



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., 9th FLOOR
BOSTON, MA 02114
Telephone: 617-626-7300

Maura T. Healey
Governor

Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Elizabeth Mahony
Commissioner

February 21, 2024

Via Electronic Mail

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

Dear Town Manager 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).

On August 30, 2023, Arlington submitted its application to participate in the Department's Demonstration Project. On December 22, 2023, the Department issued a letter to Arlington conditionally approving its application for participation in the Demonstration Project. The letter stated that pursuant to the Act and 225 CMR 24.05(2), Arlington had until February 11, 2024 to meet one of the Housing Eligibility Thresholds detailed in 225 CMR 24.05(2)¹.

On February 12, 2024, the Executive Office of Housing and Livable Communities (EOHLC) issued a determination of district compliance to Arlington pursuant to its guidelines implementing G.L. c. 40A, § 3A. The determination indicated that the multi-family zoning

¹ As the statutory deadline of February 11, 2024 fell on a Sunday, the Department interprets this deadline as the next business day: Monday, February 12, 2024.

districts adopted at Arlington's 2023 fall Town Meeting complies with the requirements of G.L. c. 40A, § 3A and EOHLC's Compliance Guideline for Multi-Family Zoning Districts. Pursuant to 225 CMR 24.05(2)(c), such a determination is evidence of compliance with the Housing Eligibility Threshold detailed in 225 CMR 24.05(2)(c). As such, the Department has determined that Arlington has met the Housing Eligibility Threshold detailed in 225 CMR 24.05(2)(c) by the statutory deadline and therefore satisfied the requirements of the Act and 225 CMR 24.05(2).

Accordingly, the Department hereby approves Arlington's application to become a Participating Community in the Department's Demonstration Project. In accordance with the effective date contained in Arlington's fossil fuel-free by-law, Arlington may now proceed with the implementation of their fossil fuel-free by-law.

The Department notes that EOHLC's determination of district compliance was conditioned upon a number of requirements, including the cure of a procedural flaw in the approval of the multi-family zoning districts. The Department expects Arlington to comply with these requirements and to inform the Department of any changes to the multi-family zoning districts that were the subject of EOHLC's February 12, 2024 determination of district compliance. The Department reserves its right to revisit this determination if there are changes to these multi-family zoning districts or EOHLC's determination of district compliance.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Bissetta", with a stylized, cursive script.

Joanne Bissetta
Director, Green Communities Division