



# BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201  
Pittsfield, MA 01201  
T: (413) 442-1521 · F: (413) 442-1523  
TTY: 771 or (800) 439-2370  
berkshireplanning.org

## MEETING NOTICE

There will be a meeting of the EXECUTIVE COMMITTEE  
of the  
BERKSHIRE REGIONAL PLANNING COMMISSION  
Thursday, April 4, 2024 at **4:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join the Zoom meeting at

<https://us02web.zoom.us/j/3926128831?omn=85431200863>

Meeting id: 392 612 8831, Phone: 646.558.8656, 646 931 3860, 312.626.6799, 301 715 8592

**Meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org).** Click the calendar of events, then the meeting name, and follow the link to materials.

### **AGENDA (Revised 4/2/24)** (all times approximate)

- I. Call to Order & Open Meeting Law Statement (4:00)
- II. Roll Call of Executive Committee Members Attending the Meeting
- III. Vote to Approve Minutes of the Executive Committee Meeting of March 7, 2024\* (4:05)
- IV. Financial Reports (4:10)
  - A. Vote to Approve the March 1 2024 to March 28, 2024, Expenditures Report\*
  - B. Report on the Accounts Receivable/ Assessments – February 2024
  - C. Report on the Line of Credit
- V. Suggestions from Berkshire Regional Planning Commission Delegates and Alternates about Items or Topics for Future Meetings (4:15)
- VI. Items Requiring Action\* (4:20)
  - A. Vote to Submit Comments and Recommended Amendments on HB 3551, An Act facilitating site plan review\***
  - B. Vote to Approve the Salary Merit Increase Range and Personnel Pay Plan for FY 25\*
  - C. Vote to Approve the Submission of a Grant Application to MassCEC's EMPOWER Innovation and Capacity Building Program\*
  - D. Vote to Approve the Submission of a Grant Application to MassCEC's EMPOWER Implementation Grant Program\*
- VII. Committee Reports and Discussion (4:35)
  - A. Berkshire Brownfields Committee
  - B. Commission Development Committee
  - C. Transportation Advisory Committee
  - D. Municipal Planning Organization (MPO)

**City and Town Clerks: Please post this notice pursuant to the Open Meeting Law, MGL c. 30A, §§ 18-25.**

**Please Note:**

For information regarding postponements or cancellations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5

- VIII. Executive Director's Report (4:40)
- A. Report on New Contracts / Agreements
  - B. Berkshires Tomorrow Inc. (BTI) Update
  - C. Staff Updates
  - D. Rural Policy Advisory Commission (RPAC) Update
  - E. Passenger Rail
  - F. MassDOT Transportation Innovation Conference 2024
  - G. MMA Western and Rural Mass Conference
  - H. 5<sup>th</sup> Thursday Dinner
  - I. Consent to Reduce the 120-day Notification Requirement for Two APR Applications
  - J. **Commission on Energy Infrastructure Siting and Permitting Recommendations**
  - K. **Beyond Mobility Report**
- IX. Old Business (4:45)
- A. No Old Business
- X. New Business (4:45)
- A. Discussion About a More Focused Approach Related to Proposed Legislation
  - B. May Commission Meeting
- XI. Adjournment (5:00)
- Attachments:
- Unapproved Minutes of the March 7, 2024, BRPC Executive Committee Meeting
  - March 1, 2024 to March 28, 2024 Expenditures Report
  - Accounts Receivable Report – March 2024
  - Line of Credit Report
  - Executive Director's Memorandum
  - Proposed FY 25 Personnel Pay Plan
  - Unapproved Minutes of the March 14, 2024 Commission Development Committee Meeting
  - Unapproved Minutes of the March 19, 2024 Transportation Advisory Committee Meeting
  - Unapproved Minutes of the March 26, 2024 Metropolitan Planning Organization Meeting
  - Resume – Liana Rice
  - Resume – Sophie Carnes Jannen
  - Proposed APR maps - Sheffield
- \* Items Requiring Action



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## MEMORANDUM

TO: Executive Committee, Berkshire Regional Planning Commission

FROM: Thomas Matuszko, Executive Director

DATE: March 29, 2024

SUBJ: Revised Agenda Items – April 4, 2024, Executive Committee Meeting

This memo contains an explanation of items added to the Agenda on 4/2/24

### **VI. Items Requiring Action**

#### **A. Vote to Submit Comments and Recommended Amendments on HB 3551, An Act facilitating site plan review\***

The Executive Committee is requested to authorize the submission of comments and recommended amendments on HB 3551, An Act facilitating site plan review.

An Act facilitating site plan review (H.3551) is making it way through the legislature and is currently scheduled for a third reading in the House of Representatives. The intent of the bill is to codify site plan review by adding a new Section 7A to MGL Chapter 40A and all municipalities (except Boston) which would require them to bring their bylaws or ordinances into compliance with this new Section 7A. While there are some merits to the proposed bill, the Massachusetts Municipal Lawyers Association (MMLA) has flagged a number of issues with the bill and has recommended changes be included if the bill is to move forward. To date, none of the MMLA's recommended changes have been adopted.

### **Executive Director's Report**

#### **J. Commission on Energy Infrastructure Siting and Permitting Recommendations**

The Commission on Energy Infrastructure Siting and Permitting (Commission) was established by Executive Order 620 to recommend legislative, regulatory and administrative reforms to reduce permitting timelines, ensure communities are meaningfully engaged and are able to

provide input in the siting and permitting of clean energy infrastructure, and to share the benefits of the clean energy transition equitably. Previously, BRPC submitted comments on the Commission's draft proposal, which was to significantly alter permitting of "clean energy infrastructure." The Commission's report was released on March 29, 2024 (a copy is attached.)

