

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

Model Small Clean Energy Infrastructure Facility Siting and Permitting Bylaw

May 22, 2026

This Model Bylaw was prepared to assist Local Governments to incorporate the requirements of 225 CMR 29.00: Small Clean Energy Facility ("SCEIF") Siting and Permitting into a zoning bylaw or ordinance. This Model Bylaw was developed as a model and is not intended for adoption without specific review by municipal counsel.

225 CMR 29.00 was promulgated by the Department of Energy Resources on February 27, 2026. Beginning July 1, 2026, Local Governments may, but are not required to, accept Consolidated Local Permit Applications. Local Governments must accept Consolidated Local Permit Applications submitted on or after October 1, 2026.

Adoption of this Model Bylaw is not required for compliance with or the application of 225 CMR 29.00 to the local siting and permitting of Small Clean Energy Infrastructure Facilities.

This Model Bylaw is intended to align with the consolidated siting and permitting process for SCIEFs under 225 CMR 29.00. In the event of any inconsistency, the provisions of 225 CMR 29.00 shall govern.

1.0 Purpose.

The purpose of this bylaw, also referred to as Small Clean Energy Infrastructure Facility ("SCEIF") Siting and Permitting Bylaw, is to incorporate the standard conditions, criteria, requirements, and procedures for the efficient and appropriate siting and permitting of SCIEFs by [Town/City name] under 225 CMR 29.00.

2.0 Definitions.

For the purposes of this bylaw, the terms defined in 225 CMR 29.02 shall have the same meaning in this bylaw.

3.0 Applicability.

This bylaw applies to the local siting and permitting of a SCEIF when an Applicant requests a Consolidated Local Permit pursuant to 225 CMR 29.00.

4.0 Compliance with Laws, Ordinances, and Regulations.

The siting and permitting of a SCIEF shall be consistent with all applicable local, state, and federal requirements.

Resources for Applicable Requirement:

- Massachusetts Energy Facilities Siting Board ("EFSB"): [EFSB Website](#)

- Massachusetts Department of Environmental Protection ("DEP"): [Noise Standards](#), [Wetlands Protection Act Regulations](#), [Stormwater Handbook and Standards](#)
- State Fire Code (527 CMR 1.00): [Massachusetts State Fire Marshal](#)
- Massachusetts Environmental Policy Act ("MEPA"): [MEPA Office](#)
- Massachusetts State Building Code (780 CMR): [Board of Building Regulations and Standards](#)
- Federal Requirements: [National Environmental Policy Act](#) ("NEPA")
- Massachusetts Endangered Species Act ("MESA"): [MESA Regulatory Review](#)

The above list is not necessarily exhaustive

5.0 Designated Local Government Representatives.

For the purpose of this bylaw, the [local official] shall serve as the Local Government Representative.

Note: *For the purposes of 225 CMR 29.00, the Chief Administrative Officer or their designee(s) is the Local Government Representative(s) ("LGR") by operation of law. The Local Government may designate different officials to oversee one or more parts of the consolidated permitting process. For example, the Municipal Planner may be designated as the LGR for the purposes of overseeing Pre-Filing Requirements, and the Planning Board Chair may be designated as the LGR for the purposes of applying the Site Suitability Guidance and making decisions related to Minimization and Mitigation requirements. Local Governments should make LGR designations that meet the unique needs of their municipalities*

Should a Local Government seek to designate one or more LGRs, DOER recommends the following types of local officials be considered for those roles:

- *Municipal Planner*
- *Building Commissioner*
- *Building Inspector*
- *Planning Board Chair*
- *Conservation Commission Chair*
- *Zoning Board Chair*
- *Conservation Agent*

6.0 Public Health, Safety, and Environmental Standards.

The public health, safety, and environmental standards, as codified by 225 CMR 29.06, are herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter ____.

The Local Government may use this section to adopt additional public health, safety, and environmental standards provided that such standards are reasonable and do not conflict with any provision of 225 CMR 29.00, DOER Guidelines, or other relevant requirements.

7.0 Pre-filing Requirements.

The pre-filing requirements, as codified by 225 CMR 29.08, are herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter ____.

The Local Government may use this section to specify who shall attend the pre-filing municipal meeting or make it a case-by-case determination. The Local Government may also use this section to establish timing requirements for the pre-filing municipal meeting and the pre-filing public information session.

Suggested officials for attendance of pre-filing municipal meeting. This list is not exhaustive:

- *Town Planner or Chair of Planning Board*
- *Fire Chief*
- *Director of the Department of Public Works*
- *Conservation Agent or Chair of Conservation Commission*
- *Health Agent or Chair of Health Board*
- *Building Commissioner*
- *Town Administrator or Town Manager*
- *Chief Administrative Officer*
- *Police Chief or member of the Police Force*

Suggested timing requirements for pre-filing municipal meeting and pre-filing public information session:

- *DOER suggests the pre-filing municipal meeting be held not less than 30 days and not more than 60 days in advance of the pre-filing public information session in order to meet the noticing requirements in 225 CMR 29.08(4).*

Additional Resources

- *Executive Office of Environmental Affairs Office of Environmental Justice and Equity's [Standards and Guidelines on Community Benefits Plans and Community Benefit Agreements](#).*
- *Executive Office of Environmental Affairs' [Site Suitability Reports for Clean Energy Infrastructure Facilities](#)*

8.0 Consolidated Local Permit Application Fees.

A schedule of all fees for a Consolidated Local Permit Application shall be set by and reviewed from time to time by the [_local official_]. If the EFSB Director accepts the Consolidated Local Permit Application for De Novo Adjudication, any permit fees paid under this section shall be refunded in full to the Applicant within 30 days of the Director's acceptance of the Consolidated Local Permit Application, or as soon as practicable

9.0 Consolidated Local Permit Application Review.

The Consolidated Local Permit Application review process, as codified by 225 CMR 29.10, is herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter ____.

