

2010

Prepared for:



Town of Lakeville: A Roadmap to Becoming a Green Community



Prepared By:



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Lakeville Green Communities Action Plan Report

I. Introduction

a. Background on Lakeville

The Town of Lakeville was incorporated in 1853. At the 2000 Census, it had a population of around 9,800. It has a total area of 36.1 square miles and is forty miles south of Boston.

b. Summary of Application

The Town of Lakeville submitted an application to the Department of Energy Resources (DOER) for planning assistance, with the plan of achieving Green Communities status in 2010.

c. Summary of Planning Assistance

The Bluewave/Meister Consultants Group (MCG) Team has been assigned 26 communities in the Southeastern region of Massachusetts to provide Green Communities Program planning assistance. In an effort to provide high quality service to all assigned local governments while staying within the approved budget, the Bluewave/MCG Team has designed a service program with a two-tiered approach. The first tier focuses on presenting all general information related to the Green Communities criteria to all assigned community representatives in a group fashion through resource and material development, webinars, and in-person workshops. The second component of the strategy is to split the communities into groups and provide individual assistance to each community through a staggered service approach. The 26 assigned communities have been divided into three groups, for which direct assistance will be initiated in October, December, or March, respectively. The direct assistance consisted of reviewing their specific application, identifying gaps and suggesting community specific solutions to meet all five Green Communities Program criteria. Lakeville has not currently met any of the five Green Communities Program criteria. The Bluewave/MCG Team has and will provide assistance through both group activities and direct assistance.

II. Green Community Criteria

There are five criteria that a town must meet in order to be designated a “Green Community” by the Massachusetts Department of Energy Resources (DOER). These criteria were established by Massachusetts General Law Chapter 25A Section 10, effective July 2, 2008. The following is a review of each of these criteria with a description of the progress made to date, the methodology proposed for meeting the criteria as well as any task(s) to be completed to fulfill the Green Communities requirements. Each of these task(s) identifies steps Lakeville will take to fulfill the requirements, the department and/or municipal boards responsible for the task(s), and the timeline for completion with specific objectives and milestones.

1. AS-OF-RIGHT-SITING

Background

A community must provide for as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development (R&D) facilities, or renewable or alternative energy manufacturing facilities in designated locations. Green Communities Program guidance outlines the definitions of renewable or alternative energy as well as the requirements for research and development (R&D) and manufacturing facilities. Additionally, the Green Communities Program has identified specific types of renewable or alternative energy generation facilities that are applicable to this criterion. They are: wind turbines (minimum of 600 kW in size); single ground-mounted solar photovoltaic systems (minimum 250 MW); and/or biomass combined heat and power generation in a stand-alone building (minimum of 5 MW).

As-of-right siting refers to the allowance of a particular use, such as those described above, by right within the zoning bylaws. In short, the as-of-right bylaws do not unreasonably regulate such development nor do they require a special permit. As described in the criteria, the as-of-right siting is only required in the location(s) designated by the community for the use(s) selected. In some cases, the placement of these uses may already be allowed by right in the current zoning bylaws for specific locations identified by the community, such as an Industrial District. In other cases, the zoning bylaws may need to be amended to allow as-of-right siting for the particular facility(ies) in the location(s) identified by the community. This may be accomplished in different ways, such as a change to the existing use table or the creation of a new zoning overlay district.

Any zoning amendment would require the applicable public hearing process and Town Meeting vote, as required by the Commonwealth's Zoning Act (M.G.L. Chapter 40A). Once enacted, the as-of-right siting will allow an individual, business, corporation or governmental entity to establish the renewable or alternative energy facility identified in a specified location selected by the community, by right and without unreasonable regulation or special permit. Other permits may continue to be required for construction (such as conservation commission permits, air quality permits, building permits, fire code standards) or doing business (such as state or local licenses).

DOER has also provided a guide titled "Guidance: Complying with the Green Communities Act through the as-of-right siting of renewable or alternative energy research and development or manufacturing facilities."