#### **K. Beyond Mobility Report**

Massachusetts' 2050 Statewide Long Range Transportation Plan, Beyond Mobility, is a strategic plan that documents the most pressing transportation issues for the Commonwealth of Massachusetts to address both now and in the future. We are now excited to announce that the full Beyond Mobility plan and the executive summary are now out for public comment and are available for review on the plan website, [Beyond Mobility | Mass.gov](#). The five-week public comment period will end on May 5th, 2024.



# **Massachusetts Municipal Lawyers Association**

*"Dedicated to Effective Local Government Through the Advancement of Municipal Law"*

December 21, 2023

**PRESIDENT**  
Karis L. North

To: The Honorable Lydia Edwards, Chair, Joint Committee on Housing  
The Honorable James Arciero, Chair, Joint Committee on Housing

**VICE PRESIDENT**  
Ivria Glass Fried

Cc: The Honorable William C. Galvin, Chair, House Committee on Rules  
and The Honorable William Smitty Pignatelli, Vice Chair

**EXECUTIVE DIRECTOR**  
James B. Lampke

Re: HB3551 (HD4192) - An Act facilitating site plan review

**IMMEDIATE PAST  
PRESIDENT**  
Matthew Gray Feher

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Dear Representatives Edwards and Arciero:

**PAST PRESIDENT**  
Brandon H. Moss

I am writing to you in my capacity as the President of the Massachusetts Municipal Lawyers Association ("MMLA"), the Commonwealth's municipal bar association to communicate our comments and recommended revisions on HB 3551, An Act facilitating site plan review.

**EXECUTIVE BOARD**  
Christopher L. Brown

Christine M. Griffin

HB 3551 seeks to codify the common practice of many municipalities to require "site plan review" under their zoning ordinances or bylaws in connection with certain as-of-right uses and uses allowed by special permit. As site plan review is not specifically mentioned in the Zoning Act (G.L. c. 40A)<sup>1</sup>, legal oversight of site plan review has evolved under Massachusetts common law.

Jason D. Grossfield

Jillian Jagling

Donna MacNichol

Susan C. Murphy

David Shapiro

The codification of site plan review will provide certain public benefits, namely some procedural consistency in how it is implemented across municipalities, and a specific appeal process which, to date, has been somewhat disjointed under prevailing case law based on whether site plan approval is conducted in conjunction with a building permit or as a free-standing permit/special permit.

Shawn A. Williams

HB 3551 aims to address certain procedural and substantive aspects of site plan review. There are a number of provisions of the Bill that would benefit from revision prior to adoption, particularly to avoid unintended consequences.

Recommended revisions are discussed below and correspond to the marked copy of the Bill attached hereto as Exhibit A. Suggested revisions in tracked changes are also attached hereto as Exhibit B.

We would be happy to speak with the proponents of the Bill about our recommended changes.

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<sup>1</sup> Except with respect to bonds upon appeal under GL Chapter 40A, Section 17.

Comment A (Lines 4-6)

(a) *Site plan review “shall mean review and approval...of a proposed use or structures” (See also Line 35).*

It is important to distinguish review and approval of a site plan from review and approval of a use.<sup>2</sup> The language in the definition does not provide a clear distinction. This concern also arises in subsection (d)(i) of the Bill (at Line 35). Some language changes are suggested in Exhibit B to clearly make the distinction established by the SJC and which we believe is intended by the proposed Bill.

(b) *“by an authority other than the zoning administrator” (See also subsection 7A(c))*

The definition creates some ambiguity with respect to “administrative site plan review” which is utilized in many communities. Often (particularly in cities) certain types of site plan review are done by with the planner, building commissioner, zoning administrator or like municipal official signing the decision after an internal multi-departmental review. It is unclear in the bill whether administrative site plan review is or is not permitted. Since it is integral to many existing zoning ordinances and by-laws, we recommend that it be expressly permitted and have suggested appropriate provisions at the end of subsection 7A(c) of the Bill.

Comment B (Lines 26-27 and others)

*The Bill references site plan review in connection with the issuance of a “special permit or variance”.*

All references to variances should be removed from the Bill. To our knowledge, based on discussion with land use counsel, planners, and a search of case law, zoning bylaws or ordinances do not currently require site plan review in connection with an application for a variance<sup>3</sup>. In addition, the issuance of a variance is strictly governed by the provisions of G.L. c. 40A, s. 10. While it is possible that after a dimensional or use variance is granted the resulting use and/or site may otherwise trigger site plan review, site plan review is not required for the application for a variance. Including reference to variances in the Bill (and any adopted legislation) may have the unintended consequence of leading to municipalities adopting zoning changes that would require site plan review for variance applications. This is not a recommended outcome.

Comment C (Lines 27-29)

*The Bill requires review of site plan review and a special permit application “in a coordinated process”.* It is important to note that special permits may be required pursuant to G.L. c. 40A, s. 9 to “provided for specific types of uses which shall only be permitted in specified districts”. By definition, therefore, special permits govern “use”. Site plan review does not govern use, but rather, simply put (per Comment A), the layout of the buildings, structures, infrastructure, and related improvements on the parcel of land where a use will take place. While some communities combine the review of use under a special permit and site plan review by the same permit granting authority, there are many that do not. Often, special permit applications may be reviewed by a zoning board of appeals, a select board, or city council, while site plan review is conducted by the

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<sup>2</sup> *Y.D. Dugout v. Bd. of Appeals of Canton*, 357 Mass. 25, 31 (1970). Site plan review is the “regulation of a use rather than its prohibition...contemplating primarily the imposition for the public protection of reasonable terms and conditions.”

