



MASSACHUSETTS
**DEPARTMENT OF
ENERGY RESOURCES**

Clean Energy Siting & Permitting Regulatory Straw Proposals

July 2025

Regional Coordinators, Division of Clean Energy Infrastructure Siting & Permitting

Our Mission

The Department of Energy Resources' (DOER) mission is to create a clean, affordable, resilient, and equitable energy future for all in the Commonwealth.

Who We Are: As the State Energy Office, DOER is the primary energy policy agency for the Commonwealth. DOER supports the Commonwealth's clean energy goals as part of a comprehensive Administration-wide response to the threat of climate change. DOER focuses on transitioning our energy supply to lower emissions and costs, reducing and shaping energy demand, and improving our energy system infrastructure.

What We Do: To meet our objectives, DOER connects and collaborates with energy stakeholders to develop effective policy. DOER implements this policy through planning, regulation, and providing funding. DOER provides tools to individuals, organizations, and communities to support their clean energy goals. DOER is committed to transparency and education, supporting access to energy information and knowledge.



Massachusetts' Clean Energy Needs

Reforms and clean energy policy implementation are being driven by several state laws and policies.

Emissions Limits:

2030: 50% emissions reductions

2045: 75% emissions reductions

2050: 85% emissions reductions



Energy Storage

Now: 550 MWh installed (as of 2023)
2025: 1,000 MWh target
2050: 5.8 GW target

Wind

Now: 113 MW installed (as of 2022)
2030: 3,650 MW target
2050: 24 GW target

Solar

Now: 3,325 MW (as of 2022)
2030: 8,360 MW target
2050: 27+ GW target

Grid

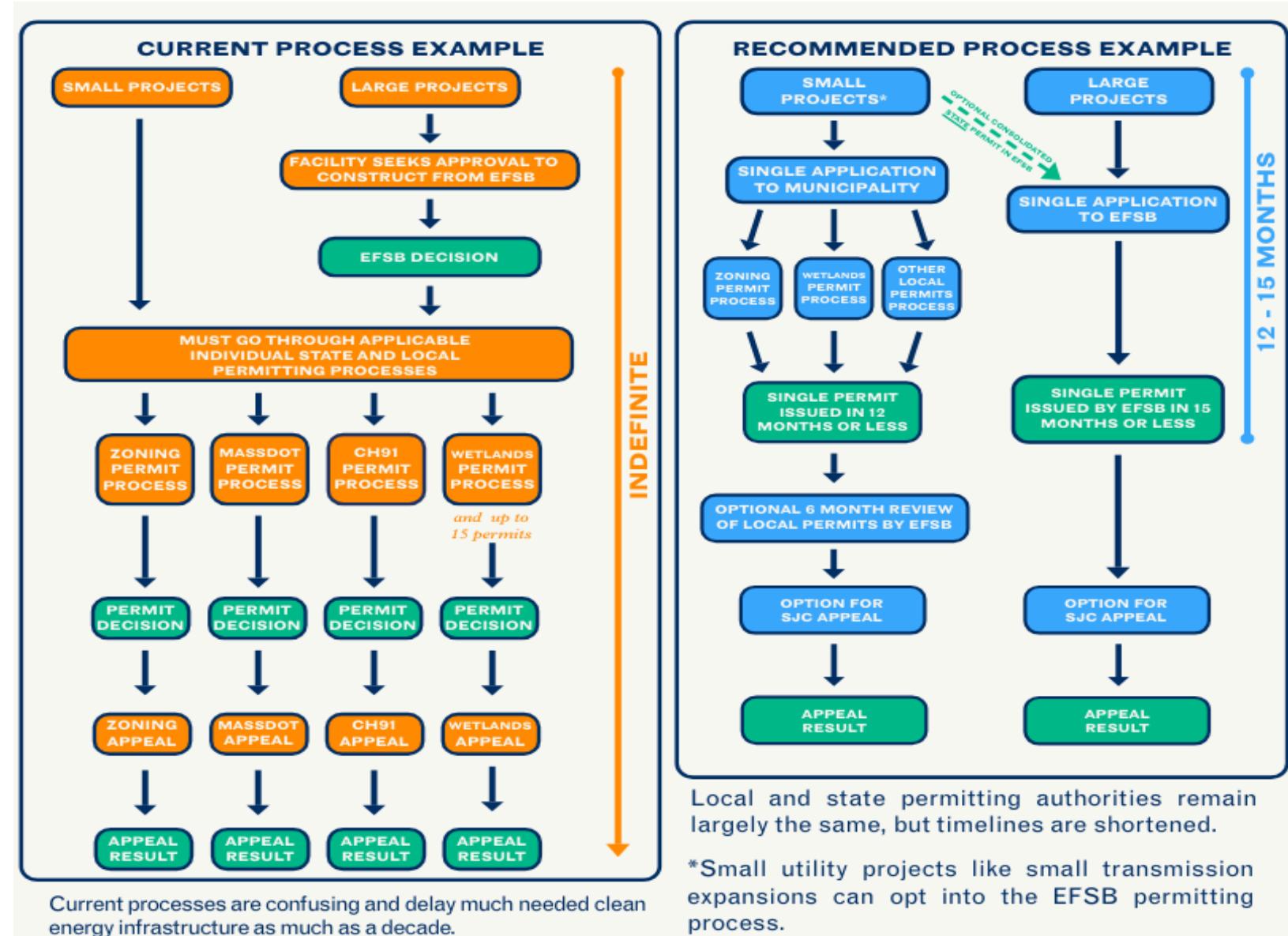
By 2035: Winter peak, electric load likely 50% higher than today
2050: Net Zero Emissions