Available at:

<http://www.mass.gov/Eoeea/docs/doer/gca/RD%20or%20manuf%20AOR%20guidance-11-12-09.pdf> *

i. Progress To-Date

The Town of Lakeville has not currently met the requirements of this criterion.

ii. Methodology

These zoning bylaws will be discussed and voted upon at the next Lakeville town meeting. The town is proposing to adopt as-of-right siting for R&D and Manufacturing facilities.

iii. Planning Assistance

The Bluewave/MCG team has provided Lakeville with documentation and examples of how to meet this criterion. The MCG team met with town officials and presented at the Lakeville Energy Advisory Committee kick-off meeting. Also, representatives from the Bluewave/MCG team can be present at meetings prior to September 30, 2010.

iv. Action Items

Task 1: Prepare materials for the Green Communities Designation Form:

Documentation

RE/AE Generation and Facilities

- Brief description of by-law
- Identification of designated locations
- Explanation of how measures meet criteria
- Attach copy of bylaw or ordinance
- Copy of zoning map that shows area zoned

RE/AE Facilities – Where Applicant is submitting an existing bylaw not adopted specifically for this Program

For those applicants that meet the criterion for R&D and or Manufacturing through existing bylaws or ordinances please include the following:

Applicants must provide a letter from municipal counsel certifying that the existing zoning complies with the RE/AE Facilities criteria. In terms of specific contents:

The letter must cite and summarize the pertinent section of the zoning ordinance/bylaw;

Applicants must include copies of:

- The applicable section of their zoning bylaw/ordinance
- Copy of zoning map that shows area zoned
- Important zoning definitions
- The relevant section of the use table and any key that will help DOER interpret the use table
- Any related local regulations applicable to facilities sited under the bylaw/ordinance– such as site plan review regulations– so that DOER can confirm that the related local regulations are non-discretionary; AND
- Yield calculations must be either included in the text of the letter or attached.

2. EXPEDITED PERMITTING

Background

To qualify as a Green Community, a town must adopt an expedited application and permitting process under which renewable or alternative energy facilities may be sited within the municipality. The timeframe for permitting shall not

exceed one year from the date of initial application to the date of final approval. By adopting an expedited permitting process, the municipality is committing to making local permitting *decisions* within one year. The one year deadline will be established with an effective enforcement mechanism to encourage compliance, such as a constructive approval provision. An expedited permitting process is accomplished by providing a transparent and efficient process for municipal permitting by various boards, including the Planning Board, Conservation Commission, Historic Commission, Zoning Board of Appeals, Fire Chief, and Board of Health. The result is a streamlined procedure that is efficient for municipal staff and boards to implement, and that will provide a predictable schedule for decision making for the applicants.

DOER has provided a guide titled "Green Communities Grant Program Guidance: Expedited Permitting Options."

Available at:

http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/criteria_2_guidance_032610.doc *

i. Progress To-Date

The Town of Lakeville has not currently met the requirements of this criterion.

ii. Methodology

To meet this criterion municipalities need to have rules and regulations in place governing permit issuance such that all local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority – applicable to the siting and construction of clean energy facilities within the relevant zoning district(s) can be issued within 1 year of submission of a completed application.

iii. Planning Assistance

The Bluewave/MCG team has provided guidance and support for Lakeville to achieve this criterion through phone calls, distribution of the expedited permitting guidance from DOER, and through email communication with the Town officials and the Lakeville Energy Advisory Committee. The MCG team met with town officials and presented at the Lakeville Energy Advisory Committee

kick-off meeting. Also, representatives from the Bluewave/MCG team can be present at meetings prior to September 30, 2010.

iv. Action Items

Task 1: Prepare documentation for Green Communities Designation Form:

Provide documentation that an expedited application and permitting process has been fully adopted for the as-of-right zoned parcels.