<sup>3</sup> Only a sampling of ordinances and bylaws have been reviewed. Therefore, we cannot say definitively that no ordinance or bylaw adopted under Section 40A contains such a requirement but, if any exist, they would be atypical. We have also reviewed zoning decisions issued by the Attorney General’s Municipal Law Unit and found no reference to such a requirement in those decisions.

planning board. In many municipalities, this division of jurisdiction has significant merit. Particularly where site plan review may be triggered by certain as-of-right uses, land disturbance, or parking requirements, and such site plan review is undertaken by the planning board, it makes sense in many communities that all site plan reviews be undertaken by the planning board. By tying site plan review to a special permit use application in all cases, it means that any given municipality may have two or three boards who conduct site plan review. Even with site plan review codified as proposed by this Bill, each municipality's zoning ordinance or bylaw will have its own unique provisions and requiring every special permit granting authority to conduct site plan review could result in inconsistent interpretations and/or applications of ordinance/bylaw provisions. Simple changes are suggested in Exhibit B to address the process for either free-standing or combined site plan review.

Comment D (Lines 32-34)

*“Any off-site conditions shall address solely any extraordinary direct adverse impacts of the project on adjacent properties or adjacent roadways”.*

It is not advisable to use an undefined word such as “extraordinary” in zoning legislation. It will lead to different definitions and interpretations among municipalities and likely result in many appeals leaving interpretation and definition to the courts. As the purpose of the legislation is to codify the site plan review process for consistency, this would be an unintended consequence. There is significant existing case law, most notably US Supreme Court decisions, that speaks to appropriate, constitutional permit conditions.<sup>4</sup> The Supreme Court has established two requirements: that there be (1) an “essential nexus” between the legitimate interest of the permitting authority and the condition imposed; and (2) “rough proportionality” requiring a determination that the condition is related both in nature and extent to the impact of the proposed development. In lieu of “extraordinary direct adverse impacts”, language incorporating these decisions is recommended. For example: *“any off-site conditions shall only address direct adverse impacts related to site plan review requirements expressly governed by the zoning ordinance or bylaw and which are proportionate in both nature and extent to the impacts of the project on adjacent properties or adjacent roadways”.*

Comment E (Lines 34-40)

*The provisions in these lines of the Bill seek to set forth the limited bases upon which site plan review may be denied.*

Similar to the discussion in Comment C above, there is established case law, in this instance by Massachusetts courts, that set forth when site plan review may be appropriately conditioned or denied. This case law is well established and recognized in the land use community and by practicing land use attorneys (and has been cited in decisions of the Attorney General's Municipal Law Unit). The Appeals Court found that a site plan review board may deny a site plan if either: (a) the site plan “fails to furnish adequate information on the various considerations imposed by the by-law as conditions of the approval of the plan” or (b) the site plan, “although proper in form, may be so intrusive on the needs of the public in one regulated aspect or another that rejection by the board would be tenable. This would typically be a case in which, despite best efforts, no form of reasonable conditions could be devised to satisfy the problem with the plan.”<sup>5</sup> As discussed in

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<sup>4</sup> See Nollan v. California Coastal Commission, 483 U.S. 825 (1987) and Dolan v. City of Tigard, 512 US 374 (1994).

<sup>5</sup> See Prudential Insurance Co. of America v. Board of Appeals of Westwood, 23 Mass. App. Ct. 278, 283-84, n.9 (1986) and cases cited therein.

Comment D above, we do not recommend the use of the word “extraordinary”. In addition, there is the possibility of conditions on-site that cannot be reasonably mitigated. It would be a substantive change to the existing common law to limit the language to off-site conditions. We recommend that these provisions of the Bill be slightly modified to more closely reflect existing case law which has well governed site plan review for many years. Suggestions are included in Exhibit B.

Comment F (Lines 46-47)

*The three lapse period shall not include time necessary “to pursue or await the appeal of any other permit, license, determination or approval”.*

Because “permit, license, determination or approval” is not defined, some clarification is recommended for this section. It is common in real estate practice in this context to refer to only land use permits through the building permit. As broadly worded, this phrase could arguably include operational licenses such as liquor licenses, entertainment licenses, or flammable liquid storage permits. A simple change that limits this to such permits as are necessary to obtain a building permit would avoid any competing interpretations of this provision.

Comment G (Subsection (f) - Lines 49-72)

*Appeal process (including appeals by certiorari under GL c. 249, s. 4, and other provisions.)*

We recommend that this entire section (f) be deleted. Since this bill is proposed as a new Section 7A to Chapter 40A, the provisions of subsection (f) are either redundant or in conflict with existing provisions of Chapter 40A. In particular, appeals of permits and zoning actions under Chapter 40A are already governed by Section 17, including timeframes for appeals, and requirements for a bond. Although there is no current Chapter 40A provision expressly governing site plan review, the third paragraph of Section 17 regarding bonds already mentions an appeal of a site plan. To have reference to bonds for site plan review appeals in two sections of the same Chapter would create a direct conflict within the statute.

It is unclear why GL c. 249, s. 4, was chosen when all other zoning decisions are appealed pursuant to Section 40A. Many municipal zoning ordinances and bylaws already provide for site plan review to be appealed in accordance with Section 40A and appeals of site plan review are regularly reviewed by Massachusetts courts pursuant to the appeal process set forth in Chapter 40A. In addition, under Chapter 249, a party has 60 days to appeal, while subsection (f) only allows for 20 days (which is the same as appeals under Chapter 40A). This is in effect a de facto modification of Chapter 249, section 4. Using the certiorari statute may also lead to an unintended and complicated consequence of multiple appeals having to be filed in connection with the same proposed development project, with a special permit being appealed under Chapter 40A and site plan review under Chapter 249. This complication would affect applicants appealing conditions or denials as much as it would third party appeals.

