



Public Facilities Committee Report

City of Newton In City Council

Wednesday, July 14, 2021

Present: Councilors Norton (Vice-Chair), Laredo, Kelley, Danberg, Kalis, and Crossley

Absent: Councilors Leary and Gentile

Also Present: Councilors Bowman and Downs

City Staff Present: City Engineer Lou Taverna and Co-director of Sustainability Ann Berwick

Chair's Note: *Public Facilities met jointly with Programs & Services on the following item.*

Referred to Public Facilities and Programs & Services Committee

#249-21 Update on the NewCAL project

HER HONOR THE MAYOR requesting the opportunity to provide a NewCAL project update to the Public Facilities and Programs & Services Committees.

Programs & Services Held 6-0 (Councilor Greenberg not voting) on 07/14/2021

Action: Public Facilities Held 6-0

Note: Please see the 07/14/21 Programs & Services Committee Report.

#285-21 Eversource Energy petition for a Grant of Location on Pearl Street

EVERSOURCE ENERGY petitioning for a grant of location to install one pole (Pole #28/2X) in Pearl Street. (Ward 1).

Action: Public Facilities Approved 6-0

Note: Lou Taverna, City Engineer and Phyllis Galloway, Eversource Representative presented the request to install one pole in Pearl Street. Mr. Taverna explained that the Department of Public Works is working to rehabilitate the Pearl St parking lot. In order to get power to the parking lot lighting system and electric vehicle stations they need to be able to run power from the existing utility pole on the north side of Pearl Street over to the south side of Pearl Street and into the parking lot. Mr. Taverna noted that there is a large MWRA main in Pearl Street which prohibits Eversource from running cable and conduit underground over the MWRA pipe, which means that the wires will have to run overhead.

The public hearing was opened and with no member of the public wishing to speak the public hearing was closed.

Councilor Crossley motioned to approve which passed unanimously.

#275-21 **Request for Home Rule Petition to require electricity in new or rehabilitated buildings**
CHAIR OF THE PUBLIC FACILITIES COMMITTEE requesting a Home Rule Petition for special legislation to allow the City of Newton to enact an ordinance that requires new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances and for hot water by electricity or thermal solar.

Action: **Public Facilities Approved 6-0**

Note: The Vice-Chair noted that this item has been discussed by the Committee in a number of meetings asked if committee members had any questions regarding submitting the Home-Rule petition along with the draft ordinance.

Committee members asked the following question:

Q: Is the City bound to the exact language of the draft ordinance via the Home Rule petition?

A: It was noted that the legislature does have the authority to change the language of the proposal. Ann Berwick, Co-director of Sustainability explained that the City Council could narrow the ordinance based on what the legislature provides, but it cannot expand it beyond what the legislature approves

Councilor Crossley motioned to approve which passed unanimously.

#273-21 **Reappointment of Robin Maltz to the Sustainable Materials Management Commission**
HER HONOR THE MAYOR reappointing Robin Maltz, 20 Chatham Road, Newton, as a member of the Sustainable Materials Management Commission for a term to expire on May 31, 2024. (60 Days: 09/10/21)

Action: **Public Facilities Approved 6-0**

Note: With no questions or comments from the Committee, Councilor Crossley motioned to approve which passed unanimously.

#274-21 **Reappointment of John Lewis to the Sustainable Materials Management Commission**
HER HONOR THE MAYOR reappointing John Lewis, 56 Lawmarissa Road, Newton, as a member of the Sustainable Materials Management Commission for a term to expire on May 31, 2024. (60 Days: 09/10/21)

Action: **Public Facilities Approved 6-0**

Note: With no questions or comments from the Committee, Councilor Crossley motioned to approve which passed unanimously.

The Committee adjourned at 8:00 p.m.

