



MASSACHUSETTS
**DEPARTMENT OF
ENERGY RESOURCES**

Keeping Up With Clean Energy Siting & Permitting Updates

CONNECT 351: MMA Annual
Conference

Presented by
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Director, Division of Clean Energy Siting & Permitting



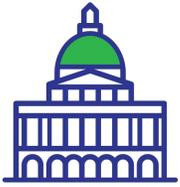
What We Do

DOER connects and collaborates with energy stakeholders to develop effective policy. DOER implements this policy through planning, regulation, and providing funding. DOER provides tools to individuals, organizations, and communities to support their clean energy goals. DOER is committed to transparency and education, supporting the accessible access to energy information and knowledge.

-  Clean Energy policy
-  Long-term energy procurement
-  Energy efficiency standards/grant programs
-  State/local decarbonization efforts
-  Green Communities
-  Federal/state grant administration
-  SMART 3.0
-  Siting & Permitting



Why the Focus on Clean Energy?



IT'S THE LAW

2008 Global Warming Solutions Act, 2018 Clean Energy Act, and 2024 Climate Act establish/restate requirement to reduce emissions to 80% of 1990 levels by 2050



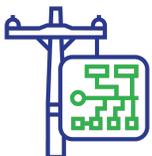
CLEANER AIR = BETTER HEALTH

Reducing emissions will prevent 400 deaths, 25,000 days of missed work annually, and economic benefit of \$4.5 billion



A MORE RESILIENT, RELIABLE, AFFORDABLE GRID

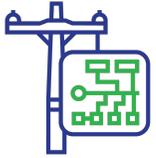
Reduce dependence on fossil fuels and the need for expensive peaker plants; reduce intermittency by pairing storage with clean generation sources, reduce long-term infrastructure costs



OTHER BENEFITS

New jobs, economic development, energy independence

Why the Focus on Clean Energy?



MORE ABUNDANT ELECTRICITY

Demand is rising. Solar and storage facilities are relatively fast to build and provide cost-effective energy.



BENEFITS TO RESIDENTS AND COMMUNITIES

Reducing emissions will prevent 400 deaths, 25,000 days of missed work annually. Adding clean energy creates new jobs and economic development opportunities across Mass.



A MORE RESILIENT, RELIABLE, AFFORDABLE GRID

Increases our energy independence; reduces the need for dirty, expensive peaker plants; reduces long-term infrastructure costs



IT'S THE LAW

2008 Global Warming Solutions Act, 2018 Clean Energy Act, and 2024 Climate Act establish/restate requirement to reduce emissions to 80% of 1990 levels by 2050

Removing Obstacles

Biggest hinderances to investments in clean energy infrastructure,
per commission



INTERCONNECTION DELAYS

- Projects can wait years after receiving permits.
- Utilities are working on Capital Investment Plans (CIPs), in partnership with Grid Modernization Advisory Council.



GROWING COSTS

- Cost of materials and labor continues to put squeeze on project economics.



LOCAL & STATE PERMITTING

- 351 apps and processes
- Lengthy review timelines
- Multiple appeal routes
- Incomplete applications
- Impacts on local enviro
- Lack of public engagement
- Lack of review standards

Solution – 2024 Climate Law

- Biggest local permitting reform in a generation
- New optional consolidated permitting pathway
- Hard deadlines for decision making
- One appeal pathway
- New process for evaluating site suitability, and needed minimization and mitigation



2024 Climate Law

Two classifications of clean energy infrastructure projects

	Small	Large
Permitting Authority	Municipality	Energy Facility Siting Board
Generation	<25 MW	≥25 MW generation
Storage	<100 MWh	≥100 MWh
Transmission and Distribution	<1-mile long new corridor <10-mile long existing corridor	All other types (developers can also request EFSB to review Small Transmission and Distribution Projects)

Our Process

Over the past seven months, we have...



