	197	130	3.0%
Peru	354	0	0	0.0%
Petersham	525	0	0	0.0%
Phillipston	658	5	5	0.8%
Pittsfield	21,031	2,004	1,883	9.0%
Plainfield	283	0	0	0.0%
Plainville	3,459	624	577	16.7%
Plymouth	22,285	1,229	1,006	4.5%
Plympton	1,039	67	55	5.3%
Princeton	1,324	26	26	2.0%
Provincetown	2,122	254	206	9.7%
Quincy	42,547	4,212	4,201	9.9%
Randolph	11,980	1,294	1,294	10.8%
Raynham	5,052	604	487	9.6%
Reading	9,584	1,563	1,004	10.5%
Rehoboth	4,252	99	27	0.6%
Revere	21,956	1,735	1,725	7.9%
Richmond	706	4	4	0.6%
Rochester	1,865	8	8	0.4%
Rockland	7,030	648	453	6.4%
Rockport	3,460	135	135	3.9%
Rowe	177	0	0	0.0%
Rowley	2,226	179	94	4.2%
Royalston	523	3	3	0.6%
Russell	687	2	2	0.3%
Rutland	2,913	86	86	3.0%
Salem	18,998	2,431	2,391	12.6%
Salisbury	3,842	807	395	10.3%
Sandisfield	401	0	0	0.0%
Sandwich	8,183	461	314	3.8%
		784	756	7.0%
Saugus	10,754 318	0	736	0.0%
Savoy Scituate		482	358	5.0%
Seekonk	7,163	114	87	1.7%
	5,272	936	678	
Sharon	6,413			10.6%
Sheffield	1,507	30	30	2.0%
Shelburne	893	46	46	5.2%
Sherborn	1,479	41	34	2.3%
Shirley	2,417	106	106	4.4%
Shrewsbury	13,919	1,226	891	6.4%
Shutesbury	758	4	4	0.5%

Somerset	7,335	269	269	3.7%
Somerville	33,632	3,261	3,250	9.7%
South Hadley	7,091	424	424	6.0%
Southampton	2,310	44	44	1.9%
Southborough	3,433	809	294	8.6%
Southbridge	7,517	384	384	5.1%
Southwick	3,852	131	131	3.4%
Spencer	5,137	312	311	6.1%
Springfield	61,556	10,307	10,041	16.3%
Sterling	2,918	285	72	2.5%
Stockbridge	1,051	113	113	10.8%
Stoneham	9,399	504	498	5.3%
Stoughton	10,742	1,500	1,284	12.0%
Stow	2,500	393	179	7.2%
Sturbridge	3,759	357	209	5.6%
Sudbury	5,921	888	669	11.3%
Sunderland	1,718	183	183	10.7%
Sutton	3,324	176	55	1.7%
Swampscott	5,795	256	212	3.7%
Swansea	6,290	275	243	3.9%
Taunton	23,844	1,874	1,683	7.1%
Templeton	3,014	511	233	7.7%
Tewksbury	10,803	1,379	1,062	9.8%
Tisbury	1,965	147	107	5.4%
Tolland	222	0	0	0.0%
Topsfield	2,157	205	187	8.7%
Townsend	3,356	184	145	4.3%
Truro	1,090	25	25	2.3%
Tyngsborough	4,166	847	469	11.3%
Tyringham	149	0	0	0.0%
Upton	2,820	190	145	5.1%
Uxbridge	5,284	427	257	4.9%
Wakefield	10,459	1,394	703	6.7%
Wales	772	25	25	3.2%
Walpole	8,984	661	649	7.2%
Waltham	24,805	2,709	1,819	7.3%
Ware	4,539	363	363	8.0%
Wareham	9,880	875	745	7.5%
Warren	2,202	76	76	3.5%
Warwick	363	0	0	0.0%
Washington	235	0	0	0.0%
Watertown	15,521	2,770	1,212	7.8%
Wayland	4,957	460	330	6.7%
Webster	7,788	707	707	9.1%
Wellesley	9,090	1,160	1,044	11.5%
Wellfleet	1,550	38	38	2.5%
Wendell	419	5	5	1.2%

Wenham	1,404	196	128	9.1%
West Boylston	2,729	413	223	8.2%
West Bridgewater	2,658	175	121	4.6%
West Brookfield	1,578	67	67	4.2%
West Newbury	1,558	150	43	2.8%
West Springfield	12,629	426	426	3.4%
West Stockbridge	645	0	0	0.0%
West Tisbury	1,253	26	11	0.9%
Westborough	7,304	1,253	960	13.1%
Westfield	16,001	1,173	1,170	7.3%
Westford	7,671	1,487	1,057	13.8%
Westhampton	635	17	17	2.7%
Westminster	2,826	138	87	3.1%
Weston	3,952	467	331	8.4%
Westport	6,417	480	290	4.5%
Westwood	5,389	922	598	11.1%
Weymouth	23,337	1,903	1,628	7.0%
Whately	654	4	4	0.6%
Whitman	5,513	208	208	3.8%
Wilbraham	5,442	306	305	5.6%
Williamsburg	1,165	55	55	4.7%
Williamstown	2,805	261	213	7.6%
Wilmington	7,788	1,059	766	9.8%
Winchendon	4,088	326	326	8.0%
Winchester	7,920	439	296	3.7%
Windsor	387	0	0	0.0%
Winthrop	8,253	638	638	7.7%
Woburn	16,237	2,121	1,706	10.5%
Worcester	74,383	10,023	10,017	13.5%
Worthington	553	22	22	4.0%
Wrentham	3,821	597	431	11.3%
Yarmouth	12,037	786	599	5.0%
Totals	2,692,186	315,591	273,004	10.1%

<sup>\*</sup>This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire. Community percentages will be based upon 2020 Census data upon the release of such data by the U.S. Census Bureau.