

**Wellesley Annual Town Meeting 2023**  
Article 36 Summary

Town of Wellesley Climate Action Office

March 15, 2023

**ARTICLE 36.** To see if the Town will vote to adopt the Municipal Opt-in Specialized Code, so called, by accepting the provisions of 225 CMR 22, Appendix RC and 225 CMR 23, Appendix CC, with such acceptance to take effect on January 1, 2024; or to take any other action in relation thereto.

**(Climate Action Committee/Select Board)**

- **MOTION:** That the Town hereby adopts the Municipal Opt-In Specialized Code, effective January 1, 2024, as set forth in the provisions of 225 CMR 22, Appendix RC and 225 CMR 23, Appendix CC.

The Climate Action Committee (CAC) and Select Board (SB) are asking Town Meeting Members to amend the Town bylaws to adopt the Department of Energy Resources' ("DOERs") Municipal Opt-in Specialized Energy Code (the "Opt-in Code"), with an effective date of January 1, 2024. Approval will make the Opt-in Code, as currently prescribed and as amended in the future, the standard building energy code for new construction in the Town.

**Background**

The CAC supports and advises the Town and community on reducing town-wide greenhouse gas (GHG) emissions that lead to climate change. In 2021, Annual Town Meeting (ATM) adopted goals aligned with Massachusetts and United States climate targets: to reduce town-wide emissions 50% below a 2007 baseline by 2030, 75% by 2040, and to net-zero by 2050.

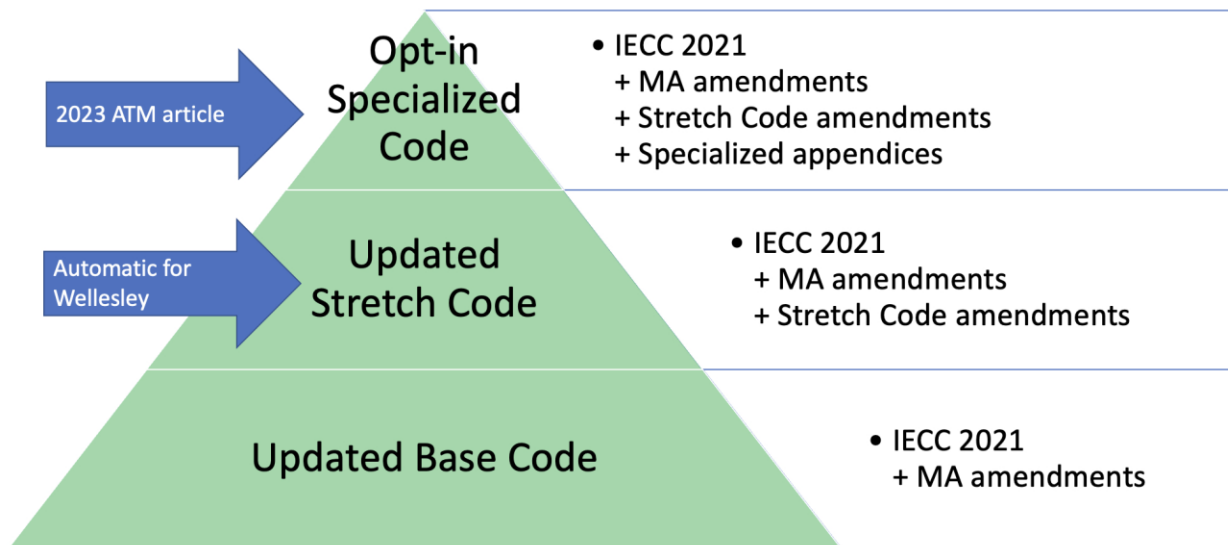
Building energy use contributes over 50% of town-wide GHG emissions. The largest emissions impact stems from heating loads and choice of heating fuel. Buildings relying on fossil fuels for heating do not have a path to the net zero emissions goal.

The State building Base Code includes requirements for energy performance in buildings that apply to all Towns in Massachusetts. Since 2009, Massachusetts has also offered municipalities the option of choosing to participate in the "Stretch Code," which requires greater energy efficiency than the Base Code. Wellesley approved the Stretch Code at the 2011 ATM.

In December 2022, the State finalized a Code update with the following three levels:

- Updated Base Code
- Updated Stretch Code
- New Municipal Opt-in Specialized Energy Code

The three codes build upon each other as illustrated below.



The **Base Code** incorporates the International Energy Conservation Code (IECC) with Massachusetts amendments.

The **Updated Stretch Code** includes the Base Code, plus “above code” requirements. Updates to this code automatically apply to Wellesley and to 299 other Massachusetts communities who previously chose to participate in the Stretch Code. Certain Updated Stretch Code provisions took effect on January 1, 2023, while others will take effect on July 1 in 2023 and 2024. Though an improvement over the current Stretch Code, the Updated Stretch Code will not enable the State and Wellesley to meet the climate change goals adopted in 2021.

The new **Opt-in Specialized Code** builds on the Base Code and Updated Stretch Code and would apply to new construction only (additions and renovations are subject only to the Updated Stretch Code and Updated Base Code). Mixed fuel buildings use fossil fuels for functions such as heating, cooking, fireplaces, etc. For these mixed fuel buildings, the Opt-in Code requires that (with some exceptions and gradations for low-rise residential buildings, multi-family housing, and commercial properties):

- any building functions powered by non-electric energy sources will also be pre-wired for electrical service; and
- on-site solar will be installed.

Because Opt-in Code adoption involves a change in the Town bylaws, it requires a Town Meeting vote. In addition to the above, adoption will automatically include any requirements from future modifications and amendments when the Opt-in Code is updated along with the Base Code and Stretch Code every three years. If adopted, the Opt-in Code will take effect for Wellesley on January 1, 2024, and Town Meeting has the right to rescind the decision.

The Town Building Inspector does not anticipate additional administrative costs for the Building Department associated with the adoption of the Opt-in Code, and there is no appropriation associated with this motion.

For more information, please see [“Article 36 Frequently Asked Questions.”](#)