

**Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
DEPARTMENT OF ENERGY RESOURCES**

**SMALL CLEAN ENERGY INFRASTRUCTURE FACILITY SITING &
PERMITTING (225 CMR 29.00)**

Guideline on the Consolidated Local Permit Application

Effective Date: Oct. 1, 2026

Background and Purpose

The Department of Energy Resources ("Department") offers the following Guideline on the Consolidated Local Permit Application for a Small Clean Energy Infrastructure Facility ("SCEIF"), consistent with 225 CMR 29.00.

Applicants proposing a SCEIF must complete a common application. This document provides guidance regarding best practices for Applicants to complete the Consolidated Local Permit Application ("Application") and for Local Governments to administer the Application process.

1. Consolidated Local Permit Application Forms

The Department has developed a series of forms that the Applicant and Local Government are required to use as part of the Consolidated Local Permit process. These forms are available on the Department's website as PDFs. These forms are:

- *Pre-filing Engagement Completion Checklist* - to be filled out by the Applicant and signed by the Local Government Representative ("LGR"). This form is used to verify the Applicant's compliance with the pre-filing requirements pursuant to 225 CMR 29.08.
- *Consolidated Local Permit Application Form* - to be filled out by the Applicant and submitted to the LGR as part of the Application submission process pursuant to 225 CMR 29.09.
- *Consolidated Local Permit Completeness Review Checklist* - to be filled out and signed by the LGR to verify the Application is complete pursuant to 225 CMR 29.10.
- *Consolidated Local Permit Decision Form* - to be filled out and signed by the LGR. This form provides a final decision on the Consolidated Local Permit Application, pursuant to 225 CMR 29.10.

2. Consolidated Local Permit Application Materials

An Application is composed of the Individual Application Components enumerated in 225 CMR 29.09(2). Functionally, the Application consolidates the materials for each individual permit necessary for the construction of a SCEIF into a single submission. In addition, the Application introduces new components and standards such as the Site Suitability Report, standards for Emergency Response Plans that vary by facility type, and certain labor disclosures. Applicants and Local Governments should refer to the Department's *Guideline on Public Health, Safety, Environmental, and other Standards* and *Guideline on Avoidance, Minimization, and Mitigation* for more information on the contents of these new components and standards.

3. Submitting the Consolidated Local Permit Application

Pursuant to 225 CMR 29.08, the Applicant must submit the Application to the Local Government not more than 60 days after the LGR certifies all pre-filing activities have been completed. Upon the Applicant's submission, the LGR has 30 days to review the Application for completeness and determine if it is complete or deficient.

The Applicant must use the Department's *Consolidated Local Permit Application Form* to submit their Application, and Local Governments must accept the *Consolidated Local Permit Application Form*.

3.1 Completeness Determination

Upon receipt of the Application, the LGR must determine if the Application meets the completeness standard in 225 CMR 29.10(1). The LGR must issue their determination on completeness via the *Consolidated Local Permit Completeness Review Checklist* within 30 days of receiving an Application. The LGR may consult other entities such as the relevant local permitting authorities to aid in the completeness determination.

If the LGR does not issue a completeness determination within 30 days, but the Applicant has paid all permit fees, the Application is considered complete under 225 CMR 29.10(1)(d) and is eligible for review by local permitting authorities.

If the LGR determines that the Application is incomplete, the Applicant has the opportunity to cure any deficiencies identified by the LGR pursuant to the procedure contained in 225 CMR 29.10(1).

3.1.1 Completeness Standard

An Application meets the completeness standard under 225 CMR 29.10(1) when all permit fees have been paid to the Local Government and the Applicant has provided all Individual Application Components. The LGR should decide that an Application meets the completeness standard when all required Individual Application

Components are present, accurate, and complete, and all permit fees have been paid. The purpose of the completeness standard is to allow local permitting authorities to begin their substantive review immediately upon the outset of the 12-month review period.