Respectfully Submitted,
Emily Norton, Vice-Chair

Draft Proposed Home Rule Petition for Discussion

Date: July 5, 2021

CHAPTER _____ AN ACT RELATIVE TO THE ELECTRIFICATION OF NEW AND
SUBSTANTIALLY REMODELED OR REHABILITATED BUILDINGS IN THE CITY OF
NEWTON

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

SECTION 1. Notwithstanding the State Building Code; the Gas Code; M.G.L c. 142, sec. 13; M.G.L. c. 164, and any other general or special law to the contrary, the City of Newton may by ordinance require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances, and for hot water, by electricity or thermal solar.

SECTION 2. As used in this chapter, the following words shall have the following meaning unless the context clearly indicates a different meaning:

“Substantially remodeled or rehabilitated” means a renovation that affects 50% or more of the building floor area.

SECTION 3. An ordinance adopted under this Act may require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances, and for hot water, by electricity or thermal solar.

SECTION 4. The City of Newton may require that building permit applications for new and substantially remodeled or rehabilitated buildings identify the heating and cooling systems and hot water appliances that will be used in the building.

SECTION 5. The City of Newton may withhold the issuance of a building permit for a new or substantially remodeled or rehabilitated building that does not use electricity instead of fossil fuels for heating and cooling systems and hot water appliances, and for hot water, by electricity or thermal solar.

SECTION 6. An ordinance adopted under this Act may provide for exemptions from and waivers of the requirement set forth in Section 3 herein.

SECTION 6. This act shall take effect upon its passage.

Draft Newton Electrification Ordinance

Purpose

The City of Newton adopts this Ordinance to require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances or, for hot water, to use thermal solar. The Ordinance will protect the health and welfare of the City's inhabitants and the environment by reducing greenhouse gases, which cause climate change, and by reducing other air pollutants since electricity can be created by solar, wind and other fossil-free sources.

Definitions

“Substantially Remodeled or Rehabilitated” means a renovation that affects 50% or more of the building floor area.

Applicability of Electrification Requirements

Any building project that requires a building permit involving the construction of a new building or a Substantially Remodeled or Rehabilitated Building located or to be located in whole or in part within the City of Newton shall install only heating and cooling systems and hot water appliances powered by electricity and, for hot water, by electricity or thermal solar. In no event shall such installed heating and cooling systems or hot water appliances be powered by fossil fuels.

Exceptions

The requirements of this Ordinance do not apply to any of the following:

- A. Indoor cooking appliances.
- B. Freestanding outdoor cooking appliances that are not connected to the household natural gas or propane infrastructure.
- C. Freestanding outdoor heating appliances that are not connected to the household natural gas or propane infrastructure.

- D. Emergency generators.
- E. Appliances to produce potable or domestic hot water from centralized hot water systems in commercial buildings with a Gross Floor Area of at least 10,000 square feet, provided that the architect, engineer, or general contractor on the project certifies by affidavit that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation costs, compared to a conventional fossil fuel hot water system.

Application Requirements

When applying for a building permit for a new or Substantially Remodeled or Rehabilitated Building, the applicant must submit documents with the application that identify the heating and cooling systems and hot water appliances that will be installed and used in the building. The submitted documents must include, at a minimum, XXX *[an alternative: such documents as are specified in guidance issued by the Commissioner of Inspectional Services]*.

Compliance

The Commissioner of Inspectional Services shall not issue any building permit for the construction of a new or Substantially Remodeled or Rehabilitated Building unless the applicant submits the documentation set forth in Section XXX, Application Requirements. The Commissioner of Inspectional Services shall not issue a certificate of occupancy for any building subject to this article prior to inspection and confirmation that the heating and cooling systems and hot water appliances installed in the building comply with the applicant's documents submitted pursuant to Section XXX, Application Requirements *[an alternative: such documents as are specified in guidance issued by the Commissioner of Inspectional Services]*.

Waivers

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

limitation, 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 economically unviable.

- A. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits.
- B. Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are unviable or unsuitable to implement, rather than for entire projects.
- C. The Commissioner of Inspectional Services shall issue guidance on the granting of waivers and the imposition of conditions.

Effective Date

The requirements of this Article XXX shall not apply to any building permit, special permit or comprehensive permit issued prior to the effective date of XXX, 2021.