Met with officials from more than 100 cities and towns



Met with more than two-dozen stakeholder groups



Held 5 public info sessions, including hybrid meetings in Bourne, Danvers, Fitchburg, Amherst, plus an online session

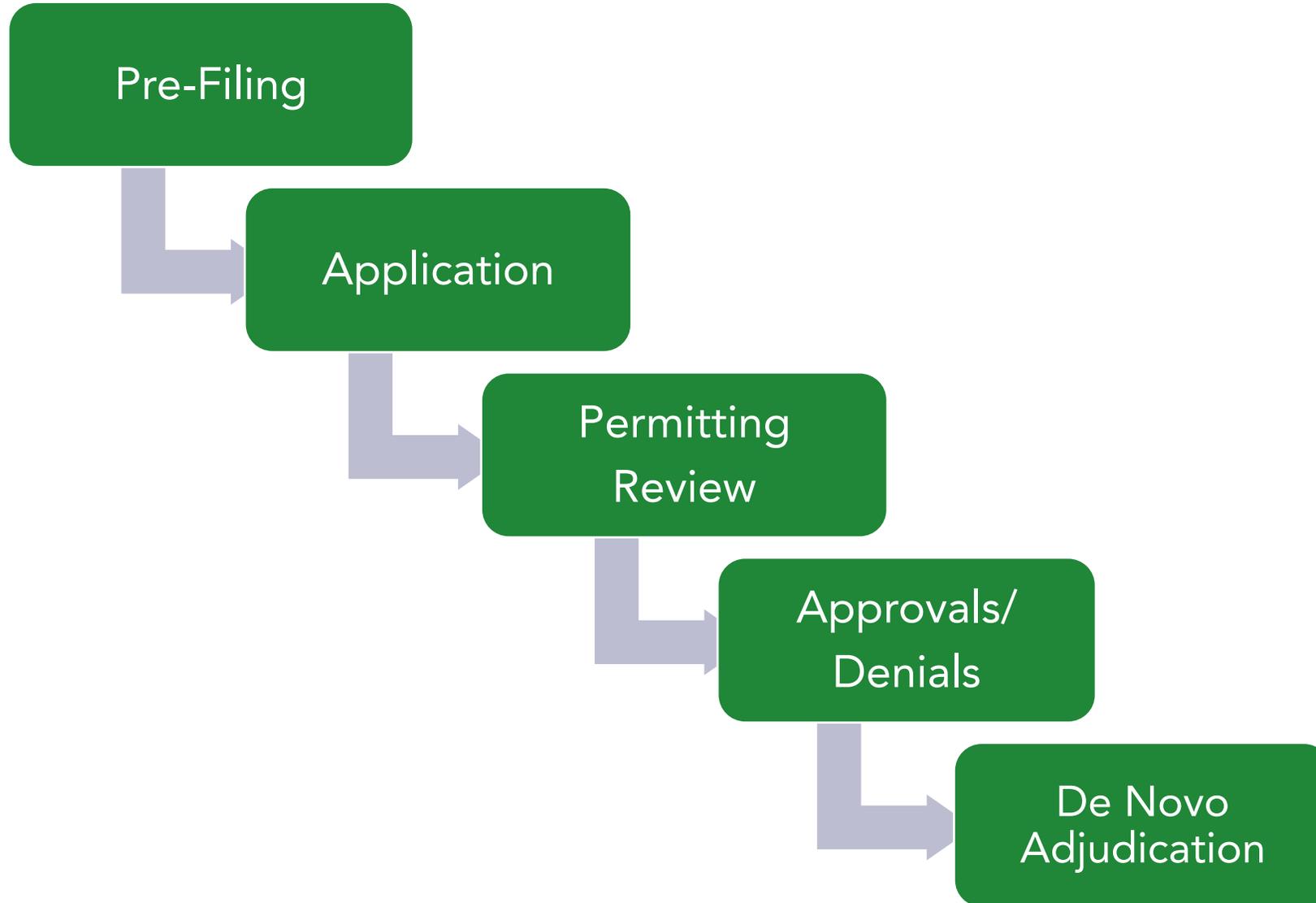


Reviewed nearly 1,000 pages of comments from 200 parties

PLUS...

