



MASSACHUSETTS
**DEPARTMENT OF
ENERGY RESOURCES**

225 CMR 29.00

Clean Energy Siting and Permitting Draft Regulations

Public Information Session

October 2025
Division of Clean Energy Siting & Permitting

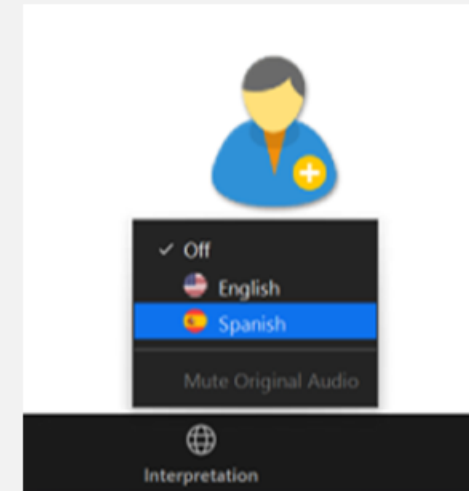
Interpretation Logistics

➡ Language Interpretation is being offered in: Español, Português, Kreyòl ayisyen, Kriolu, Tiếng Việt, 普通话, عربي, русский, ខ្មែរ, 한국어, français, and American Sign Language (ASL).

- To participate in English, click the “Interpretation” icon and select English.
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- Si alguien desea interpretación en español, haga clic en “Interpretation” y seleccione “Spanish”.
- Pou rantre nan chanèl kreyòl ayisyen an, klike sou ikòn “Interpretation” an epi chwazi “Haitian Creole”.
- Pa partisipa na Kriolu, klika na íkone “Intirpretason” y silisiona “Cape Verdean Kriolu”.
- 要以普通话参加会议，请单击口语图标并选择 “Chinese”.
- Để vào kênh bằng tiếng Việt, hãy nhấp vào biểu tượng “Interpretation” và chọn “Vietnamese”.
- “Arabic” تم اختر “الترجمة الفورية للمشاركة باللغة العربية اضغط على أيقونة”.
- Чтобы принять участие на Русский языке, нажмите на ярлык «Устный перевод» и выберите “Russian”.
- ដើម្បីចូលរួមជាភាសាខ្មែរ សូមចុច រូបតំណាងការបកស្រាយ ហើយជ្រើសរើសភាសា “Khmer”។
- 한국어로 참여하려면 “통역” 아이콘을 클릭하고 “Korean”를 선택하세요.
- Pour participer en français, cliquez sur l’icône « Interprétation » puis choisissez « French ».

➡ Please speak slowly.

➡ All attendees must select a language channel, even if viewing the presentation in English.



Welcome & Introduction



Agenda (2-hour session)

- Welcome and Introduction
- Background on 2024 Climate Act
- Rulemaking Overview
- Brief Overview of Model Solar and Battery Energy Storage System Bylaws
- 225 CMR 29.00 Regulation -- Overview by Section
- Audience Question & Answer
- Next Steps & Wrap Up

Purpose of Public Information Sessions

- Provide forum to explain new process for municipalities, allow people to ask questions outside of the Public Hearing, and be able to have dialogue on the proposed regulations
- We will keep track of comments and questions and incorporate feedback, but this will not be considered testimony within the parameters of the Public Hearing
- We do encourage everyone to submit comments either as written testimony or attend the virtual Public Hearing on October 15th at 7pm to provide verbal testimony
 - **If you are interested in submitting comments on behalf of your community, please email comments as attached PDF files to DOER.Siting.Permitting@mass.gov with "S&P Follow On Rulemaking Comments" in the subject line.**
- **Please also note that the Public Hearing is solely on the Draft Regulations 225 CMR 29.00.** While we have published drafts of Guideline documents and are seeking input during Public Information sessions, we will seek comments on the Guidelines in late Fall

A 2-Way Conversation

- Please hold questions until the end. We will provide paper and pencils to keep track of notes.
- People in the room first, and then online
- Please keep responses to no more than 2 minutes



