



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Commissioner

December 22, 2023

Via Electronic Mail

James R. Feeney
Town Manager
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
jfeeney@town.arlington.ma.us

Dear James R. Feeney,

The Department of Energy Resources (Department) is contacting you in regard to Arlington's application to become a Participating Community in the Department's Municipal Fossil Fuel Free Building Construction and Renovation Demonstration Project (Demonstration Project) as authorized by St. 2022, c. 179, § 84 (Act).

The Department has reviewed Arlington's application and determined that it contains the required application materials listed in 225 CMR 24.04(1). The Department has also determined that Arlington has not yet met the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). Pursuant to 225 CMR 24.04(3)(b), the Department conditionally approves Arlington's participation in the Department's Demonstration Project.

Pursuant to the Act and 225 CMR 24.05(2), Arlington has until February 11, 2024 to meet the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2). If Arlington achieves these thresholds by this date, it will be issued an acceptance letter granting it Participating Community status and will be fully permitted to participate in the Department's Demonstration Project. If

Arlington does not meet the Housing Eligibility Thresholds by this date, Arlington's conditional approval will be revoked and Arlington's application will be denied.


The Department notes that Arlington's final by-law contains a definition of major renovation that differs from the one contained in the Department's Model Rule. Specifically, the by-law's definition of major renovations does not include additions and changes of use. While the Department views such exemptions as within the discretion the Act affords communities to define "fossil fuel-free," the Department is concerned that exempting these types of renovations from the requirement to be fossil fuel-free will provide an incomplete picture of the impact of banning the use of fossil fuels in major renovations. The Department recommends that Arlington consider revising its definition of major renovation to encompass additions and changes of use.

The Department additionally notes that while the Act grants municipalities the discretion to adopt exemptions and define the exemption and waiver process within their fossil fuel-free by-law or ordinance, such exemptions and waivers must not conflict with 225 CMR 24.00 or the applicable provision of the building energy code in the adopting municipality, including (if applicable) the stretch energy code and specialized energy code contained in 225 CMR 22.00 and 23.00. The Department would be happy to clarify any questions regarding this.

The Department will be in contact in the coming weeks regarding the collecting and reporting of data to the Department detailed in 225 CMR 24.07(2).

If you have any questions regarding this determination, please contact Joanne Bissetta at joanne.bissetta@mass.gov.

Sincerely,

A handwritten signature in black ink that reads "Joanne Bissetta". The signature is written in a cursive, flowing style.

Joanne Bissetta
Director, Green Communities Division