- Draft regs posted on DOER website
- Draft Guidelines published earlier this month
- Model Bylaws being finalized

The Consolidated Permitting Process



Pre-Filing

GOAL: By having developers give a good-faith effort up front, we'll save time and energy elsewhere in the process

1 MEET LOCAL OFFICIALS

- Help identify key local stakeholders
- Check plan accuracy
- Confirm all needed permits

2 PUBLIC OUTREACH

- Host a public meeting
- Talk with stakeholders
- Project info on website

3 CERTIFY STEPS

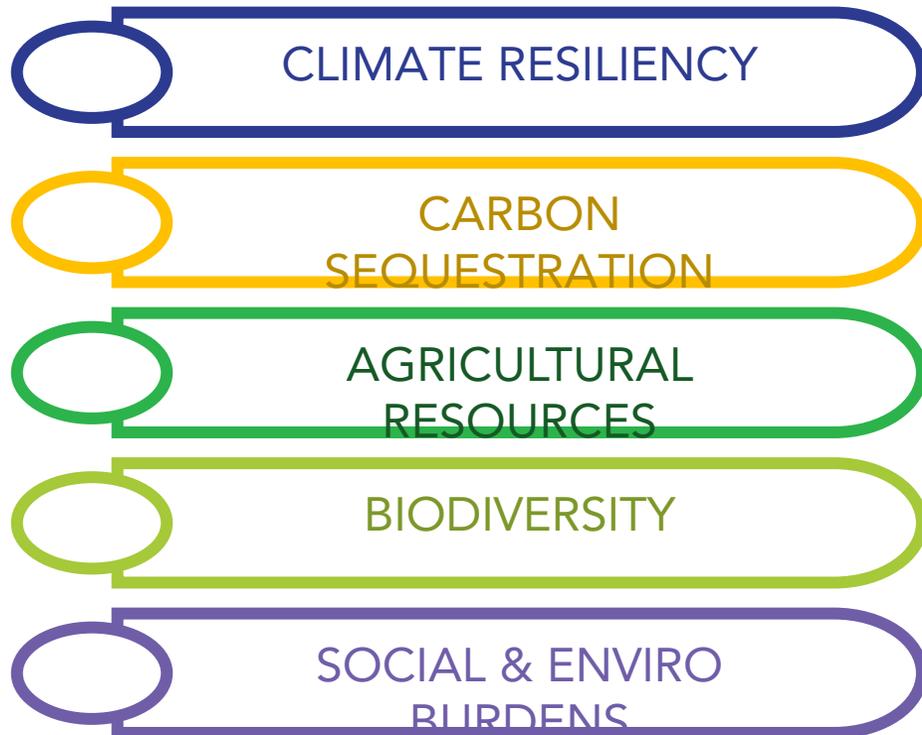
- Take feedback into consideration
- Outline steps taken



Pre-Filing – Site Suitability

GOAL: Make better siting decisions and limit environmental impacts through new site evaluation process