Zoom Functions

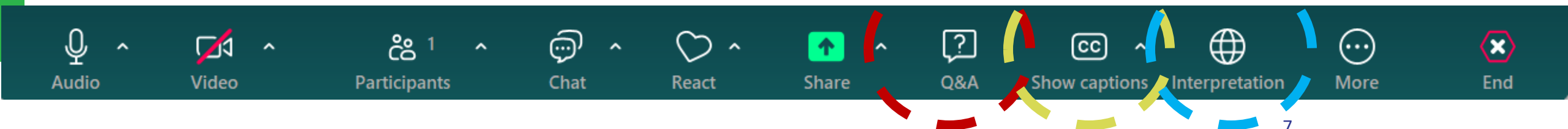
We will be using Zoom's Q & A Box to facilitate the Audience Q & A segment

- To ask a question: Click the Q & A icon on the Zoom toolbar

Turn on/off Zoom's auto-generated closed captions on the toolbar

Listen with live interpretation by clicking the globe icon on the toolbar

Don't see these options?
Click "more"



Background



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

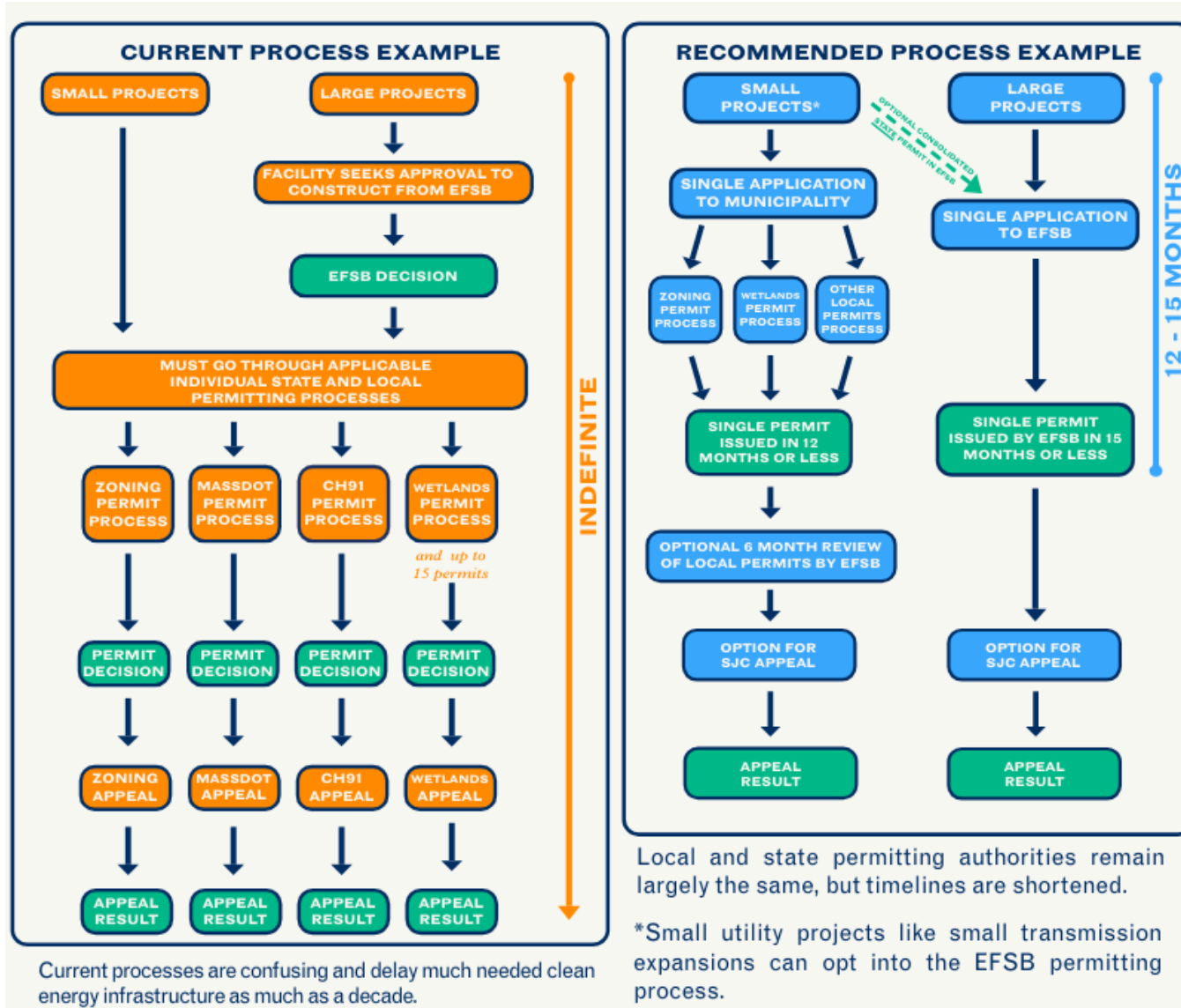
Our Charge – 2024 Climate Act

Siting and Permitting Reform

Two classifications of clean energy infrastructure projects

	Small	Large
Permitting Authority	Municipality	Energy Facility Siting Board
Generation	<25 MW	≥25 MW generation
Storage	<100 MWh	≥100 MWh
Transmission and Distribution	<1-mile long new corridor <10-mile long existing corridor	All other types (developers can also request EFSB to review Small Transmission and Distribution Projects)

Our Charge – 2024 Climate Act



Siting and Permitting Reform

Streamlining the municipal review process

- Municipalities have 12 months to review and issue a decision
- Consolidated Local Permit: Single application, but boards/depts retain review powers
- De Novo Adjudication: Affected parties can request review of final permit only to the EFSB

Our Charge – 2024 Climate Act

Siting and Permitting Reform

DOER 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 (constructive approval)
- Guidance for procedures and timelines
- Responsible parties subject to enforcement actions
- Processes for municipal fees for compensatory environmental mitigation

Our Charge – 2024 Climate Act

Siting and Permitting Reform

Regulations		Guidelines
Definition	Have the force and effect of law. Created and enforced by executive branch agencies, which are given the rulemaking authority by the Legislature.	A set of clarifications, interpretations, and procedures, including forms, developed by the Department to assist in compliance.
