

TO: DOER.Siting.Permitting@mass.gov

Subject: S&P FOLLOW ON RULEMAKING COMMENTS

From: Town of Charlton, Ma Planning Board

Bill Fontaine, Patsy Rydlack, Don Clay, Leonie Howard, H. Laurie Degnan

CC: Governor Maura Healey, Senator Peter Durant, Senator Ryan Fattman, State Rep John Marsi, Stephen Meno, Andrew Golas, TA, Randy Benson, Jayne Garney, Planners

DATE: October 15, 2025

Dear Department of Energy Resources,

The Charlton Planning Board has participated in several informational sessions regarding site suitability for clean energy infrastructure. We wish to reiterate our concerns about the disproportionate concentration of renewable energy projects in Charlton and other rural communities, while many municipalities host little or none. We understand your position that many cities and towns lack large undeveloped parcels, necessitating the siting of projects in rural areas.

However, urban areas do possess small lots, parking lots, rooftops, and vacant buildings suitable for solar installations and energy storage. Although these sites may not achieve renewable energy targets as rapidly or yield comparable profits for developers, it is imperative that the largest energy consumers also participate in hosting of renewable energy infrastructure. (And not just buy the virtual energy produced on our lands).

The mandates of the Climate Act are fundamentally altering the character of rural communities. The current scoring matrix for site suitability unfairly favors rural, forested lands, enabling developers to “buy” a better score and huge projects also benefit from streamlined Energy Facilities Siting Board (EFSB) permitting bypassing local zoning and boards. To promote equitable siting and preserve the landscapes of towns already heavily impacted by energy development, we respectfully request the following amendments to the “Draft Site Suitability Assessments for Clean Energy Infrastructure”:

The Town of Charlton Planning Board respectfully requests the “DRAFT”- SITE SUITABILITY ASSESSMENTS FOR CLEAN ENERGY INFRASTRUCTURE be amended as follows:

III. DEFINITIONS – please **add** the following 2 terms: (Our reasons for the changes or additions are followed in italics.)

Net Positive Municipality: **A municipality that hosts energy facilities generating more energy and fuel than is consumed by its residents.** *Rationale: This designation recognizes towns that have become net contributors to the state and region’s energy supply due to the inequitable*

siting of renewable energy assets. Incentives should encourage developers to locate projects closer to high-demand urban areas. All 351 cities and towns should strive for this.

Burdened Community: A municipality experiencing disproportionate exposure to environmental hazards, cumulative pollution, climate change impacts, and socioeconomic distress, resulting from multiple stressors over time. *Rationale: The current definition restricts “Burdened Area” to Environmental Justice Communities, which is discriminatory against middle-class, English-speaking towns. Municipalities hosting numerous energy facilities should be adequately represented in the scoring metric as burdened, regardless of income or language.*

III. DEFINITIONS – **amend** the following definitions contained in your current draft to **add verbiage in red**, or strike out and replace with the additional verbiage in red:

“Applicable Facility”– A Clean Energy Infrastructure Facility required to complete a site suitability analysis in order to apply for a Consolidated Permit or Consolidated State Permit pursuant to regulations promulgated by the EFSB and/or a Consolidated Local Permit pursuant to regulations promulgated by DOER. Applicable facilities include large Clean Energy Generation Facilities, Small Clean Energy Generation Facilities, Large Clean Energy Storage Facilities, and Small Clean Energy Storage Facilities. Applicable Facilities also include Large Clean Transmission and Distribution Infrastructure Facility or Small Clean Energy Infrastructure Facility located in a Burdened Area, **Burdened Community or a Net Positive Municipality**, is required to complete a Cumulative Impact Analysis.” ***

*(***Rationale: This addition will allow any municipality, regardless of income, population, language, or location, to provide and request a Cumulative Impact Analysis to take into account any disproportionate exposure to environmental hazards, cumulative water and air pollution, hazardous waste exposure, high energy costs and negative effects on resident’s quality of life.)*

Core Habitat - Key areas that are critical for the long-term persistence of rare species and other species of conservation concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth, as identified by the Massachusetts Division of Fisheries and Wildlife in the latest available version of BioMap framework within the Natural Heritage and Endangered Species Program. **If a privately owned parcel has not been mapped for BioMap or critical natural landscape criteria, the applicant must hire an independent environmental engineer to analyze and map the parcel. This report will become part of the permitting packet and a copy shall be provided to update the BioMap frameworks.**

Critical Natural Landscape. Areas including large natural landscape blocks and buffering uplands around coastal, wetland and aquatic Core Habitats to help ensure their long-term integrity, as identified by the Massachusetts Division of Fisheries and wildlife in the latest available version of the BioMap framework

within the Natural and Endangered Species Program. If a privately owned parcel has not been mapped for BioMap or critical natural landscape criteria, the applicant must hire an independent environmental engineer to analyze and map the parcel. This report will become part of the permitting packet and a copy shall be provided to the state's environmental framework sites so to update and provide the most accurate information possible.

