

AIA MASSACHUSETTS

52 Broad Street • Boston MA 02109-4301 • 617-951-1433 • 800-662-1235 (in Massachusetts) • Fax: 617-951-0845

Legislative Affairs Committee 14 April 2009

Date: 14 April 2009

In Attendance were: George Bachrach Esq., Michael Davis AIA (Co-Chair), David Johnson AIA, Michael Jolliffe PE, J. Rohn MacNulty AIA, Wendy McTyre, Rebecca McWilliams AIA, Stephanie Pollack, Chris Walsh AIA, Jay Wickersham FAIA, Esq., Douglas Wohn, Vernon Woodworth AIA, John Nunnari Assoc. AIA (co-chair), Paul Pezzella, Russel Feldman AIA, Margaret Minor Wood AIA, Marcus Springer Associate AIA, RIBA, Eric White

1. Land Use Partnership Act (LUPA)

Jay Wickersham FAIA, Esq. presenting:

This legislation was started as an initiative of the MA Smart Growth Alliance, Environmental League of MA and MAPC. Through their discussion with the development community ideas were being discussed about how best to bring our energy-use goals (as they relate to land use planning) within reach, with tax credits and other financial incentives. The ideas were further developed through a state mandated Task Force lead by Secretary Bielecki. The bill, as conceived, is offered as an option to cities under a home rule provision of the general laws. The final provisions are intended as a standard text applicable everywhere within Massachusetts. A handout to the meeting reads as follows:

Effects – all municipalities

- Limitation on requirements for subdivisions
- Requirements of declaration of development intent for plan freezes
- Expansion of permit freezes
- Limitation of scope of site plan approval
- Limitation of certain appeals
- Majority vote for zoning ordinances; by-laws (not 2/3rds majority)
- Allow regulation of maximum residential floor area
- Explicit statutory authorization of certain powers

Opt-in Municipalities Only:

As noted above plus the following:

- ANR/ Minor subdivision
- Change in subdivision plan freeze
- Rate of growth programs
- Natural resource protection zoning
- Priority for infrastructure funding and consideration under state programs

Required criteria for application to become an opt-in municipality:

- Creation of a community land use plan
- RPA certification and municipal adoption of plan
- Minimum standard of consistency between plan and commonwealth's five land use objectives
- Certification and adoption of implementing regulations.

The state shall provide technical assistance grants to communities (municipalities) and RPAs to assist in this process.

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Objectives:

The intent of the bill is to find an initial circuit which is politically possible. Reform but not major reform is envisioned by the original sponsors, about 20 in number.

- Local control may be by site plan review and required approval
- Will allow for some utility update
- Freeze on minimum number of units (5% growth not required)
- Residential cluster development encouraged
- Storm water disposal plan required.

2. **Stretch Codes**

Vernon Woodworth AIA presenting:

The stretch code is a by-product of the Governor's Green Communities Act. The BSA had gone on record noting the dangers of by-passing the BBRS ability to be the sole regulator/promulgator of building code language. The stretch code is intended to provide local communities the option to surpass the Chapter 13 minimum energy code requirements. It would do this by pointing code users to Appendix 120AA.

Mr. Woodworth expressed the relationship of the current Massachusetts Energy Code and the stretch Energy Code as noted below..

The make-up of the current Massachusetts Energy Code provisions

- 2006 IECC with 2007 supplements
- ASHRAE 90.1 – 2007
- MA must adoption the latest version of IECC within one year of it's newest edition being made available. (01/01/10 for the 2009 version)

Stretch Energy Code

Residential Use

- Energy Star programs
- HERS index
- 3rd party certification
- Performance and prescriptive paths

Commercial Use

- 2009 IECC plus
- NBI Core Performance Guide
- Applicable for plan areas greater than 5000 square feet and less than 100,000 square feet

Comments

The current Energy Code with the Green Communities Act requirement for updating to the 2009 IECC by 1/10 is the primary force for adopting the stretch code as a preliminary step.

The BBRS is now in a commenting verification period. They have extended the comments period into next month (May). The principle opposition comes from developers (NAIOP) and home builders. Their opposition is based on the financial hardship that may be caused to their members based on the potentially high implementation costs. Realtors are also experiencing difficulty because potential clients need to know the full financial exposure at the time of a sale, including expense incurred by the adoption of the stretch code.

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The benefits of reduced energy costs are lost in a focus on increased construction and implementation costs, only. The provisions for residential applications are less onerous than commercial applications. The federal Department of Energy will assist nationwide, to implement certification. The BSA supports the passage of the stretch code.

3. The American Recovery and Reinvestment Act

Michael Davis AIA presenting:

This analysis is the product of development of the initial \$787 billion federal stimulus legislation. We now know that \$7.8 billion will be the Massachusetts distribution of that legislation. A tentative breakdown of sums may be as follows:

- \$3.5 billion – safety net programs
- \$1.9 billion – federal programs
- \$1.3 billion – technical and research
- \$800 million – transportation
- \$430 million – housing, energy update
- \$90 million – work services training
- \$72 million – public services

These sums exceed the \$7.8 billion; a total of \$8.92 billion, and will be adjusted with a final tally. Energy efficiency plans are required. There are 8300 shovel-ready projects identified in Massachusetts to date.

4. Legislative Update:

Paul Pezzella and George Bachrach presenting.

There are two tax credit bills filed similar to the Green Building Tax Credit. Both are described as good bills, intended to not be billed as stimulus action, with tax credits ranging from \$50 million to \$100 million. There will be hearings. The action may be determined by the House Ways and Means committee.

House Way and Means expected to report out FY 2010 budget tomorrow. Currently \$3B deficit. Budget amendments are due by Friday. Debate will begin on 04/27. House will probably consolidate amendments like they did last year.

- Transportation bill is in conference committee.
- The Senate is scheduled to report out their budget mid-May
- Pension Reform is on the house calendar for debate today
- Hearings are expected to move slowly there after

Architects Day on Beacon Hill

Architects Day is scheduled for April 28, beginning at 11:30 at the New England Foundation for the Arts, 145 Tremont Street, with lunch and instructions.

Issues recommended are;

- Codes – adoption of the IBC Energy Code
- Energy and Sustainability
- Lien law
- Land use partnership act

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There is a call for wide member participation at the event.

5. Design Excellence

John Nunnari Associate AIA reporting:

Mr. Nunnari reported on a meeting with the Governor, expressing the need for design excellence in public projects. The presentation was well received by the Governor with a request for a more detailed report.

Next Meeting:

Tuesday 12 May 2009 beginning at 8:30 am in the BSA fifth floor conference room, 52 Broad street Boston MA.

End of Meeting Minutes