



TOWN OF LINCOLN MASSACHUSETTS

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July 27, 2022

To the Department of Energy Resources:

On behalf of the Lincoln Select Board, Planning Board, and Green Energy Committee, we write to provide comments on the so-called "specialized opt-in code" proposed by the Department of Energy Resources ("DOER") on June 24, 2022. In short, we are disappointed by DOER's failure to provide a true net zero opt-in stretch code as mandated by the 2021 Climate Act and we urge changes in the final rule, as outlined below.

Authority and basis for these comments

The Lincoln Select Board is charged with the general direction and management of the affairs and property of the town. The Select Board members appoint, among other positions, the members of the Lincoln Green Energy Committee ("GEC"). The GEC serves as the Town of Lincoln's primary resource to identify and promote ways to reduce Lincoln's emissions of greenhouse gases. The Lincoln Planning Board is charged with looking forward to coming challenges and promoting actions and programs that position Lincoln to respond effectively. These comments have been developed by the GEC and were endorsed by a vote of the Select Board on July 18, 2022, and by a vote of the Planning Board on July 26, 2022.

In doing so, our boards rely in part on the discussion and vote on a related motion at the March 26, 2022, Annual Town Meeting. Those present voted overwhelmingly in favor of a motion submitted via citizen petition and strongly supported by the GEC, to authorize the Select Board to file a home rule petition requesting authority for the Town to regulate reliance on fossil fuels in new construction and/or major renovation projects in Lincoln, for the purposes of reducing greenhouse gas emissions and encouraging renewable energy production and use. The regulatory authority requested explicitly included the ability to require that a new building or major renovation not rely on fossil fuels to support its operation, including for heating or cooking, except to fuel backup electrical generators and other exceptions that the Town may choose to include in its bylaws. Lincoln filed the home rule petition as authorized by the above vote; that request is still pending.

The arguments made by the GEC in advocating for the motion at the Town Meeting included a desire to send a strong signal to DOER that the final net zero stretch code should - unlike what DOER outlined in February - authorize towns to prohibit gas hookups. We understand that Lincoln's action was pointed out to DOER by our State Senator Michael Barrett, along with similar actions by Acton, Arlington, Brookline, Concord, and Lexington, which have already approved a home rule petition and a fossil fuel bylaw at their town meetings. Unfortunately, however, the June 24 DOER proposal still does not do so.

DOER should promulgate a true net-zero opt-in building code

The 2021 Climate Act directed DOER to promulgate by December 24, 2022, an opt-in stretch code that would define “net zero building”. Towns could choose to adopt this opt-in code, which then would require that new buildings meet that definition. The June 24 DOER proposal defines “net zero building” in a counterintuitive way - among other things, it would allow a new building to be heated by burning natural gas onsite, so long as it was pre-wired to facilitate conversion to all-electric heat pumps sometime later. DOER attempts to justify this by arguing this would be consistent with the goal, stated in the 2021 Climate Act, of reaching net zero emissions statewide by 2050. However, it seems clear that when the 2021 Climate Act mandated a “net zero” opt-in stretch code, it expected each building constructed pursuant to such a code to be “net zero” when built, not optionally at some undefined date in the future. On the whole, the code fails to accelerate the construction of energy efficient, all-electric buildings powered by renewable and clean energy. Instead, the code requires buildings be pre-wired for electrification and makes renewable energy optional.


There is scientific consensus that we need to act fast to avoid the worst effects of climate change. In Massachusetts that will have to include getting building heating systems off gas and onto electric heat pumps, while also getting our electricity generating sector off of fossil fuels. We may as well start this necessary huge transition by the relatively easy step of making new buildings all-electric. Continuing to allow new gas hookups will encourage additional long-lived capital investments, slowing the transition and making it financially unattractive.

We therefore strongly urge DOER to promulgate a true net-zero opt-in stretch code that would require a building to function on a “net zero” basis when built. One clear pathway to “net zero” would be to not allow fossil fuel combustion for heating or cooking and to rely instead on the all-electric technology whose effectiveness and reliability has been well-demonstrated. Lincoln should have the opportunity to adopt such an opt-in net zero stretch code through its Town Meeting process.

Respectfully,



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Chair, Lincoln Select Board



Bob Domnitz
Chair, Lincoln Planning Board



Paul Shorb
Chair, Lincoln Green Energy Committee