2024 Clean Energy Law

- **Siting and Permitting reform**
 - Defines “large” and “small” clean energy infrastructure projects
 - Generation, storage, distribution, and transmission
 - <25MW generation, <100MWh storage examples of “small” projects to be handled by munis
 - Does not include residential solar
 - Streamlines the municipal review process
 - Munis have 12 months to review, issue a decision
 - Single application, single permit, but boards/depts retain review powers
 - Interested parties can appeal single permit only to the EFSB
 - Creates Division of Clean Energy Siting & Permitting within DOER
 - Requires the Division and Department to promulgate relevant regs, including environment, health and safety standards, prefilings requirements, site suitability, procedures/timelines, common conditions, a common application, and a consolidated permit

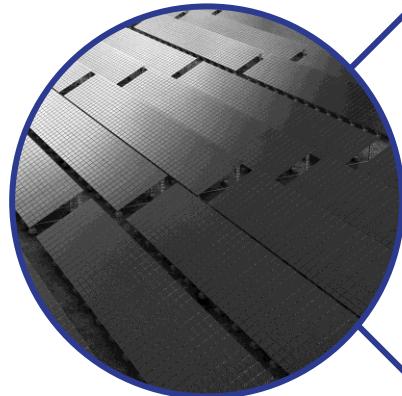


Current Permitting Challenges



Clean Energy Siting & Permitting Responsibilities

The 2024 Climate Law's siting and permitting sections consolidated review and permit approval processes at the state and local level



Large Projects – Energy Facilities Siting Board (EFSB)

- Single, consolidated permit from the EFSB rather than multiple state, regional, and local permits
- Decision **within 15 months**

(for example: >25MW generation or >100 MWh storage)



Small Projects – Municipalities

- Single, consolidated permit from municipal entities rather than multiple local permits
- Decision **within 12 months**

(for example: <25MW generation or <100 MWh storage or new transmission line <1 mile long)