Finally, subsection (f) states that “*All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.*” Under Chapter 40A, this language is not necessary. The intent appears to be that appeals of site plan review decisions be prioritized over other types of court proceedings. This is already addressed in GL Chapter 185, Section 3A which establishes a “permit session” of the Land Court which allows for adjudication of land use matters on faster tracks than non-permitting matters. Chapter 185, Section 3A already provides that appeals



under Chapter 40A are to be heard in the “permit session”. This sentence creates an unclear directive to courts that could cause confusion.

For all of the above reasons, we believe that having an entirely separate appeal process within Section 7A will complicate and potentially confuse the appeal process for applicants, the courts and third parties. We therefore strongly recommend that appeals of site plan review be governed by the existing provisions of Chapter 40A govern, making subsection (f) unnecessary.

If there are aspects of Chapter 40A, section 17 that proponents wish to modify in any respect, we recommend that there be specific modifications proposed to the legislature to revise Section 17 rather than create different appeal standards for different types of permits granted under Chapter 40A.

Thank you for your time and attention to these comments. We are available to discuss the above, and the attachments hereto in greater detail.

Sincerely,

*/s/ Karis L. North*

Karis L. North  
President, MMLA

cc: The Honorable Kristin Kassner  
Jillian Jingling, Chair, MMLA Legislative Committee

Enclosures:  
Exhibit A: HB 3551 – Annotated  
Exhibit B: HB 3551 – Recommended Changes

EXHIBIT A  
TO MMLA COMMENT LETTER

HOUSE DOCKET, NO. 4192 FILED ON: 3/2/2023

**HOUSE . . . . . No. 3551**

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By Representative Kassner of Hamilton, a petition (subject to Joint Rule 12) of Kristin E. Kassner relative to site plan zoning review. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1411 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act facilitating site plan review.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 40A of the General Laws, as appearing in the 2018 Official  
2 Edition, is hereby amended by adding the following section:—

3 Section 7A

4 (a) As used in this section, "site plan review" shall mean **review and approval** under a Comment A  
5 municipality's zoning ordinance or by-law, **by an authority other than the zoning administrator,** [See also Lines 20-21;  
6 **of a proposed use of land or structures** to determine whether a proposed use of land or structures and Line 35]  
7 is in compliance with sound site utilization principles relative to traffic circulation and safety,  
8 pedestrian safety and access, off-street parking and loading, emergency vehicle access, storm  
9 water drainage, screening, signage and exterior lighting, visual impact of parking, storage or  
10 other outdoor service areas, and consistency with character and scale of surrounding buildings.

11 (b) In addition to the home rule authority of cities and towns to require site plan review, a  
12 municipality may adopt a local ordinance or by-law under this section requiring site plan review  
13 and approval by a designated authority before a building permit is granted for the use of land or  
14 structures governed by a zoning ordinance or by-law. The approving authority may adopt, and  
15 from time to time amend, rules and regulations to implement the local site plan review ordinance  
16 or by-law, including provisions for the imposition of reasonable fees for the employment of  
17 outside consultants in the same manner as set forth in section 53G of chapter 44.

18 (c) An ordinance or by-law requiring site plan review, whether adopted under this section  
19 or under the municipality's home rule authority, shall comply with the provisions of this and all  
20 following subsections of section 7A. The ordinance or by-law shall establish the submission, [See also Comment A]  
21 review, and approval process for applications. Approval of a site plan for a use allowed by right  
22 shall require a simple majority vote of the designated authority and shall be made within the time  
23 limits prescribed by ordinance or by-law, not to exceed 90 days from the date of filing of the  
24 application. If no decision is issued within the time limit prescribed, the site plan shall be deemed  
25 constructively approved as provided in section 9, paragraph 11 of this chapter. The submission  
26 and review process for a site plan required in connection with the issuance of a special permit or ~~or~~ Comment B  
27 ~~variance~~ shall be conducted with the review of the application for the special permit ~~or variance~~  
28 in a coordinated process and shall require the same quantum of vote required for approval of a ~~or~~ Comment C  
29 special permit ~~or a variance~~.

30 (d) Site plan review for a use allowed by right may impose only those conditions that are  
31 necessary to ensure substantial compliance of the proposed use of land or structures with the  
32 other requirements of the zoning ordinance or by-law provided, however, that any off-site  
33 conditions shall address solely any extraordinary direct adverse impacts of the project on ~~or~~ Comment D

34 adjacent properties or adjacent roadways. A site plan application for a use allowed by right may  
35 be denied only on the grounds that: (i) the proposed ~~use of land or structures project~~ <sup>site plan [See Comment A]</sup> does not  
36 meet the requirements set forth in the zoning ordinance or by-law; (ii) the applicant failed to  
37 submit the information and fees required by the zoning ordinance or by-law necessary for an  
38 adequate and timely review of the design of the proposed land or structures; or (iii) it is not  
39 feasible to adequately mitigate any extraordinary direct adverse project impacts on adjacent  
40 properties or adjacent roadways by means of suitable site design conditions.

Comment E

41 (e) Zoning ordinances or by-laws shall provide that a site plan approval granted under  
42 this section shall lapse within a specified period of time, not less than three years from the date  
43 of the filing of such approval with the city or town clerk, if substantial use or construction has  
44 not yet begun, except as extended for good cause by the approving authority. Such specified  
45 period shall not include time required to pursue or await the determination of an appeal under  
46 subsection (f) or section 17 ~~or to pursue or await the appeal of any other permit, license,~~  
47 ~~determination or approval.~~ The aforesaid minimum period of three years may, by ordinance or  
48 by-law, be increased to a longer period.

