

From: [Michael DeChiara](#)
To: [SitingBoard Filing \(DPU\)](#); [Wang, Wayne \(DPU\)](#)
Subject: Answers to Questions from Straw Poll #2
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Wayne,

Thank you for listening to my oral comments at the Stakeholder Meeting yesterday. Below are my answer to the questions listed in Straw Poll #2 regarding procedures. I hope they are helpful. I can be reached at [REDACTED]. For background, I have been on the Shutesbury Planning Board for about 8 years. I am the co-author of 3 of our 4 solar bylaw iterations and development of an energy storage bylaw. (most recent were rejected by AG due to Dover Amendment)

Existing Siting Board regulations require newspaper notice of public comment hearings. Should the Siting Board eliminate the requirement for newspaper notice of public comment hearings? What type of notice would be more effective for these hearings?

The intent of noticing is to make the public and interested parties aware of a project in a timely manner. Therefore the EFSB should not be considering either or but "and/both". Some newspapers are still read by people and given the size and cost of large clean energy projects the cost of a newspaper ad for 2 weeks is insignificant. The question should be what other online venues should be explored, including those local to the proposed site. I realize that social media can be challenging for governmental bodies but these are certainly vehicles that get lots of views.

Should Siting Board staff site visits to the location of a proposed project be open to the public? How would the Siting Board manage such a process?

Providing public access to a proposed site would be an excellent approach so that various stakeholders have access otherwise the landowner can deny access at other times in the process. This can be treated as an RSVP event with a requirement for some affiliation – organizational, municipal, abutter-wise or other legitimate interest. An RSVP approach would help manage onsite coordination. I think it is very important that EFSB use its leverage as a regulator to insist that the landowner cannot bar people from a site visit. We ran into this in Shutesbury where the landowner barred indigenous representatives and only allowed western trained archeologists.

How should the Siting Board reflect decommissioning activities and expectations?

Totally! The expectation for what the land should be returned to after the life of the project is important, especially in areas where natural resources are destroyed or

damaged by the development. There should also be defined penalties for inadequate decommissioning, backed up by the requirement for a front-end bonding process.

When local government, upon a showing that its resources, capacity and staffing do not allow for review of a small clean energy infrastructure facility's permit application within the required maximum 12-month timeframe for local government review, could request a de novo adjudication from the Siting Board Director, should the Siting Board establish a 12-month schedule for review, consistent with the 12-month schedule allowed for review at the local level?

I think statutorily, a 12-month decision schedule would be required but if not, the period should begin when the EFSB receives all the documentation from the applicant. The municipality should not be required to forward the application materials on the applicant's behalf. This will make the start of the review process clear.

For de novo adjudications, should the Siting Board regulations provide for the opportunity for a motion for reconsideration by the Director of a de novo adjudication final decision?

Definitely in the situation where the EFSB is reviewing a local application forwarded to the EFSB due to lack of capacity; this would provide for a secondary level of decision. In the instance of a de novo review before the EFSB due to an appeal of a local decision, there should be no appeal if the decision of the municipality and of EFSB are consistent.

Permitting procedures for energy facilities in other states include steps that limit the scope of subject matter that may be explored during adjudication and decided upon in the final permit. This limitation can increase efficiency for issuing permits. Should the Siting Board adopt such practices? What limiting practices should the Siting Board consider? Describe any legal impediments for the Siting Board to adopt similar practices.

There should be no limitations on what can be explored; while the state is pushing for efficiency, especially large clean energy projects will have significant local impact and proper, thoughtful siting should be the priority over efficiency. This is especially important to avoid if important aspects of the project design and the impacts are allowed to be hidden behind claims of proprietary information. Applying for a project is not a right and therefore if an applicant seeks to enter into the process, it must be prepared to make all pertinent information available for a transparent decision made in the public interest.

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Michael DeChiara

Preferred pronoun: he/him/his ([why include this?](#) -- [about pronouns](#))