Process to Issue and Amend	Procedure outlined via Ch. 30A (Administrative Procedures Act). Includes interagency review, Public Comment Period, and a Public Hearing	Interagency review and a 21-day comment period
DOER Documents	225 CMR 29.00	Guidelines include: Public Health, Safety & Environmental Standards; Common Conditions; Mitigation; Pre-Filing Public Outreach; Model Permit Bylaw; Application

Our Goals and Approach

What we want these regulations to achieve

- Provide an efficient, consistent permitting pathway that:
 - increases the amount of small clean energy infrastructure, allowing the Commonwealth to meet its emission goals
 - respects the historic autonomy of cities and towns, while providing clear guidance, standards, and expectations
- Enable robust, productive, and collaborative engagement between applicants and stakeholder groups with meaningful outreach requirements early in the process
- Identify tools and programs needed by municipalities and applicants to improve technical understanding and procedural awareness of the law and new regulations, allowing everyone to confidently handle siting and permitting review

Timeline



Outreach and Engagement Strategy

- Summer and Fall 2025: Outreach to Municipalities, Stakeholder Groups, and Government Agencies
- September 15, 2025: Draft Regulations Filed and Posted
- September 26 – October 17: Public Comment Period
- Public Information Sessions in each region week of October 6th
- October 15 at 7:00pm: Virtual Public Hearing

Solar PV & Battery Energy Storage System (BESS) Model Bylaws

Project Overview

- Updating the Model Solar Bylaw (originally published in 2014)
- Developing a new Model BESS Bylaw
- Goal: Provide Massachusetts municipalities with clear standards to regulate & facilitate solar and storage development
- Aligning with DOER Siting & Permitting Regulations