Scoring Criteria

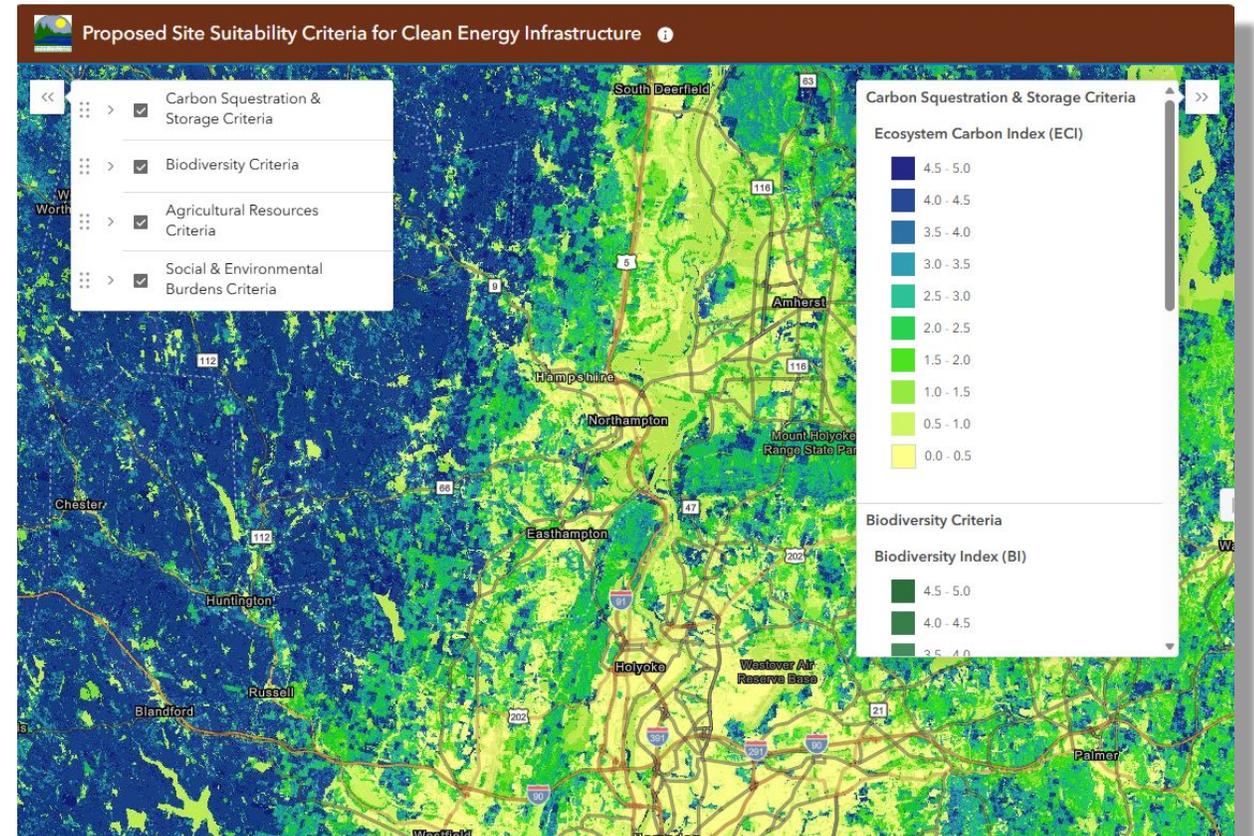


- Scored 0-5
 - Lower the score, less impact
 - 0-1; little to no minimization/mitigation required
 - 4-5; lots of minimization/mitigation required
- Protected Open Space automatically scored 5 for some criteria
 - Predeveloped lands scored 0 for some criteria
 - Article 97 process still applies
- Based on EEA Guidance

Site Suitability Scoring Tool

GOAL: Make better siting decisions and limit environmental impacts through new site evaluation process

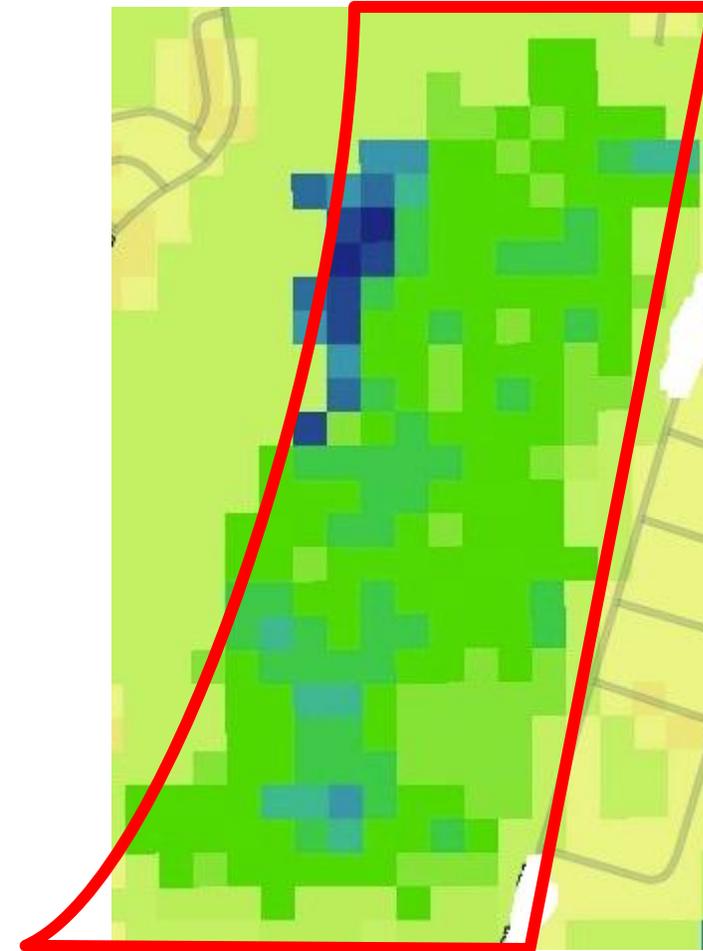
- Publicly available online tool
- Maintained by EEA, based on publicly available data layers
- Allow applicants to pre-score, understand challenges
- Scoring can be challenged, but only based on errors in underlying data