Local Expedited Permitting Process:

1. Municipalities must provide DOER a letter from legal counsel affirming conformance with the expedited permitting requirement and providing
 - § Language of any applicable local site plan review by-law or ordinance that covers approval procedures and associated timing;
 - § Text of bylaws or ordinances or regulations that provide for constructive or automatic grant of approval should any issuing authority fail to act within one year or the time frame specified in the by-law or regulation, whichever is shorter; and
 - § A statement that nothing else within the municipality's rules and regulations precludes issuance of a permitting decision within one year.
2. The applicant should also include a copy of the applicable map(s) showing the areas where the expedited permitting applies.

3. ENERGY USE INVENTORY AND REDUCTION PLAN

Background

To fulfill Criteria 3, a town must establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting, and put in place a comprehensive program designed to reduce this baseline by 20% within five years of initial participation in the program. The energy use baseline inventory should be applied in the aggregate across buildings, streetlights, traffic lights and

vehicles on a million British Thermal Units (MMBTU) bases. There are a number of acceptable tools for performing the inventory including:

- Energy Star Portfolio Manager: This is a free energy and water consumption tracking software available on the Energy Star website. This program allows an entity to track and assess energy and water consumption within individual buildings (generally consisting of at least 5,000 square feet) as well as across numerous buildings. This program does not assess the energy consumption of vehicles, street or traffic lighting.
- ICLEI Software: The ICLEI software, Clean Air and Climate Protection (CACP) Software, is a one-stop emissions management tool that calculates and tracks emissions and reductions of greenhouse gases and criteria air pollutants. This tool is available, free of charge, to members of ICLEI and has the capacity to assess buildings and facilities, vehicle fleets, waste, wastewater treatment, employee commute, street and traffic signals, and port and airport facilities.
- DOER's Mass Energy Insight Reporting System: The DOER Mass Energy Insight Reporting System is currently in development and is expected to become available shortly. This program is being developed to enable communities to establish energy-use baseline inventories for their buildings, vehicles, and street lights. This program will be free to all 351 local governments in the Commonwealth. Once the energy use baseline inventory has been established, the community must develop a comprehensive reduction plan to decrease energy consumption by 20% consisting of a number of key components which would enable a municipality to establish energy reduction goals and develop a structure to meet those goals over a five year time frame.

DOER has provided a guide titled "Green Communities Grant Program Guidance: Sample Energy Reduction Plan Outline." Available at:

http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/GUIDANCE%20FOR%20GREEN%20COMMUNITIES%20CRITERIA%20THREE%20FINAL%2050310.pdf *

i. Progress To-Date

The Town of Lakeville has not currently met this criterion, though it did apply for an Energy Audit from the Massachusetts DOER in April 2009 for all of its municipal buildings.

ii. Methodology

The Town of Lakeville will continue to discuss the steps necessary to complete its baseline inventory, and which tools are most appropriate, during ongoing Lakeville Energy Advisory Committee meetings.

iii. Planning Assistance

The Bluewave/MCG team has supported Lakeville's effort through direct consultation, providing details on the opportunities and challenges associated with the baseline tool; an overview of an effective data collection process; and examples of climate reduction strategies and plans.

iv. Action Items

Task 1: Using DOER's Mass Energy Insight Reporting System and through collecting energy use data, the Town will complete a baseline inventory.

Timeline: The energy use inventory will be completed by November, 2010.

Task 2: The Town will develop a comprehensive plan designed to reduce this baseline by 20 percent within 5 years of initial participation in the program. In general, the comprehensive program should include the following elements:

- Overview of short and long term goals.
- Action plan – getting to 20%
- Prioritized list of strategies to reduce fossil fuel usage;
- Resources and financial incentives; and
- Program Management Plan for implementation, monitoring and oversight.

The comprehensive plan will be completed by November, 2010.

Task3: Attend MassEnergyInsight Training.

Attendance at a 1-hour instructional webinar is required for new users to access and get the most out of MassEnergyInsight. Additional webinars are available to answer follow-up questions and to explore specific topics in detail.