Cumulative Impact Analysis (CIA) An analysis assessing cumulative impacts and burdens required to be completed by Clean Energy Infrastructure Facilities in accordance with 980 CMR 15.00

"Applicant provides the cumulative impacts analysis" should be amended to "the hosting community and applicant will each provide their own cumulative impact analysis". The municipality is better aware of the "cumulative" incidents that have had impacts on the town's resident's health and welfare and quality of life. Applicants could omit or misinterpret important data and no fact checking can be done. For transparency and complete cumulative analysis, having both entities, the applicant and municipality reports, shall be made public for review and comments.

(It is imperative that all parties see the score reviewer's formal score determination to provide transparency in the siting process.) Request for score review" does not state if it will be allowed – only that one can request it. For continued transparency in this process, these scores should be questioned and confirmed with facts. Allowing only the applicants to submit this criteria could result in deficient and incomplete data. Municipalities have the knowledge and background to provide accurate and historical data that may not be currently available thru internet searches.

"Request for Score Review"— A process through which applicants of applicable facilities may dispute the result of the Site Suitability Score Review's Formal Score Determination. A Request for Score Review of a Consolidated Local Permit application before a Local Government will be ~~considered~~ **provided upon request** to the DOER. A request for Score Review of a Consolidated Permit or Consolidated State Permit before the EFSB will be ~~considered~~ **provided upon request** to the EFSB. Amend "will be considered" to "will be considered and allowed".

REMOVE THE FOLLOWING FROM DEFINITIONS:

~~**"Route and Site Scoring"**— An analysis of non-cumulative environmental and social indicators to rank site alternatives in the EFSB permitting process. This analysis is conducted by the EFSB separately from the Site Suitability Assessment, and the results of both analyses will be considered in the EFSB's final decision on an application for a Consolidated Permit, Consolidated Local Permit, or Consolidated State Permit, as applicable. ****~~

(****Route and Site Scoring for the consideration of alternative site selection using any non-cumulative data is disingenuous in its reporting. Since the information gathered is for an interval or point in time, it can be manipulated easily to obtain the score someone wants to report. All sites should be given the same consideration and include only cumulative environmental data and not a combination of the two. This can only lead to misrepresentation of data and skepticism in the EFSB's ultimate decision.

A. APPLICABLE FACILITIES

Clean Energy Infrastructure Facilities applying for a Consolidated Permit Consolidated State Permit or Consolidated Local Permit are required to complete a site suitability assessment, with certain exceptions.

These Exceptions include:

Large Clean Transmission and Distribution Infrastructure Facilities and Small Clean Transmission and Distribution Infrastructure Facilities that are not proposed to be sited in a newly established Public Right of Way;

Large Clean Energy Infrastructure Facilities or Small Clean Energy Infrastructure Facilities located in a or Small Clean Energy Infrastructure Facilities Burdened Area or Burdened Community, that are required to complete a Cumulative Impact Analysis within a Burdened Area, or Burdened Community, pursuant to 980 CMR 15.00; and,

Small Clean Energy Infrastructure Facilities that:

- Have a site footprint of less than one acre;
- Are a Solar facility with a nameplate capacity, as measured in alternating current, less than or equal to 25kW; or
- Are a Behind-the-Meter Small Clean Energy Generation Facility with a nameplate capacity less than or equal to 250 kW.

In closing, I want to stress that Charlton has already adopted zoning regulations based on the DOER published Guidelines of 2014 and town meeting voters voiced their concerns over the changing landscapes and voted to limit the total number of projects. Residents also voted to allow energy storage to be sited as accessory to solar and to allow siting of free-standing battery storage in certain zones. Charlton Planning Board will continue to advocate for our right to govern and shape our town.

Thank you for the opportunity to submit comments and we hope you agree to add these 2 terms to your draft regulations and support equitable siting of all size renewable projects.

Respectfully and sincerely,

Charlton Planning Board Members