

ADDITIONAL PUBLIC COMMENTS ON Model Solar and BESS Zoning Bylaws

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One of the core challenges of the draft Small Clean Energy regulations developed by DOER is the concept and implementation of the Local Government Representative. As noted below in section 29.13 CMR, the regulations indicate that there will be a **Model Small Clean Energy Infrastructure Facility Permitting bylaw** that will outline how a municipality will identify and utilize a Local Government Representative. Neither draft Model Solar or BESS bylaw as currently draft provided by Green Communities addresses this.

If this content will be outlined in a separate bylaw, I would suggest that it be referenced in each of the two current draft bylaws. If not, the content needs to be incorporated into these two draft bylaws.

29.13 Model Small Clean Energy Infrastructure Facility Permitting Bylaw

- (1) The Department shall develop a Model Small Clean Energy Infrastructure Facility Permitting bylaw, which will outline the processes and procedures Local Government boards and departments shall follow pursuant to the Consolidated Local Permit Application review process.
- (2) Local Governments may adopt the Department's Model Small Clean Energy Infrastructure Facility Permitting bylaw, which may:
 - (a) Identify the Local Government Representative responsible for overseeing the pre-filing requirements;
 - (b) Identify the Local Government Representative responsible for overseeing the Consolidated Local Permit Application review process, and compiling all Local Government board and department permits, decisions, mitigation agreements, Community Benefits Plans, and orders of conditions, and issuing the final decision on the Consolidated Local Permit Application;
 - (c) Identify the Local Government Representative responsible for enforcing all permit conditions;
 - (d) Set application and peer review fees;
 - (e) Establish the cadence and deadlines by which the Local Government's boards and departments shall adhere to in their review of Consolidated Local Permit Applications and Individual Application Components;
 - (f) Develop a Consolidated Local Permit Application review process consistent with 225 CMR 29.10 and applicable state law;
 - (g) Identify the process under which relevant Local Government boards and departments will consult with each other and ensure that prior to the issuance of any decision on a Consolidated Local Permit Application, each decision on an Individual Application Component is aligned; and
 - (h) Incorporate the concurrency and transition periods, as described in 225 CMR 29.05, for the effective date of all standards established by the Department in 225 CMR 29.00.