Site Suitability Scoring – Example 1

Proposed 5 MW Solar Array in Central Mass
Site is classified as Developed Open Space, is not Protected Open Space

CRITERIA	SCORE	REASON
CLIMATE RESILIENCY	3	Flood Prone (likely due to steep slopes)
CARBON SEQUESTRATION	2	Deciduous Forest
BIODIVERSITY	0	Recreation Area
AGRICULTURAL RESOURCES	0	No Prime Farmland Soils
SOCIAL & ENVIRO BURDENS	1	MassEnviroScreen Score of 18.91



Snapshot from the *Proposed Site Suitability Assessment Criteria for Clean Energy Infrastructure* webmap with the Ecosystem Carbon Index (ECI) layer selected

Site Suitability Scoring – Example 2

Wooded Area for Ground-Mounted Solar in Western Mass.

CRITERIA	SCORE	REASON
CLIMATE RESILIENCY	3.0	Flood prone
CARBON SEQUESTRATION	4.5	Mixed/Evergreen Forest
BIODIVERSITY	1.5	No overlap with NHESP Priority Habitat, BioMap Core Habitat, or BioMap CNL
AGRICULTURAL RESOURCES	0	No Prime Farmland Soils
SOCIAL & ENVIRO BURDENS	1	MassEnviroScreen Score of score of 10.65



Snapshot from the *Proposed Site Suitability Assessment Criteria for Clean Energy Infrastructure* webmap with the Ecosystem Carbon Index (ECI) layer selected

Site Suitability Scoring – Example 3

Wooded Area for Battery Energy Storage in Southeastern Mass.

CRITERIA	SCORE	REASON
CLIMATE RESILIENCY	2	Moderate Exposure to Riverine Flooding
CARBON SEQUESTRATION	1.5	Aging, lower productivity pine stands
BIODIVERSITY	4.5	Entire site is BioMap Core Habitat
AGRICULTURAL RESOURCES	0	Not farmland and no mapped soil resources
SOCIAL & ENVIRO BURDENS	3	MassEnviroScreen Score of 56.38



Snapshot from the *Proposed Site Suitability Assessment Criteria for Clean Energy Infrastructure* webmap with the Ecosystem Carbon Index (ECI) layer selected

Application

GOAL: Consistent, accurate, thorough project applications will enable a smoother, faster permitting process

Universal application covering all needed permits

- DOER/EFSB creating online permitting portal

Expectation for Developers:

- Fill it out thoroughly and accurately
- “Ready for review tomorrow”
- Provide Suitability Scoring Report, and proposed minimization and mitigation measures

Expectation for Local Government:

- Review for completeness within 30 days
- If not ready, document deficiencies and send back
- 30 days to fix or it can be denied
- May request review by way of De Novo Adjudication if Local Government lacks the resources to review



Permitting Review

GOAL: Create an optional permitting pathway that expedites decisions while preserving local authority

0

No changes to the way boards/depts review permits, hold meetings, and issue decisions.

1 decision

All boards and depts need to conduct their reviews and make decisions. But the Applicant receives just one decision.

12 months

Decision needs to be issued within 12 months of determining app is complete. Ministerial permits not included.