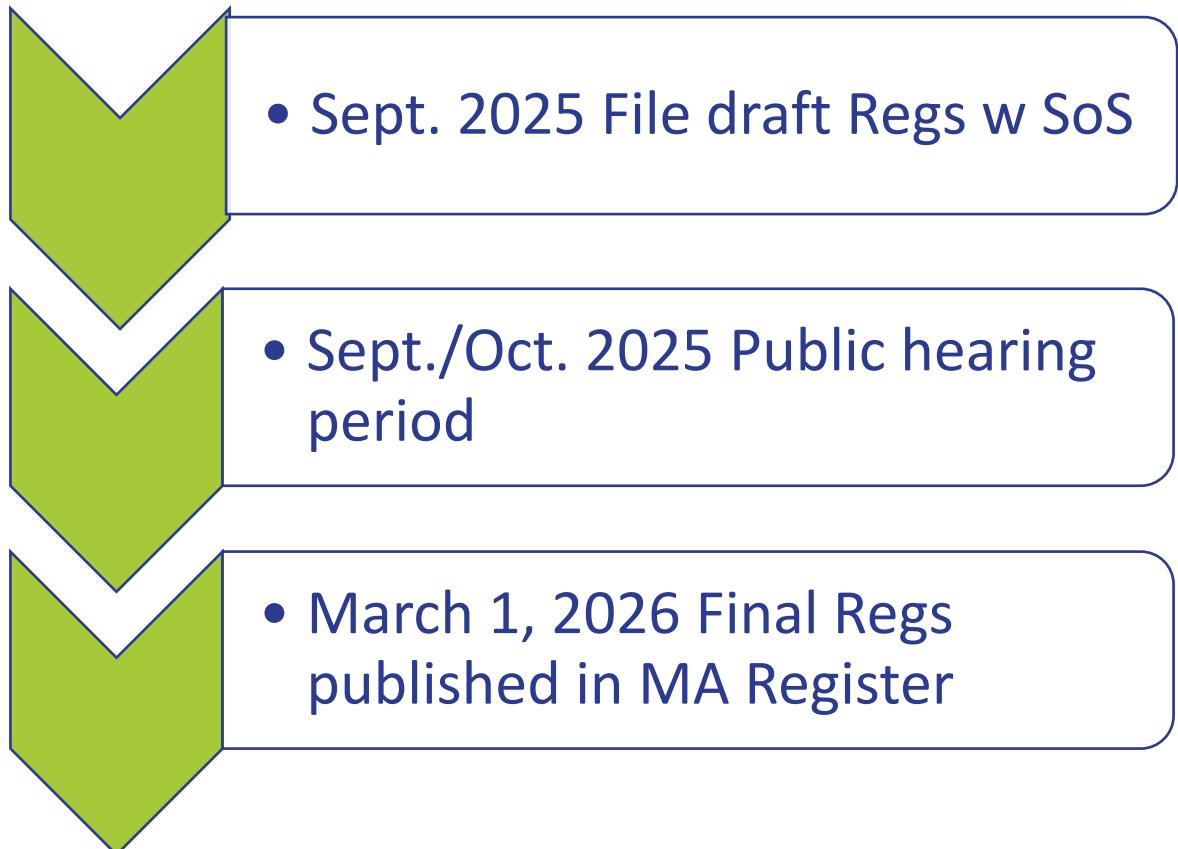
Our Charge – 2024 Clean Energy Law

Siting and Permitting reform

Creates Division of Clean Energy Siting & Permitting within DOER, which is required to promulgate relevant regulations, including:

- Public health, safety, and environmental standards
- A common standard application for small clean energy facilities
- Pre-filing requirements, including requirements for public meetings and other forms of outreach
- Standards for applying site suitability guidance developed by the Executive Office of Energy and Environmental Affairs (EEA)
- Common conditions and requirements for a single permit, in the event of constructive approval
- Guidance for procedures and timelines
- Responsible parties subject to enforcement actions

Timeline



The Department is working within a very aggressive timeline to meet the statutorily mandated deadline for new siting & permitting regulations.

We anticipate the draft framework and language could change substantively as we move through this stakeholder meeting process, based on feedback and research.

Pre-filing requirements

Ideas

- Pre-filing process starts 60 days before planned application submission
- Pre-filing NOI consists of:
 - Project description (detailed but without finished engineering plans)
 - Local maps (environ, cultural, historical features)
 - Stakeholder engagement plan
 - Appropriate to project size and impact
- When filing application, needs to include:
 - Certification that stakeholder engagement plan was executed
 - Any community benefits proposal or agreement, if applicable
 - Outline of mitigation proposals, if applicable
 - A completed universal application
- Town determines who the point person is (Town Clerk, Building Inspector, Planning Staff)
 - That person will certify if all pre-filing requirements are met

Questions/Comments

- Who do you see as being the person who should be coordinating the process?
- Are there elements in an outreach plan you would like to see?



Common application

Ideas

- **Consists of 8 sections:**
 - General project details -- Contact info, list of needed permits/waivers, site suitability
 - Building Department – electrical designs, excavation/soil removal needs
 - Planning – Site plan, elevations, maps
 - ConCom -- Connects to DEP filing system
 - ZBA – Needed variances and other relief
 - Health – Emergency response plans, health ordinances
 - Stormwater Permit Granting Authority – Clearing needs, stormwater runoff controls
 - Other – i.e., historical districts, economic dev zones
- **PDF application at first, with digital portal coming later**
 - DOER will be cc'd on all applications and host documents
 - Similar to existing DEP permitting model
- **Municipality decides who it is filed with**
 - Per statute, has to determine whether any deficiencies, or if clock starts ticking

Questions/Comments

- DOER intends to develop an online application and permitting portal.
- Any other permitting stops that should be included in the application?