Comment F

49 (f) Except where site plan review is required in connection with the issuance of a special  
50 permit ~~or variance~~, decisions made under site plan review, whether made pursuant to statutory or  
51 home rule authority, may be appealed by a civil action in the nature of certiorari pursuant to  
52 section 4 of chapter 249, and not otherwise. Such civil action may be brought by a person  
53 aggrieved by the decision in the superior court for the county where the land is located or in the  
54 land court within twenty days after the filing of the decision of the site plan review approving  
55 authority with the city or town clerk. The issuance or denial of a building permit shall not be a  
56 prerequisite to the filing of such civil action under this section. All issues in any proceeding

Comment G  
relates to the  
entirety of  
(f). Certain  
particular  
issues that are  
highlighted  
are also  
discussed in  
Comment G.

57 under this section shall have precedence over all other civil actions and proceedings. A  
58 complaint by a plaintiff challenging a site plan approval under this section shall allege the  
59 specific reasons why the project fails to satisfy the requirements of this section, the zoning  
60 ordinance or by-law, or other applicable law and shall allege specific facts establishing how the  
61 plaintiff is aggrieved by such decision. The approving authority's decision in such a case shall be  
62 affirmed unless the court concludes that the approving authority abused its discretion under  
63 subsection (d) in approving the project. Appeals commenced hereunder by any party other than  
64 the applicant and/or property owner seeking site plan approval shall require the posting of a bond  
65 in an amount to be set by the court that is sufficient to cover twice the estimated: (i) annual  
66 carrying costs of the property owner, or a person or entity carrying such costs on behalf of the  
67 owner for the property, as may be established by affidavit; plus (ii) an amount sufficient to cover  
68 the defendant's attorney's fees, all of which shall be computed over the estimated period of time  
69 during which the appeal is expected to delay the start of construction. The bond shall be forfeited  
70 to the property owner in an amount sufficient to cover the property owner's carrying costs and  
71 legal fees less any net income received by the plaintiff from the property during the pendency of  
72 the court case in the event a plaintiff does not substantially prevail on its appeal.

73 (g) In municipalities that adopted a zoning ordinance or by-law requiring some form of  
74 site plan review prior to the effective date of this act, the provisions of this section shall not be  
75 effective with respect to such zoning ordinance or by-law until the date one year after the  
76 effective date of this act.

**EXHIBIT B  
TO MMLA COMMENT LETTER  
PROPOSED TRACKED CHANGES TO HB 3551**

HOUSE BILL NO. 3551

An Act facilitating site plan review.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 40A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following section:–

Section 7A

(a) As used in this section, "site plan review" shall mean the review and approval process under a municipality's zoning ordinance or by-law, ~~by an authority other than the zoning administrator, of a proposed use of land or structures~~ that establishes criteria for the layout, scale, appearance, safety, and impacts of a proposed use or development, ~~to determine~~ such as whether a proposed use of land or structures is in compliance with sound site ~~utilization~~ principles relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, storm water drainage, screening, signage and exterior lighting, visual impact of parking, storage or other outdoor service areas, and consistency with character and scale of surrounding buildings.

(b) In addition to the home rule authority of cities and towns to require site plan review, a municipality may adopt a local ordinance or by-law under this section requiring site plan review and approval by a designated authority before a building permit is granted for the use of land or structures governed by a zoning ordinance or by-law. The ~~approving~~ designated authority may adopt, and from time to time amend, rules and regulations to implement the local site plan review ordinance or by-law, including provisions for the imposition of reasonable fees

for the employment of outside consultants in the same manner as set forth in section 53G of chapter 44.

(c) An ordinance or by-law requiring site plan review, whether adopted under this section or under the municipality's home rule authority, shall comply with the provisions of this and all following subsections of section 7A. The ordinance or by-law shall establish the submission, review, and approval process for applications. Approval of a site plan for a use allowed by right, or for a use requiring a special permit but reviewed by a separate designated authority, shall require a simple majority vote of the designated authority and shall be made within the time limits prescribed by ordinance or by-law, not to exceed 90 days from the date of filing of the application. If no decision is issued within the time limit prescribed, the site plan shall be deemed constructively approved as provided in section 9, paragraph 11 of this chapter. The submission and review process for a site plan required in connection with the issuance of a special permit and subject to review by the same permit granting authority as the special permit application, ~~or variance~~ shall be conducted with the review of the application for the special permit, ~~or variance~~ in a coordinated process and shall require the same quantum of vote required for approval of a special permit ~~or a variance~~. The ordinance or by-law may establish the designated authority to be the building commissioner, director of planning, or similar municipal official who coordinates administrative site plan review with other municipal employees, in which instance there shall be no vote requirement for site plan review. Any appeal from administrative site plan review shall be in accordance with section 17 of chapter 40A unless an ordinance or by-law first provides for an appeal to another public body of the municipality.

(d) Site plan review for a use allowed by right may impose only those conditions that are necessary to ensure substantial compliance of the proposed use of land or structures with the

other requirements of the zoning ordinance or by-law provided, however, that any off-site conditions shall only address ~~solely any extraordinary~~ direct adverse impacts related to site plan review requirements expressly governed by the zoning ordinance or bylaw and which conditions are proportionate in both nature and extent to the impacts of the project on adjacent properties or adjacent roadways. A site plan application for a use allowed by right may be denied only on the grounds that: (i) the proposed ~~use of land or structures project~~ site plan does not meet the requirements set forth in the zoning ordinance or by-law; (ii) the applicant failed to submit the information and fees required by the zoning ordinance or by-law necessary for an adequate and timely review of the design of the proposed land or structures; or (iii) it is not feasible to adequately mitigate any ~~extraordinary~~ direct adverse project impacts ~~on adjacent properties or adjacent roadways~~ by means of suitable site design conditions.