Permitting Review - Suitability

GOAL: Local officials will be empowered to determine what level of minimization and mitigation is needed to offset impacts

The Local Government Representative will...

REVIEW

- Review Applicant-provided Site Suitability Report
- Determine if Review Request is needed

ASSESS

- Assess adequacy of proposed M/M measures
- Consider if additional M/M steps are need

INCLUDE

- Consult with the Applicant
- Include any conditions in decision

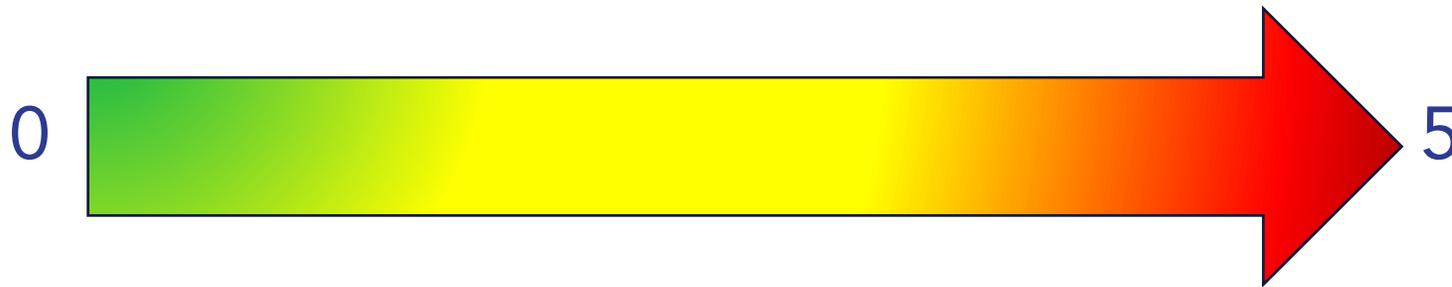


Permitting Review – Suitability Review

GOAL: Local officials will be empowered to determine what level of minimization and mitigation will offset impacts

Denials cannot be automatic based on scores. But...

...as criteria scores increase, burden increasingly shifts to Applicant to demonstrate impacts can be offset.



“Highly suitable, minimal impact”
“No minimization or mitigation measures required”