The Local Government may use this section to adopt rules and policies governing the review of Consolidated Local Permit Applications best suited for the Local Government's structure, provided that such rules and policies do not conflict with 225 CMR 29.00 or state law. See American Lithuanian Naturalization Club v. Board of Health of Athol, 446 Mass. 310, 321 (2006) ("A town may not promulgate a regulation that is inconsistent with State law."). At minimum, this section should incorporate by reference, or otherwise conform to, the application review process described in 225 CMR 29.10.

Rules and policies adopted in this section may include provisions addressing the order of each board, department, and other relevant authorities' review of Individual Application Components. Such provisions may include:

- Requiring boards, departments, and other authorities having jurisdiction to conduct their review process concurrently, to the greatest extent practicable.*
- Requiring boards, departments, and other authorities having jurisdiction to conduct their reviews consecutively, according to a schedule established by this section, or otherwise incorporated by reference.*
- Requiring boards, departments, and other authorities having jurisdiction to coordinate their review schedules to the extent possible, provide status updates to all other relevant local entities, and generally work in a spirit of transparency and collaboration.*
- Requiring boards, departments, and other authorities having jurisdiction to complete individual reviews on a review timeline shorter than 12 months, in order to allow sufficient time for the Local Government Representative to issue timely decisions on Consolidated Local Permit Applications.*

Note on 12-month review timeline: A Local Government's Consolidated Local Permit Application review process may not exceed 12 months. The 12-month review timeline begins to run on the date that the application is determined to be complete pursuant to 225 CMR 29.08(6). In practice, boards, departments, and other relevant authorities having jurisdiction should complete their review of Consolidated Local Permit Applications ahead of the end of the 12-month review timeline to allow the Local Government Representative time to notify parties of the approval or denial of the application. The Local Government may not grant an extension of the 12-month review timeline. If the Local Government Representative is not able to issue an approval or denial of the application before the expiration of the 12-month review period, the application is constructively approved by operation of law.

9.1 Application of the Site Suitability Guidance.

The Local Government should conform this section to the standards of 225 CMR 29.07.

9.1.1 Request for Score Revision.

A Request for Score Revision may be submitted to DOER for review by the Director of Clean Energy Siting and Permitting pursuant to 225 CMR 29.07(2)(c).

The Local Government may use this section to adopt a process for facilitating a Request for Score Revision.

Suggested Process I:

- 1) Upon receipt of a Consolidated Local Permit Application, the Local Government Representative shall consult all relevant boards and departments as to whether a Request for Score Revision is warranted.*
- 2) If one or more relevant board or authority concludes that a Request for Score Revision is warranted, the Local Government Representative may submit a Request for Score Revision to DOER on behalf of [Town of].*
- 3) The outcome of any Request for Score Revision shall be shared with all relevant boards and departments.*

Suggested Process II:

- 1) At any time after receipt of a Consolidated Local Permit Application, relevant boards and departments may request that the Local Government Representative submit a Request for Score Revision to DOER on behalf of [Town of].*
- 2) The outcome of any Request for Score Revision shall be shared with all relevant boards and departments.*

9.1.2 Social and Environmental Benefits Score Modifier.

The Social and Environmental Benefit Criteria Score Modifier provision, as codified by 225 CMR 29.07(2), is herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter _____.

The Local Government may use this section to adopt a process for review and negotiation of Community Benefits Agreements or other agreements obliging the Applicant to provide certain social or environmental benefits as described in the [Site Suitability Reports for Clean Energy Infrastructure Facilities](#).

9.1.3 Avoidance, Minimization, and Mitigation.

The Local Government should use this section to conform with the Avoidance, Minimization, and Mitigation requirements under 225 CMR 29.07(3) and DOER's Guideline on Avoidance, Minimization, and Mitigation.

The Local Government may also use this section to adopt policies and procedures for the assignment of Minimization and Mitigation. Such provisions may include:

- A requirement that assigned Minimization and Mitigation be memorialized in a certain manner.*
- A requirement that assigned Minimization and Mitigation be included as a condition on Consolidated Local Permits.*
- A requirement that the Local Government Representative finalize Minimization and Mitigation requirements at a certain time in the review process.*

Additional Resources:

- Executive Office of Environmental Affairs Office of Environmental Justice and Equity's Standards and Guidelines on Community Benefits Plans and Community Benefit Agreements*
- Executive Office of Environmental Affairs' Site Suitability Reports for Clean Energy Infrastructure Facilities*

10.0 Common Conditions and Requirements for Constructive Approval

The common conditions and requirements for Constructive Approval, as codified by 225 CMR 29.12, are herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter ____.

The Local Government may use this section to incorporate by reference, or otherwise conform to, the common conditions and requirements for constructive approval described in 225 CMR 29.12 and DOER's Guideline on Common Conditions.

11.0 Successors in Interest

The provisions governing successors in interest of SCIEFs, as codified by 225 CMR 29.14, is herein incorporated by reference into the Town of _____ Zoning Bylaws, Chapter ____.

The Local Government should use this section to incorporate by reference, or otherwise conform to, the provisions governing successors in interest under 225 CMR 29.14(1). The Local Government may also use this section to adopt procedures and standards that successors in interest may use to petition the Local Government to modify the pre-existing permitting obligations attached to the SCEIF under 225 CMR 29.14(2).