Authorization letters must be on file with the DOER for you to receive your MassEnergyInsight username and password upon webinar completion:

User authorization letter - required –Can be found at,

http://www.massenergyinsight.net/pdfs/MEIAuthorization_Guidelines.pdf

Data sharing authorization letter - required – Can be found at,

http://www.massenergyinsight.net/pdfs/MEIAuthorization_Guidelines.pdf

To submit your authorization letters and register for any webinar, please contact your local DOER Green Communities Regional Coordinator,

Seth Pickering, Regional Coordinator
20 Riverside Drive
Lakeville, MA 02347
Phone (508) 946-2838
Mobile (617) 780-7156
Seth.Pickering@state.ma.us

Schedules for MassEnergyInsight Trainings are updated at the Mass Energy Insight website, <http://www.massenergyinsight.net/>

4. POLICY TO PURCHASE ONLY FUEL-EFFICIENT VEHICLES

Background

To qualify as a Green Community, the town must enact a policy to purchase only fuel-efficient vehicles for municipal use, whenever such vehicles are commercially available and practicable. The purpose behind this criterion is to reduce carbon dioxide emissions by municipal vehicles, which has a positive impact on the environment and results in costs savings for the municipality. Exempt from this policy are department of public works trucks, police cruisers, fire trucks and school buses. In communities that do not have any non-exempt vehicles that would apply to this criterion, alternate policies to support fuel efficiency are required; such as policies that encourage municipal employees to utilize alternate transportation modes (for example, bicycle, transit) or carpooling.

DOER has provided a guide titled "Green Communities Grant Program Guidance: Guidance and Model Policy for Purchasing only Fuel Efficient Vehicles."
Available at:

http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/buying_fuel_efficient_vehicles.pdf *

i. Progress To-Date

The Town Energy Committee is in the process of drafting a policy for the selectmen to review and adopt. To date, Lakeville also has begun purchasing only fuel efficient vehicles for municipal use. The Lakeville Energy Advisory Committee will push forward with developing an official policy.

ii. Methodology

The Town has demonstrated interest in purchasing fuel-efficient vehicles. To meet this criterion, the Town will adopt a formal purchasing policy for municipal vehicles.

iii. Planning Assistance

The Bluewave/MCG Team provided model language and is available to review the language that will be used to adopt the fuel efficient vehicle policy. Additionally, the BlueWave/MCG Team has provided guidance on how to develop a fleet inventory with a clear replacement schedule. The Team also met with the Lakeville Energy Advisory Committee and the town officials to answer specific questions and concerns regarding adoption of the policy.

iv. Action Items

Task 4-A: The Town will adopt a formal, fuel-efficient vehicle purchasing policy for municipal vehicles.

The policy will be adopted by November, 2010.

The Town Manager, in coordination with Board of Selectmen, will be responsible for this task.

Task 4-B: The Town will adopt a formal policy that promotes reduced fuel usage for the municipality that focuses on reducing single vehicle trips for municipal employees.

The policy will be adopted by November, 2010.

The energy committee, in coordination with the Board of Selectmen, will be responsible for this task.

Task 4-C: In addition the Town should prepare documentation for the Green Communities Designation Form including:

Provide the following documentation to verify that the municipality has met this criterion (both required):

- A copy of the policy or other mechanism adopted for purchasing only fuel efficient vehicles
- Inventory of existing fleet (model, year, estimated mpg) with plans for replacements with fuel efficient vehicles

5. MINIMIZE LIFE-CYCLE ENERGY CONSTRUCTION COSTS

Background

To qualify as a Green Community, the town must require all new residential construction of more than 3,000 square feet and all new commercial and industrial real estate construction to minimize the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

The DOER recommended method to satisfy this criterion is to adopt the Massachusetts State Building Code's new appendix called the Stretch Energy Code (780 C.M.R. Appendix 120 AA). The Stretch Code was approved as an appendix at a meeting of the Massachusetts Board of Building Regulations and Standards (BBRS) in May 2009. Based on the International Energy Conservation Code (IECC) 2009, the purpose of the Stretch Code is "to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings." For municipalities that choose to adopt this appendix, they would meet this Green Communities Program criterion.

Another method to satisfy this criterion is to establish an alternate policy that meets the requirements of the Green Communities Program. At this time, model policies or regulations that may be an acceptable alternative to adopting the Stretch Code is not available from DOER.