(e) Zoning ordinances or by-laws shall provide that a site plan approval granted under this section shall lapse within a specified period of time, not less than three years from the date of the filing of such approval with the city or town clerk, if substantial use or construction has not yet begun, except as extended for good cause by the ~~approving~~ designated authority. Such specified period shall not include time required to pursue or await the determination of an appeal under subsection (f) or section 17 or to pursue or await the appeal of any other permit, license, determination or approval which are prerequisites to issuance of a building permit. The aforesaid minimum period of three years may, by ordinance or by-law, be increased to a longer period.

(f) *[Please see Comment G for reasons that it is recommended that this entire section (f) be deleted as Ch. 40A, s. 17 should govern and this new provision will have unintended consequences.]* ~~Except where site plan review is required in connection with the issuance of a special permit or variance, decisions made under site plan review, whether made~~



~~pursuant to statutory or home rule authority, may be appealed by a civil action in the nature of certiorari pursuant to section 4 of chapter 249, and not otherwise. Such civil action may be brought by a person aggrieved by the decision in the superior court for the county where the land is located or in the land court within twenty days after the filing of the decision of the site plan review approving authority with the city or town clerk. The issuance or denial of a building permit shall not be a prerequisite to the filing of such civil action under this section. All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings. A complaint by a plaintiff challenging a site plan approval under this section shall allege the specific reasons why the project fails to satisfy the requirements of this section, the zoning ordinance or by law, or other applicable law and shall allege specific facts establishing how the plaintiff is aggrieved by such decision. The approving authority's decision in such a case shall be affirmed unless the court concludes that the approving authority abused its discretion under subsection (d) in approving the project. Appeals commenced hereunder by any party other than the applicant and/or property owner seeking site plan approval shall require the posting of a bond in an amount to be set by the court that is sufficient to cover twice the estimated: (i) annual carrying costs of the property owner, or a person or entity carrying such costs on behalf of the owner for the property, as may be established by affidavit; plus (ii) an amount sufficient to cover the defendant's attorney's fees, all of which shall be computed over the estimated period of time during which the appeal is expected to delay the start of construction. The bond shall be forfeited to the property owner in an amount sufficient to cover the property owner's carrying costs and legal fees less any net income received by the plaintiff from the property during the pendency of the court case in the event a plaintiff does not substantially prevail on its appeal.~~

(g) In municipalities that adopted a zoning ordinance or by-law requiring some form of site plan review prior to the effective date of this act, the provisions of this section shall not be effective with respect to such zoning ordinance or by-law until the date one year after the effective date of this act.



# Commonwealth of Massachusetts

## Commission on Energy Infrastructure Siting and Permitting

Recommendations to Governor Maura Healey  
on Clean Energy Infrastructure Siting and Permitting Reform

March 29, 2024

## Table of contents

INTRODUCTION.....	5
RECOMMENDATIONS .....	8
A. OVERARCHING REFORMS.....	8
1. Definition of Clean Energy Infrastructure.....	8
2. Summary of Types of Clean Energy Infrastructure.....	9
3. Changes to EFSB Jurisdictional Permitting Process (Consolidated Permit).....	10
a. EFSB Jurisdictional Clean Energy Infrastructure Definitions .....	10
b. EFSB Standards for EFSB Jurisdictional Project Reviews .....	11
c. Revised EFSB Process.....	13
d. EFSB Queue Management.....	16
e. Intervenor Financial Support.....	16
f. Consolidated Regional and State Permit for Non-EFSB Jurisdictional Projects.....	16
4. Changes to Local Permitting Process for Non-EFSB Jurisdictional Projects (Consolidated Local Permit).....	17
a. Non-EFSB Jurisdictional Clean Energy Infrastructure.....	17
b. DOER Division of Energy Siting and Permitting .....	18
c. State Standards for Local Review .....	18
d. Revised Local Permitting Process .....	20
5. Changes to the Energy Facilities Siting Board (EFSB).....	21
a. EFSB Statutory Mandate.....	21
b. Energy Facilities Siting Board Composition .....	21
c. Staffing, Funding, and Fees.....	22
d. Office of Community Engagement .....	23
6. MEPA’s Role in Permitting .....	23
B. SITING .....	24
C. PRE-FILING REQUIREMENTS FOR EFSB-JURISDICTIONAL FACILITIES.....	24
D. ADDITIONAL COMPLEMENTARY REFORMS.....	26
1. Legislative Reforms .....	26
a. Permit Extensions .....	26
b. Appeals Reform .....	26
c. Energy Storage Eligibility for EFSB Certificate .....	26
d. Clarification on DPU authorizations for transmission lines.....	27
2. Non-Legislative Reforms .....	27
a. Statewide public education .....	27

b.	Model Zoning Bylaws.....	27
c.	Review of MassDEP Noise Policy.....	28
d.	Technical Assistance.....	28
e.	Community Benefits Agreements.....	28
f.	Green Communities Designation Criteria.....	28
g.	Solar Canopies.....	28
h.	DPU Review/Interconnection Approval Process.....	29
i.	Review of Siting and Permitting Reforms in 2030.....	29
E.	REGULATORY PROCESS.....	29
	APPENDIX A: COMMISSIONER VOTES AND COMMENTS.....	31
	APPENDIX B: PARTICIPANTS.....	72

## LETTER FROM THE UNDERSECRETARY

Massachusetts has long been a national leader in working to address the climate crisis. With the Global Warming Solutions Act, 2021 Climate Roadmap law, and the development of the Climate and Clean Energy Plans (CECPs), Massachusetts has set ambitious decarbonization targets and comprehensive plans to achieve these limits.