3.2 Special Consideration for Applications Subject to the Cape Cod Commission ("CCC") or Martha's Vineyard Commission ("MVC")

For SCEIFs that are proposed within the jurisdiction of the CCC or MVC, the LGR is encouraged to confer with the applicable Commission to determine whether the Applicant has provided the necessary materials for the Determination of Regional Impact review in the event of a mandatory referral.

3.3 Reporting a Complete Application to the Department

Not more than 10 days after the Application is determined to be complete, the Applicant must provide the Department with a digital copy via email of the completed Application pursuant to 225 CMR 29.10(2). Applications shall be sent to DOER.Siting.Permitting@mass.gov.

3.4 Permit Fees

Pursuant to 225 CMR 29.01(1), permit fees shall be assessed by the Local Government when the Application is submitted. The Local Government may structure the fees in one of the following ways:

- the sum of the fees of the applicable permits included in the Application; or
- a Consolidated Local Permit fee as outlined in a local bylaw or ordinance.

4. Reviewing the Consolidated Local Permit Application

225 CMR 29.00 requires Local Governments to complete their review of complete Applications no longer than 12 months from the determination of completeness. The 12-month period begins at the date that the LGR determines the Application is complete, or when the Application is deemed complete under 225 CMR 29.10(1)(d). The review period ends 12 months after the determination of completeness, or when the Town Clerk stamps the Consolidated Local Permit, whichever comes first. Under no circumstances may an extension be granted to extend review beyond the 12-month period.

The 12-month review period is a maximum time, and Local Governments are not precluded from releasing their decision on the Consolidated Local Permit in less time. Local permitting authorities are encouraged to complete their individual reviews

ahead of the 12-month deadline so that the LGR is able to prepare the Consolidated Local Permit to be stamped by the Town Clerk before the period ends and Constructive Approval is triggered.

4.1 Coordination of Multiple Reviewing Bodies

Local permitting authorities and other members of the Local Government responsible for review of Individual Application Components (“Reviewers”) may complete their review concurrently or consecutively. Reviewers should promptly communicate their decisions to the LGR, regardless of the status of other Reviewers or the outcome of other reviews.

4.2 Request for De Novo Adjudication due to Local Government Lack of Resources

The Local Government may request an Application be reviewed by the Director of the EFSB under a De Novo Adjudication when the Local Government lacks the staffing, resources, or capacity to undertake the review. The Local Government may submit such a request to the Director of the EFSB within 60 days of receiving a complete application, or anytime thereafter with the consent of the Applicant. De Novo Adjudications are subject to the rules and procedures of 980 CMR 14.00.

4.3 Massachusetts Department of Environmental Protection (“MassDEP”) Superseding Orders of Conditions

M.G.L c. 25A § 21(d-e) requires that (1) a Consolidated Local Permit is not inclusive of any state permits required for construction or operation of a SCIEF, and (2) any decisions on Individual Application Components be precluded from independent appeal or review; such review may only be done in a De Novo Adjudication.

Nothing in M.G.L c. 25A § 21 should be construed to override the substantive requirements of 310 CMR 10.00. However, M.G.L c. 25A § 21 precludes MassDEP from reviewing a Request for Department Action under 310 CMR 10.05 before a Local Government completes its review of a Consolidated Local Permit Application.

4.4 Significant Changes to a Proposed Small Clean Energy Infrastructure Facility

Under 225 CMR 29.10(4), if the Applicant identifies the need for one or more Significant Changes to the Application after a completeness determination has been issued by the LGR, the Applicant may submit a written justification to the LGR requesting a new determination be issued and the Application be deemed incomplete. A Significant Change may include an alteration that modifies a material aspect of the Application such as the Site Footprint of the SCEIF, or an alteration that the Applicant

does not reasonably believe it can address before the expiration of the 12-month review period. Section 4.4.1 illustrates examples of Significant Changes but is not an exhaustive list.

When this happens, the 12-month review clock ends and the Applicant will be given the opportunity to submit amended plans, such as new stamped engineering drawings or updated mitigation plans, that reflect the Significant Change(s). The Applicant shall then re-submit its Application to the LGR and the LGR shall review the Application for completeness, following the same process as if it were an entirely new Application. Following the subsequent completeness determination, the Local Government must issue its decision on the revised Application 12 months from the revised date of the completeness determination.