Stakeholder Input & Process

- Interviews & workgroups to identify key issues (complete)
- Drafted straw proposals based on feedback (posted Oct. 7)
- Tonight: gather your feedback – also options for written comments, or via upcoming webinar
 - Webinar: 2pm, **Tuesday Oct. 21**
 - Written comments **due Nov. 14**
- Final deliverables to be published in early 2026
 - Model bylaws
 - Training resources & guidance materials

Solar Bylaw Highlights

- Primary vs. Accessory use (e.g., ground-mounted vs. rooftop)
- Preferred sites: rooftops, brownfields, landfills
- Tiers by size: Small (<25 kW), Medium (25–250 kW), Large (up to 25 MW)
- Design standards:
 - Minimize land clearing
 - Align with site suitability & mitigation fee guidance
- Decommissioning & bonding requirements

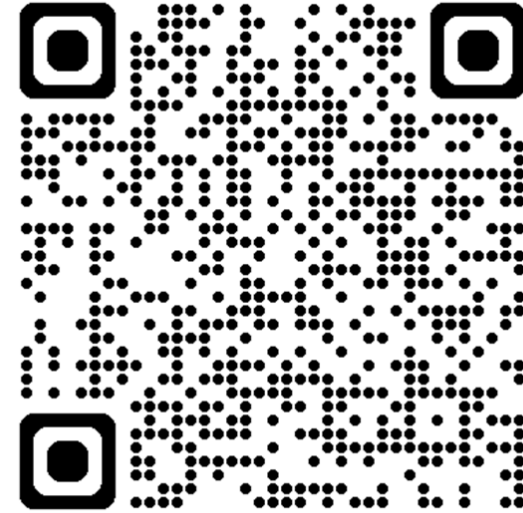
BESS Bylaw Highlights

- Standards for siting, design, construction, operation, and decommissioning
- Accessory vs. Primary use distinctions
- Tiers by size:
 - Tier 1: < 250 kWh
 - Tier 2: 250 kWh – < 10 MWh
 - Tier 3: 10 MWh – < 100 MWh
- Key focus: Fire safety, emergency response coordination
- Decommissioning requirements

Questions?

Register for the October 21 Webinar

Scan the QR code with your phone camera or go to:
bit.ly/doermodelbylaw



How to provide written feedback:

Email: green.communities@mass.gov

Subject: “Model bylaw comments”

Deadline: November 14, 2025

Overview of Regulations by Section



Public Health, Safety, and Environmental Standards

225 CMR 29.06

Accompanying, Guideline on Public Health, Safety, and Environmental Standards

- Establishes baseline expectations for project design and operation
- Setting general and technology-specific standards in the following categories:
 - Setbacks
 - Monitoring
 - Discharges
 - Erosion and Runoff Prevention
 - Impacts on Abutting Properties
 - Proximity to Critical Resources
 - Contamination and Remediation
 - Emergency Response
 - Abandonment
- Local Governments may adopt additional standards that are reasonably necessary to protect public health, safety, and environment

Public Health, Safety, and Environmental Standards

- All Clean Energy Infrastructure Facilities
 - Prohibit infrastructure on slopes greater than 15 degrees
 - Glare, flicker, and lighting considerations
 - DOER guidelines refer to other state regulations when possible, such as DEP regulations on noise
- Battery Energy Storage System specific standards
 - Adoption of NFPA 855 standard – specifics on emergency response, training, decommissioning, and references the latest edition of the MA State Fire Code
 - Allow municipalities to prohibit on Zone II Wellhead Protection Areas
- Decommissioning
 - All projects must have decommissioning plans and bonds. DOER will provide guidance on bond rates

Discussion

- What health, safety, environmental standards are important to include?
- Are there standards for project elements such as setbacks, lighting, and screening that you would want to see included?