We know that to achieve our emission limits, the Commonwealth will need to build clean energy generation at a much quicker pace than it has been built to date, and at the same time will need to upgrade and build out our transmission and distribution grids to accommodate this generation and increased electric demand.

Currently, clean energy infrastructure projects can be slowed by a number of barriers, including numerous lengthy and sometimes redundant permitting and appeals processes. At the same time, residents feel stakeholder engagement can often be lacking and ineffective, particularly for marginalized communities that have historically borne the brunt of hosting energy infrastructure. Current siting and permitting processes also are not often integrated with the Commonwealth's emissions reduction requirements or climate and land use goals.

To address these challenges, Governor Healey established the Commission on Energy Infrastructure Siting and Permitting (Commission) in Executive Order 620 to recommend legislative, regulatory and administrative reforms to reduce permitting timelines, ensure communities are meaningfully engaged and are able to provide input in the siting and permitting of clean energy infrastructure, and to share the benefits of the clean energy transition equitably.

We are grateful to all the Commission members, representing a diverse group of perspectives including municipalities, utilities, clean energy developers, labor, business, environmental advocates, and environmental justice populations, for their hard work over the past several months to understand the complex challenges and viewpoints involved, and to develop and build consensus around solutions to this critical issue. We also express our sincere gratitude to the many stakeholders and constituents who provided input into this process.

I am proud to present the Commission's report detailing its recommendations on comprehensive reforms to streamline siting and permitting processes for clean energy infrastructure, provide timing certainty for project development, build in first-ever community engagement requirements, and integrate considerations on the suitability of sites for clean energy development.

These recommendations will be critical in providing the Healey-Driscoll Administration and the Massachusetts Legislature guidance in their future efforts to remove barriers to responsible clean energy development.



Michael R. Judge

Undersecretary of Energy and Chair of the Commission on Energy Infrastructure Siting and Permitting  
Massachusetts Executive Office of Energy and Environmental Affairs

## INTRODUCTION

Governor Maura Healey established the Commission on Energy Infrastructure Siting and Permitting (the Commission)<sup>1</sup> on September 26, 2023, to remove barriers to expeditious and responsible clean energy infrastructure development and meet greenhouse gas (GHG) emissions limits outlined in the Clean Energy and Climate Plans (CECP). Specifically, the Commonwealth is committed to achieving net zero greenhouse gas emissions with a minimum 85% reduction in greenhouse gas emissions as compared to 1990 levels in 2050.

The Commission is composed of a robust and diverse group of leaders representing many sectors of the clean energy space. This includes members representing sectors such as labor, environmental justice, economic development, housing and real estate, environmental protection and land use, agriculture, local government, electric utilities, and the clean energy industry. The Commission was tasked with advising the Governor on reducing permitting timelines to accelerate the deployment of clean energy infrastructure, facilitating community input in the siting and permitting of clean energy infrastructure, and ensuring that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth. A complete list of Commission members is provided in Appendix B (page 74).

## CURRENT STATE

With the Global Warming Solutions Act,<sup>2</sup> 2021 Climate Roadmap law,<sup>3</sup> and the development of the CECPs for 2025/2030 and 2050, Massachusetts has set ambitious decarbonization targets and robust environmental justice criteria and requirements for meaningful public participation. The dominant strategy for meeting those emissions targets is through widespread electrification of the transportation and building sectors while continuing to decarbonize the Commonwealth's electricity sector. Electrifying broad sectors of the economy necessarily increases demand for electricity. For example, heating electrification demand is expected to increase by a factor of 17 to 19 between 2023 and 2032.<sup>4</sup> Electric vehicle charging demand is expected to increase by a factor of 13 by 2030.<sup>5</sup> To meet this demand with clean energy, the Commonwealth is projected to need to double its supply of electricity from solar photovoltaic generation, install 3,200 MW of offshore wind, and install more than 2,500 MW of additional energy storage by 2030.<sup>6,7</sup> The 2025/2030 CECP also calls for increasing the permanent conservation of undeveloped land and water (including wetlands) to at least 30% by 2030.<sup>8</sup> Additional electrical grid infrastructure to enable this greater demand and new generation capacity, such as distribution and transmission lines, electrical substations, and energy storage will require significant investments as well.

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<sup>1</sup> See Executive Order 620: Establishing the Commission on Energy Infrastructure Siting and Permitting. From <https://www.mass.gov/executive-orders/no-620-establishing-the-commission-on-energy-infrastructure-siting-and-permitting>, accessed February 23, 2024.

<sup>2</sup> [St. 2008, c. 298](#)

<sup>3</sup> [St. 2021, c. 8](#)

<sup>4</sup> ISO New England, Final Heating Electricity Forecast, 2023–2032, winter (January) demand at 50/50 and 90/10, slides 48–49, published April 28, 2023. From [https://www.iso-ne.com/static-assets/documents/2023/04/heatfx2023\\_final.pdf](https://www.iso-ne.com/static-assets/documents/2023/04/heatfx2023_final.pdf), accessed February 23, 2024.

<sup>5</sup> See Massachusetts Clean Energy and Climate Plan for 2025 and 2030, pp. 31–32, published June 30, 2022. From <https://www.mass.gov/doc/clean-energy-and-climate-plan-for-2025-and-2030/download>, accessed March 27, 2024.

<sup>6</sup> See Massachusetts 2050 Decarbonization Roadmap, p. 23 and 55, published December 2020. From [www.mass.gov/doc/ma-2050-decarbonization-roadmap/download](http://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download), accessed March 27, 2024.