225 CMR 29.10(4) does not require the Applicant to repeat the pre-filing requirements under 225 CMR 29.08.

4.4.1 Examples of Significant Changes

- The Applicant identifies a need to relocate an access road or infrastructure resulting in a change in the Site Footprint.
- A Request for Score Revision results in the Department issuing one or more revised Criteria-specific Suitability Scores and the Applicant does not reasonably believe it can address the new scope of Minimization or Mitigation in a way that does not impede the Local Government's ability to complete a timely review of the Application.

4.5 Information Requests

Applicants must provide sufficient and timely responses to information requests from Local Governments, and Local Governments must be reasonable in the scope of their requests. Sufficiency of the Applicant's response depends on the purpose of the information request. A sufficient response may look like completing requested revisions, furnishing certain documents, or responding to simple communications. An information request is reasonable in scope when it is consistent with the Local Government's usual course of business and the information sought is reasonably necessary for the Local Government to complete its review of an Application within the 12-month review period. An information request is not reasonable in scope when it is unrelated to the matter before the Local Government or the scope exceeds what is reasonably necessary for the Local Government to complete a timely review of an

Application or is designed to put the Applicant in a state of noncompliance with 225 CMR 29.10(7).

Under 225 CMR 29.10(7), the Applicant is required to respond to information requests within 10 days, unless an extension is granted in writing. If the Local Government reasonably determines the status of the Application and the Applicant's failure to respond will impede the Local Government's ability to complete its review within 12 months, the Application may be denied. This reduces the likelihood that Constructive Approval is triggered due to delayed communications.

4.5.1 Special Considerations for WPA Permits

To reduce the risk of denial under 225 CMR 29.10(7), Applicants are encouraged to delineate wetlands resource areas and confirm the applicability of 310 CMR 10.00: *Wetland Protection Act* ("WPA") to their project prior to submitting an Application. The Local Government may deny an Application if the Applicant is unable to respond to an information request due to delays in delineating wetlands or securing technical review by consultants.

5. Issuing the Application Decision

The decision on the Consolidated Local Permit Application is issued by the LGR and is considered final when the Town Clerk provides their stamp. The Town Clerk's stamp signifies the end of the review period. The LGR is required to provide a digital copy of the decision on the Consolidated Local Permit Application, inclusive of the Town Clerk's Stamp, not more than 10 days after it is issued. Copies should be sent to the Applicant's known email address and DOER.Siting.Permitting@mass.gov.

5.1 Contents of Application Decision

The decision on the Consolidated Local Permit Application includes all decisions on Individual Application Components, as well as any additional conditions, such as Minimization and Mitigation measures assigned by the LGR, or a Community Benefits Plan, if applicable. In addition to the substantive Individual Application Components, the Consolidated Local Permit must include a complete *Consolidated Local Permit Decision Form*, including the Town Clerk's stamp.

5.1.1 Approvals

In the case that an Application is approved, the LGR shall issue a single decision consolidating all approvals of Individual Application Components into that single decision.

5.1.2 Denials

In the case that an Application is denied, the decision must also include detailed reasoning for the denial. The detailed reasoning for the denial should be provided to the LGR by the local permitting authority or authorities whose review(s) triggered the denial.

A denial is triggered when one or more permitting authority issues a denial of an individual permit. The denial of an individual permit however should have no bearing on the approval or denial of other individual permits requested in an Application and permitting authorities should complete their reviews even when it is apparent the Consolidated Local Permit will be denied as a whole.

5.1.3 Constructive Approval

If the LGR fails to issue a decision on the Consolidated Local Permit in 12 months or less from receipt, the Application automatically receives Constructive Approval. A Constructive Approval contains all components of the Application, the *Consolidated Local Permit Decision Form*, and the Common Conditions enumerated in the Department's *Guideline on Common Conditions*.