DOER has provided multiple stretch code guidance documents available at:

http://www.mass.gov/?pageID=eoeaterminal&L=3&L0=Home&L1=Energy%2c+Utilities+%26+Clean+Technologies&L2=Green+Communities&sid=Eoeea&b=terminalcontent&f=doer_green_communities_gc-grant-program&csid=Eoeea *

and a stretch code summary document at:

http://www.mass.gov/Eoeea/docs/doer/green_communities/grant_program/stretch_code_summary.pdf *

i. Progress To-Date

The Town of Lakeville has currently not met this criterion.

ii. Methodology

In order to meet the criterion to minimize life cycle costs in energy construction, the Town of Lakeville plans to adopt the Stretch Code. This process has included educating municipal staff through the BlueWave/Meister workshops, developing warrant article language, and presenting the language to the Lakeville Energy Advisory Committee.

iii. Planning Assistance

The Bluewave/MCG team will support Lakeville's effort to educate themselves on the stretch code. Additionally, the MCG Team has kept the Town apprised of updates and decisions related to the stretch code that might impact how they approve it.

iv. Action Items

Task 1: Present article for next Town Meeting

Task 2: The Town should prepare documentation for the Green Communities Designation Form:

Provide the following documentation to verify that the municipality has met this criterion:

Local Process

The municipality must provide documentation of the standard adopted, the mechanism in place for requiring this criterion for new construction and documentation of how this standard provides reduced life-cycle energy costs.

NOTE: If a Municipality plans to meet this criterion through a Local Process, they are encouraged to submit a description of how it plans to do so with supporting documentation in advance of applying for designation. In this manner, the Green Communities can provide feedback on the acceptability of the identified process before the municipality attempts to implement it.

Stretch Energy Code

The municipality must provide documentation of the city or town vote adopting MA Board of Building Regulations and Standards (BBRS) Stretch Energy Code.

*NOTE: TOWNS THAT HAVE PLACED AN ARTICLE ON THEIR TOWN MEETING WARRANT (PROVIDED THE TOWN MEETING VOTE IS NO LATER THAN Friday November 19, 2010) CAN SUBMIT A DESIGNATION FORM, INDICATING THAT CRITERION #5 is IN PROCESS. IF THIS APPLIES PLEASE CHECK OFF THE BOX BELOW AND INDICATE WHEN THE TOWN MEETING VOTE WILL OCCUR AND INCLUDE A COPY OF THE APPLICABLE TOWN MEETING WARRANT.

- TOWN MEETING VOTE PENDING
Town Meeting Date: Fall 2010

Conclusions

The MCG/Bluewave team has enjoyed working with Lakeville, and plans on being available to help it meet the remaining Green Communities Criteria. Our team is hopeful that Carver will seek to fulfill all five of the Green Communities Program Criteria.

The Green Communities designation phase is a rolling process. Designation forms must be submitted no later than Friday, November 19, 2010 by 5pm in order for your community to be eligible to participate in the Fall FY 2011 Grant Program (grant applications are due by January 21, 2011.)

Note: These websites are up-to-date through August 31, 2010. These documents are subject to periodic revisions and updates from the MA DOER. In addition to using the links provided throughout this Action Plan, please be sure to visit the main page of the MA DOER, found at www.mass.gov/doer to ensure you have the most current information.

Lakeville Action Plan Summary Table

<u>Action Items</u>	<u>Status</u>	<u>Date Completed</u>	<u>Due Date</u>
As of Right Siting	In Progress	-----	19-November-2010
Expedited Permitting	In Progress	----	19-November-2010
Energy Use Baseline & Reduction Plan			
Complete Data Collection	In Progress	----	19-November-2010
Complete Energy Reduction Plan	In Progress	----	19-November-2010
Fuel Efficient Vehicle Policy	In Progress	----	19-November-2010
Life Cycle Costs in Energy Construction			
Adopt Stretch Code	In Progress	----	19-November-2010

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