

SENATE No. 2840

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Lincoln to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

SENATE No. 2840

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 2840) of Michael J. Barrett and Thomas M. Stanley (by vote of the town) for legislation to authorize the town of Lincoln to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction. Telecommunications, Utilities and Energy. [Local approval received]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the town of Lincoln to adopt and enforce local regulations restricting new fossil fuel infrastructure in certain construction.

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

1 SECTION 1. Notwithstanding chapter 40A, section 3 of the General Laws, section 13 of
2 chapter 142 of the General Laws, the State Building Code, the Fuel and Gas Code, or any other
3 general or special law or regulation to the contrary, the town of Lincoln in hereby authorized to
4 adopt and further amend general or zoning by-laws that restrict construction projects that do not
5 qualify as fossil-fuel-free, as defined in section 3 of this act.

6 SECTION 2. Notwithstanding section 7 of chapter 40A of the General Laws, or any other
7 general or special law or regulation to the contrary, the Building Inspector of the town of
8 Lincoln, or any designee thereof, shall be authorized to enforce the general or zoning by-laws
9 referenced in Section 1 of this act, including through the withholding of building permits.

10 SECTION 3. As used in this act, the term “fossil-fuel-free” shall mean new building
11 construction or major renovation that results in an entire building or an entire condominium unit

12 that does not utilize coal, oil, natural gas, other fuel hydrocarbons (including synthetic
13 equivalents), or other fossil fuels in support of its operation (including for heating or cooking)
14 after construction, except to fuel backup electrical generators and other exceptions that the town
15 may choose to include in its by-laws.

16 SECTION 4. This act shall take effect upon its passage. Any bylaw previously approved
17 by the Lincoln Town Meeting consistent with Sections 1 through 3 of this act is hereby ratified.

18 SECTION 5. If any provision or section of this act is invalidated, the remainder shall
19 serve in full force and effect.