Site Suitability/Minimization and Mitigation

225 CMR 29.07

Accompanying, Guidance on Site Suitability Assessments for Clean Energy Infrastructure; Guideline on Minimization and Mitigation Measures

- Goal is to encourage well thought-out projects that utilize previously developed parcels rather than undeveloped land
- Some Small projects are exempt from scoring
 - Projects with a site footprint of less than one acre or less, solar facilities less than 25kW AC, transmission lines not established in a new right-of-way, or behind-the-meter facilities less than 250kW AC
- 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
- Applicants will provide analysis and anticipated scoring using EEA's Site Suitability rubric, including mitigation hierarchy (higher score, greater impact)
 - Scores will be determined by an external party
 - Low scores are good, high scores aren't

Site Suitability/Minimization and Mitigation

- Municipalities will use the site suitability scoring to determine required minimization and mitigation
 - Minimization measures will be identified to reduce the impact of a project
 - Compensatory environmental mitigation fees can be used if project meets certain site suitability scores
 - Mitigation measures must be related to project impacts on the environment, people, and the Commonwealth's goals and objectives for climate mitigation, resilience, environmental justice, biodiversity, and protection of natural and working lands
 - If a project is highly suitable, municipalities do not need to require minimization or mitigation measures
- Qualifying minimization and mitigation measures may include:
 - Execute land conservation agreements, such as easements or land purchases
 - Implement reforestation or afforestation practices with native tree species within the site footprint
 - Establish a vegetated buffer and design native edible garden to educate and encourage local sustainable harvesting practices
- Compensatory Environmental Mitigation Total Fee = Max Fee Per Acre * (Total Site Suitability Score/25) * # of Acres Impacted on Site Footprint

Site Suitability/Minimization and Mitigation

Discussion

- Should a community have the right to deny an application if the site suitability score is too high?
- What minimization or mitigation measures should qualify in instances where the applicant has a high site suitability score?
- How should a municipality calculate how much mitigation is enough to offset poor scores?

Pre-Filing Requirements

225 CMR 29.08

Accompanying, Guideline on Pre-Filing Stakeholder Engagement; Standards and Guidelines on Community Benefits Plans and Community Benefits Agreements

- Requires applicants to conduct robust community engagement early on in the process
- Applicants kick off permitting process by filing a Notice of Intent to File Application (NOIFA) that features basic project information and community outreach plan
- The community outreach plan will be appropriate to the scale of the project, and will include noticing requirements
- Applicants will need to host at least one public meeting
- Applicant will need to certify they completed their outreach plan and explain how they incorporated feedback into the proposal
- Applicants must have a meeting with municipal staff and/or relevant Board chairs during this phase
- DOER is developing guidance to outline best practices for outreach, which will include provisions for accessibility, translation services, and outreach in rural communities

Pre-Filing Requirements

Discussion

- What methods of community outreach would be beneficial during this stage of the process?
- What types of abutters and key stakeholders should be noticed and involved at this stage of the process?
- How should the process be different for smaller projects versus larger projects?
- What type of outreach do you find useful and helpful?

Consolidated Local Permit Application & Consolidated Local Permit Application Review

225 CMR 29.09; 225 CMR 29.10

- DOER is working on preparing a common application for all communities that will require applicants to submit *all* material needed for *all* municipal decisions and permits to be issued
- Designated municipal official(s) will review the application for completeness; once deemed complete, municipalities will have 12 months to approve/deny the project
- Individual boards and departments still follow existing state rules during review and permitting process (40A, wetlands regs, historic districts, etc.)
- If final decision not reached within 12 months, the project receives constructive approval
- Municipalities can request EFSB to review project if it lacks the staffing, capacity, or resources needed
- Applicants must respond to municipal officials within 3 business days and provide materials 7 days in advance of meetings
- Appeal -- Applicants and other individuals or entities "substantially and specifically affected by a project" may file a petition to have the project reviewed by the EFSB after the municipal decision is issued

Consolidated Local Permit Application & Consolidated Local Permit Application Review

- DOER is working on developing a common application, that will eventually be available in an online portal
- All application materials uploaded to the portal will be publicly available

Discussion

- What tools would be helpful to ensure municipalities meet the 12-month timeframe?
- What criteria should officials use to judge if application is complete?

