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CAPE COD  
COMMISSION

**Via Email**

November 14, 2025

Joanne Bissetta  
Director, Green Communities Division  
Massachusetts Department of Energy Resources  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

Dear Director Bissetta,

Thank you for the opportunity to provide comments on draft Model Bylaws for Solar Photovoltaic ("PV") Systems and Battery Energy Storage Systems ("BESS") which accompany DOER regulations and Guidance implementing an Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers ("2024 Climate Act"; St. 2024, c. 239). Cape Cod Commission staff reviewed the Model Bylaws and offer the following comments.

**Background:**

The Cape Cod Commission, as the regional planning and land use agency for Barnstable County, is responsible for preparing a Regional Policy Plan ("RPP") and reviewing and regulating Developments of Regional Impact ("DRIs"). The Cape Cod Commission Act (St. 1989, c. 716) and the Commission's enabling regulations include thresholds and criteria for determining when a proposed development constitutes a DRI based on the magnitude of its impact on the natural or built environment and effects across multiple municipalities within the region. The Commission has reviewed, as DRIs, numerous projects that would meet the definition of clean energy infrastructure facility contained in the 2024 Climate Act. Moving forward, the Commission will continue to participate in the permitting process for such facilities in its capacity as a Local Government pursuant to M.G.L. c. 25A § 21(a), by recommending conditions for EFSB-jurisdictional projects and issuing consolidated permits for small clean energy infrastructure facilities.

In addition to the regional planning and regulatory powers outlined above, the Commission is empowered to assist local governments in carrying out their local planning and regulatory responsibilities which may include providing grants and technical assistance to municipalities (See St. 1989, c. 716 § 4(a)). In 2021, the Commission developed a [model bylaw](#) for large-scale ground-mounted solar photovoltaic installations and battery energy storage systems and a companion [large-scale solar screening tool](#) as guidance for Cape Cod communities. Commission staff anticipate assisting municipalities in our region with implementation of new or revised local bylaws related to solar PV systems, BESS, and clean energy permitting processes as new regulations become effective in the near future.

### **General Comments:**

The Draft Model Solar PV and BESS Bylaws are largely consistent with the Commission's 2021 model bylaw and expand upon DOER's 2014 model bylaw with additional design and environmental standards. Commission staff generally support the structure and approach of these Model Bylaws which align with the requirements of the 2024 Climate Act and are adaptable to the unique development patterns, resource constraints, and land use planning goals of the Commonwealth's municipalities.

Section 23 of the 2024 Climate Act provides that local governments acting consistent with the standards established by DOER will be considered to have acted within the limitations of M.G.L. c. 40A § 3 (the Dover Amendment). Both Model Bylaws reference the standards included in DOER's Draft Regulation 225 CMR 29.00 and associated Guidance documents, which should provide assurance to municipalities that, if adopted without substantial deviation, the Model Bylaw will not violate the Dover Amendment limits on solar facility regulations. DOER included additional background and educational notes throughout the bylaws addressing among other things, potential mitigation options to offset environmental impacts, considerations for adopting setback and other dimensional requirements, and a summary of relevant legal constraints. Case law applying the Dover Amendment to solar and BESS facilities has evolved significantly over the last few years and may continue to do so. Commission staff appreciate the guidance provided to municipalities throughout the Model Bylaws and suggest that DOER update these documents on a regular basis moving forward.

Section 6.2 of both Model Bylaws provides a list of required documents for a solar PV or BESS project subject to Site Plan Review which includes "A preliminary equipment specification sheet that documents the proposed Solar Photovoltaic Installation/BESS components and other associated electrical equipment that are to be installed, including the manufacturer and model. A final equipment specification sheet shall be submitted prior to issuance of a building permit." DOER may also want to add "documentation of hazardous materials/substances/liquids safety data sheets and quantities for proposed solar PV/BESS components and other associated hazardous materials" as an application requirement in the Model Bylaws and forthcoming Guidance on the Consolidated Local Permit Application.

Recognizing that many substantive components of the environmental, design, and safety standards applicable to clean energy facilities are contained in DOER Guidance, Commission staff plan to provide more detailed feedback when a public comment period on those materials is announced. Please do not hesitate to reach out with any questions about these comments.

Sincerely,

A handwritten signature in blue ink that reads "Kristy Senatori". The signature is written in a cursive, flowing style.

Kristy Senatori  
Executive Director