Procedures

Ideas

- Overall, municipalities may adopt via bylaw own processes for meeting 12-month review timeline
- DOER guidance will suggest joint introductory public meeting with all boards/depts
 - Boards/depts then can break off to discuss their portions
- Alt: Allow municipalities to create a SPGA consisting of reps from each board/dep to handle the process
- Conditions must be “reasonable”, with definition/guidance coming
- **Permit is all or nothing**
 - Municipality determines who issues (Town Clerk, Bldg Commissioner, etc.)
 - Needs to be filed with Town Clerk within 12 months or it receives constructive approval
 - If any dept/board says No, the permit is denied
 - Appeal is of final consolidated permit, not individual decisions
- **Assumes good faith effort by applicants:**
 - Can't be non-responsive or “run out the clock”

Questions/Comments

- What will be the biggest barriers to your communities meeting the 12-month timeline?

Site suitability

Ideas

- **Applicants will provide analysis and scoring using EEA's Site Suitability rubric, including mitigation hierarchy**
- **Includes multiple geospatial screening criteria to evaluate sites for:**
 - Development potential
 - Climate change resilience
 - Carbon storage and sequestration
 - Biodiversity
 - Social and environmental benefits and burdens
- **Goal is to encourage well thought-out projects that utilize previously developed parcels rather than undeveloped land by either:**
 - Propose a thorough mitigation package to offset impacts.
 - Provide expedited permitting pathways
- **Applicants will determine their own site suitability score as part of their application materials**

Questions/Comments

- How do you see the score impacting board decision making?
- What mitigation measures would make the most sense, if certain measures could improve a SSA score?
- How should model bylaws incorporate site suitability guidelines?

Processes for municipal fees for environmental mitigation

Ideas

- During site suitability and pre-filing process, applicant will identify all needed permits and waivers, and impacts on cultural, historical, and environmental assets
- The application should include any suggested mitigation, based on state guidelines and local bylaws
 - (i.e., wetland replication, tree replacement, contributions to land preservation trust)
- Mitigation projects should have a “rational nexus” to the project impacts, including improving the town’s climate resiliency, or helping preserve environmentally critical areas
 - MVP, Green Communities grant programs can be used as guide
- If giving funds to a third party, the applicant can’t have an interest in that entity

Questions

- What types of projects would you want funded in your community with mitigation funds?
- How should mitigation projects impact site suitability scores?

Common conditions and requirements

Ideas

- **Divided into four sections:**
 - Administrative/Legal
 - Construction
 - O&M (becomes tech specific)
 - Decommissioning
- **Admin/Legal**
 - No construction until permits received, meet all local/state/federal rules, method to meet mitigation, successors, notify of changes
- **Construction**
 - Work hours (7-7), dust control, truck traffic, noise, security, solid waste/hazmat,
- **O&M**
 - Noise, lighting, intl/state safety standards and codes, signage, security, regular safety reporting, emergency response plan, and remediation.
- **Decommissioning**
 - Provide surety to cover costs
 - Must be removed if inoperable for 180 days

Questions/Comments

- What conditions or requirements seem critical?
- What are common conditions your communities include in projects? Or, what do you wish had been included?

Environmental, health, safety standards

Ideas

- General regs and then guidelines by technology
 - Subdivided into phases: construction, O&M, and end-of-useful-life.
- Tech specific standards issued through guidelines to reflect changing nature
- Environmental – Runoff, emissions, sensory (noise, odor, visual, flicker)
- Health – Emissions, spills
- Safety – Setbacks, emergency response, contamination, remediation
- Based on review of dozens of already permitted projects

Questions/Comments

- What are the best standards that your communities have used for health, safety, and environmental concerns?
- How would you define the difference between standards and conditions?

Responsible parties subject to enforcement

Ideas

- Any permits are passed on to all successors in interest
 - As will all conditions, requirements, mitigation obligations, and CBAs
- Successors may petition to change conditions, obligations, agreements, but munis are not obligated to reconsider
 - Changes are not appealable

Questions/Comments

Contact

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