Regulatory Circuit Rider

225 CMR 29.11

- DOER will create a Circuit Rider program to assist applicants and municipalities with understanding new regulations and resolve disputes between parties to prevent delays and appeals
 - Will be similar to the DEP Circuit Rider program

Discussion

- Would you want the regulatory circuit rider to provide assistance with other aspects of this process, such as pre-filing?
- Where do you think a Circuit Rider would be most helpful in this process?

Common Conditions and Requirements for Constructive Approval

225 CMR 29.12

Accompanying, Guideline on Common Conditions

- Constructive approval will occur when a municipality does not issue a decision within the 12-month timeframe
- Common Conditions were developed by DOER staff in coordination with the Energy Facilities Siting Board, and will include conditions and requirements for the following topics:
 - Administrative and legal conditions
 - Conditions and requirements for construction (visual impact, vegetation, earthwork, etc.)
 - Conditions and requirements for operation and maintenance (stormwater control, emergency response, hazmat storage, etc.)
 - Decommissioning

Discussion

- What conditions would be important to include?

Model Small Clean Energy Infrastructure Facility Permitting Bylaw

225 CMR 29.13

Accompanying, Guideline on Small Clean Energy Infrastructure Facility Model Bylaw

- DOER will develop a model bylaw to outline the processes and procedures municipalities shall follow when reviewing an application for a small clean energy facility
- Within the bylaw, municipalities can designate who will coordinate the review process with the Applicant
- Municipalities can decide whether they want boards/departments to work concurrently or consecutively, and assign oversight/review of application processes to specific Town/City Staff or Departments

225 CMR 29.14 Enforcement

225 CMR 29.14

- Covers transfer of ownership – if the facility is sold all permit conditions, requirements, mitigation conditions, etc. **will apply to all successors in interest**
- Successors may petition to modify the existing permit, but **the municipality is not obligated to reconsider conditions**

Discussion

- Are there other topics related to enforcement these regulations should address?
- If a successor wants to change the terms of a permit issued through these regulations, does it trigger another 12-month review period? Is the review period shorter? Is the petition only to the single board who issued the condition?

Concurrency and Transition Periods

225 CMR 29.05

- Regulations would go into effect on December 1st, 2026 (9-month transition period) to give municipalities time to prepare for new process
- The 9 months is the concurrency period where municipalities can use the current system or 225 CMR 29.00, but not both
- Municipalities will be encouraged to adopt the Model Small Clean Energy Infrastructure Facility Permitting Bylaw to designate Local Government Representative

Discussion

- What do you think of this timeline? Would you face any challenges?
- If not 9 months, what do you think the concurrency period should be?

Audience Questions and Comments



Upcoming Events

DOER Public Hearing on Regulations

A virtual public hearing will be held on Zoom on to receive verbal comments on the draft regulations

- **Wednesday, October 15, 7 p.m.** Register at bit.ly/DOER-SP-Reg or scan the QR code to the right

Written comments will be accepted between September 26, 2025 and 5PM on October 17, 2025. Please email written comments as attached PDF files to DOER.Siting.Permitting@mass.gov with the words "S&P Follow On Rulemaking Comments" in the subject line. Written comments can also be submitted via mail to Rick Collins, 100 Cambridge Street, 9th Floor, Boston, MA 02114.



EFSB Public Hearings on Regulations

EFSB and DPU will conduct four hybrid remote and in-person public comment hearings, listed below. Remote attendees can access the hearings at this link: www.zoomgov.com/j/1612425626 or scan the QR code to the right

- **Monday, October 27, 6 p.m. – 9 p.m.** at Greater New Bedford Regional Vocational Technical High School, 1121 Ashley Blvd, New Bedford, MA 02745, Auditorium
- **Wednesday, October 29, 6 p.m. – 9 p.m.** at Berkshire Innovation Center, 45 Woodlawn Ave, Pittsfield, MA 01201
- **Monday, November 3, 6 p.m. – 9 p.m.** at One South Station, Boston, MA 02110, 3rd floor, Large Hearing Room
- **Wednesday, November 5, 6 p.m. – 9 p.m.** at North Shore Community College, 300 Broad St, Lynn, MA 01901, Cafeteria





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Thank You!