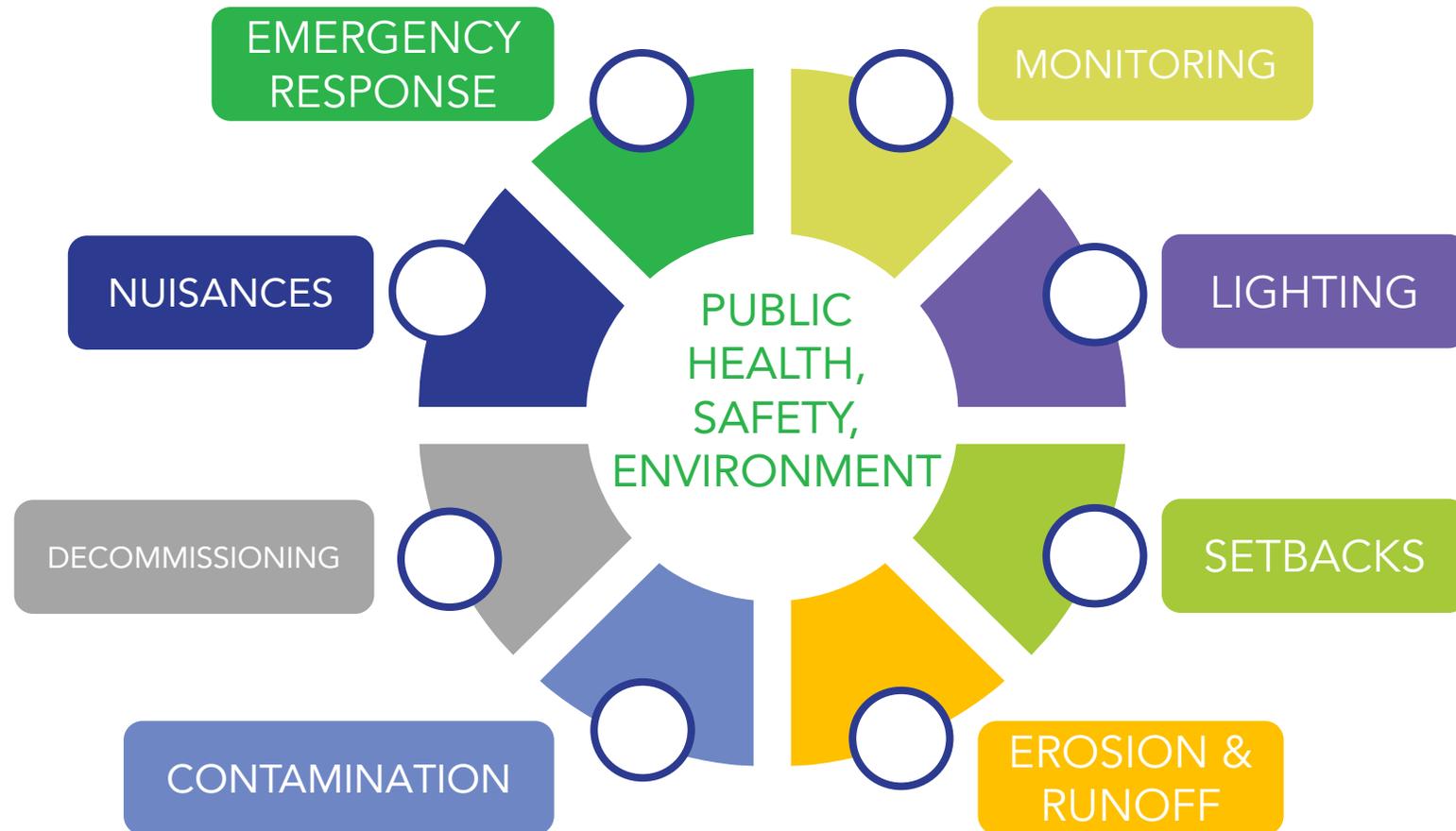
“Unsuitable, high impact”
“Significant [m/m] measures may be required”



Permitting Review – Standards

GOAL: Create clear upfront expectations for project designs

- Establishes standards for facility construction, operation, maintenance, and decommissioning
- Specifically states Applicants need to abide by Wetlands Protection Act, other DEP rules
- Munis are not prohibited from adopting additional standards



Permitting Review – Local Rules

GOAL: Allow for reasonable customization in response to unique municipal needs and governance structures

Avenues for additional rules:

- Model Solar Bylaw
- Model Storage Bylaw
- Model Permitting Bylaw
- Conservation (under WPA)
- Health Board (nuisances, private wells)
- Local zoning bylaws/ordinances (by-right zoning districts)*

Assign LGR

Review process

Set timeframe

Fees

Health protections

Overlay districts

Approvals/Denials

GOAL: Provide Applicants with expedited decisions in a known timeframe

One Decision

- Must be made within 12 months of completeness determination
 - Statute does not allow for continuances
- All board/dept decisions need to be included
 - Ministerial decisions excluded
 - If one board/dept says no, it's a no
- Decision = Approval, Denial, Approval with conditions



Constructive Approval

- Approved automatically if decision not issued within 12 months
- Excludes ministerial permits

De Novo Adjudication at EFSB

GOAL: Provide a thorough appeals pathway that reduces timeframe

De Novo Adjudication is sole appeals pathway

- Available only for final consolidated permit decisions, not individual components
- Must be requested within 30 days of permit decision
- Next stop is SJC

Those allowed to request De Novo Review:

- Applicants
- Local Governments
- Other parties determined by the EFSB to be substantially and specifically affected by a permit decision



What's Next

GOAL: DOER wants to hear from those who will implement the new rules

Regulations

- Final regulations will be published by March 1, 2026.
- Municipalities must start offering new pathway by Oct. 1, 2026

Guidelines

- New draft package published Jan. 16, 2026. Public comment open until March 13. Two public info sessions being planned.

Model Bylaws

- Final drafts to be published next month.

Technical Assistance

- Under development. What would help you?



Our Team

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Thank You!