

SECTION 9. Notwithstanding any general or special law to the contrary, a gas company shall offer a program of alternatives to the gas company’s distribution of natural gas, as annually approved by the Brookline Zero Emissions Advisory Board, to all gas customers in the Town of Brookline. Such program shall include, but need not be limited to:

- i. Gas energy efficiency programs;
- ii. The sale or lease, installation and servicing of ground source or air source heat pumps and other electric heating or cooling devices;
- iii. The sale or lease, installation, and servicing of electric appliances to displace or supplement gas appliances, including but not limited to hot water heaters, dryers and ranges; and
- iv. The sale or lease, installation, and servicing of renewable energy storage and generation equipment.

SECTION 10. Notwithstanding any general or special law to the contrary, the gas company shall offer on-bill financing for the non-pipeline alternatives provided for in section 9 of this Act; and may also be allowed, in addition, to ratebase all or portions of these investments where they serve to accelerate electrification.

SECTION 11. Notwithstanding any general or special law to the contrary, a gas company may, subject to all applicable local by-laws and regulations, engage in renewable energy generation and storage thereof in the Town of Brookline.

SECTION 12. As used in this act, the term “gas company” shall have the same meaning as defined in Section 1 of Chapter 164.

ARTICLE 27

Submitted by: Zero Emissions Advisory Board, Chair Jesse Gray, TMM10

To see if the Town will adopt the following new zoning by-law, to be numbered appropriately, , subject to such modifications or conditions as shall be specified from time to time by votes of Town Meeting:

§4.15 – Use of New On-Site Fossil Fuel Infrastructure Prohibited

1. Purpose

This Article is adopted by the Town of Brookline, to protect the health and welfare of the inhabitants of the Town from air pollution, including greenhouse gas emissions that cause climate change and thereby threaten the Town and its inhabitants.

2. Definitions

As used in this Article, the following terms shall have the following meanings:

“New Building” is defined as a building not in existence on the date of an application for a building permit that is subject to this Article.

“On-Site Fossil Fuel Infrastructure” is defined as fossil fuel piping that is in a building, in connection with a building, or otherwise within the property lines of premises, including piping that extends from a supply source; provided, however, that “On-Site Fossil Fuel Infrastructure” shall not include:

- a. Fuel gas piping connecting a supply source to a meter or to the meter itself; or
- b. Fossil fuel piping related to backup electrical generators or portable propane appliances for outdoor cooking and heating.

“Significant Rehabilitation” is defined as an alteration, requiring a building permit, to a building in existence on the date of an application for a building permit that is subject to this Article, and that:

- a. For existing buildings regulated by the 9th Edition of the Massachusetts State Building Code 780 CMR 51.00, the Massachusetts Residential Code, includes the reconfiguration of space or building systems, in which the Work Area is more than 50% of the gross floor area as defined in the Zoning By-Law, prior to the project; or
- b. For existing buildings regulated by the 9th Edition of the Massachusetts State Building Code 780 CMR 34.00, the Massachusetts State Basic Commercial Code, includes the reconfiguration of space and/or building systems, in which the Work Area is more than 50% of the gross floor area, as defined by the Massachusetts Building Code, prior to the project.

“Work Area” is defined as the aggregate area of those portions of a building affected by alterations for the reconfiguration of space or building systems, including new floor area added as a result of the alteration, as indicated in the drawings associated with a building permit application. Excluded from the calculation of Work Area are those portions of a building where only repairs, refinishing or incidental work occur or where work not initially intended by the applicant is specifically required by the applicable Building Code.

3. Applicability

The requirements of this Article shall apply to all building permit applications for New Buildings or Significant Rehabilitations proposed to be located in whole or in part within the Town, except as follows:

- a. The requirements of this Article shall not apply to the extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping if fossil fuel piping is not installed.
- b. The requirements of this Article shall not apply to research laboratories for scientific or medical research, or to hospitals or medical offices regulated by the department of public health as a health care facility.

- c. The requirements of this Article shall not apply to repairs or replacement of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

4. Use of New On-Site Fossil Fuel Infrastructure Prohibited

Except as otherwise provided in this Article, no building permit shall issue for a New Building or Significant Rehabilitation unless the proposal does not involve the installation of any new On-Site Fossil Fuel Infrastructure.

5. Waivers

A waiver of the prohibition stated in this Article may be granted by a special permit issued by the Board of Appeals, upon a finding that:

- a. If supported by a detailed cost comparison provided by the applicant, that strict compliance with the requirements of this Article would be financially infeasible, including after utilizing available rebates and credits, or otherwise impractical to implement; or
- b. That strict compliance with the requirements of this Article would result in the loss of new affordable housing units eligible for inclusion in the Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory.

In considering any waiver request, the Board of Appeals shall evaluate whether particular portions of a project are financially infeasible or impractical to implement, or would result in the loss of new affordable housing units, and the Board of Appeals shall issue waivers narrowly for those portions, where appropriate, rather than for an entire project.

6. Rules, Regulations, and Guidelines

The Planning Board shall adopt, and may in its discretion thereafter amend, guidelines for procedures and waivers that will provide for the uniform and equitable application of this section. The Board of Appeals may consider such guidelines in making special permit decisions subject to this section.

Or act on anything relative thereto.

ARTICLE 28

Submitted by: Zero Emissions Advisory Board, Chair Jesse Gray, TMM10

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, to fund greenhouse gas emissions reductions in the Town of Brookline, subject to such modifications or