<sup>7</sup> See Charging Forward: Energy Storage in a Net Zero Commonwealth, p. 18, published December 31, 2023. From <https://www.mass.gov/doc/charging-forward-energy-storage-in-a-net-zero-commonwealth-report/download>, accessed March 27, 2024.

<sup>8</sup> See Massachusetts Clean Energy and Climate Plan for 2025 and 2030, p. 91, published June 30, 2022. From <https://www.mass.gov/doc/clean-energy-and-climate-plan-for-2025-and-2030/download>, accessed March 27, 2024.

Current clean energy siting and permitting practices in Massachusetts are inadequate to enable the clean energy transition in an efficient, responsible, and equitable manner. For project proponents, siting, permitting and related appeals can be a lengthy and unpredictable process, requiring substantial investments of time and resources from all parties. At the same time, environmental justice populations historically have been disproportionately impacted by the siting of energy-related infrastructure. Looking ahead, it is necessary to build clean energy in a responsible manner protective of the Commonwealth's natural and working lands. In this context, the Commission identified a number of concerns with the current siting and permitting process:

1. Community engagement and protections for health, safety, and community livability

Commission members shared concerns about stakeholder engagement not occurring at impactful stages of the process, inadequate channels for community input, and information asymmetry, particularly around health and safety data and/or potential impacts of a project on the community. The Commission also identified inequitable burdens resulting from historical and current discrimination from industrial development, resource constraints, language barriers, economic inequality, and racism.

2. Environmental protections

The Commission identified that many of the Commonwealth's recently established climate-related goals, policies, and plans have not yet been incorporated into siting and permitting, such as Natural and Working Lands, climate resiliency, biodiversity, and environmental equity and justice. Some relevant statutes and regulations are dated and cannot efficiently facilitate equitable decarbonization.

3. Process inadequacies

Given the ambitious targets set forth in the CECPs, agencies at the state and local level are currently under resourced and/or lacking in relevant technical expertise to effectively review the anticipated volume of permit applications for clean energy infrastructure projects. The Commission characterized siting and permitting processes as inefficient, at times redundant or duplicative, and inconsistently applied depending on local zoning standards for clean energy infrastructure across municipalities. The Commission cited multiple opportunities for appeals as a cause for project delays and inefficiencies. Finally, there can be misalignments between statewide and local interests, municipal and community interests, and statutes and regulations governing permitting requirements.

## **THE PLANNING PROCESS**

Starting in October 2023, the full Commission met thirteen times through March 2024. Initial meetings largely focused on establishing a shared understanding of the current state of siting and permitting challenges from multiple perspectives, including utility companies, clean energy developers, local and state government agencies, environmental advocates, and environmental justice populations. The Commission was divided into three working groups, joined by individuals in the Siting Practitioner Advisory Group ("Advisory Group"), to drill deeper into challenges associated with the permitting process, the role of local authority, environmental protection, and stakeholder engagement. Additional topic-specific subgroups met to propose and review draft language. The Interagency Task Force,



composed of representatives from 18 state agencies, met biweekly to provide support to the full Commission. Members of the Interagency Task Force often attended the Commission meetings.

The first four Commission meetings (October–November 2023) consisted of background and presentations to lay out a comprehensive problem statement from multiple representative perspectives. Commission members were then divided into three working groups to brainstorm additional challenges associated with the current siting and permitting process. An initial proposal from the Advisory Group and an alternative proposal from Department of Public Utilities (DPU) and Energy Facilities Siting Board (EFSB) staff laid the groundwork to reform the jurisdiction, standard of review, makeup, and other features of the EFSB, as well as new consolidated permitting processes. The Commission also considered H.3215, a bill proposing to expedite decarbonization infrastructure projects, authored by Rep. Jeffrey Roy. Commission members representing varied interests and perspectives met in subgroups to discuss, identify concerns, offer additional content, and/or propose additional or alternative solutions around the proposals.

In late February 2024, the Commission developed a proposed framework with elements from both proposals, as well as a separate local consolidated permitting proposal. A comprehensive survey was distributed to the public in mid-February and received 728 responses through March 15. Additionally, the Commission held two, two-hour public listening sessions, on March 4 and 5, during which 26 individuals spoke. The public was also invited to submit comments by email, through which the Commission received 821 submissions.

The Commission continued discussions through March 2024 and voted on draft recommendations using a method called the “scale of agreement,” enabling voters an opportunity to provide a nuanced level of support for individual components. In total, the Commission met thirteen times from October 2023 through March 2024. A final vote with opportunity to comment via a survey format was held the week of March 25, 2024, with Commonwealth employees abstaining, whereby the Commission delivered the following recommendations to Governor Maura Healey on March 29, 2024. Accompanying each recommendation is a summary of the Commission’s corresponding vote. Additional details on voting results, as well as any comments Commission members chose to provide on a given recommendation, are available in Appendix A.

# RECOMMENDATIONS

## A. OVERARCHING REFORMS

### 1. Definition of Clean Energy Infrastructure

The Commission recommends establishing in state law the following definitions pertaining to clean energy infrastructure:

- a) "Anaerobic digestion facility," a facility that (1) generates electricity from a biogas produced by the accelerated biodegradation of organic materials under controlled anaerobic conditions; and (2) has been determined by the department of energy resources, in coordination with the department of environmental protection, to qualify under the department of energy resources regulations as a Class I renewable energy generating source under section 11F of chapter 25A.
- b) "Clean energy infrastructure," a clean generation and storage infrastructure or clean transmission and distribution infrastructure project.
- c) "Clean generation and storage infrastructure," energy infrastructure that is either (i) an anaerobic digestion facility, solar facility, or wind facility; or (ii) an energy storage system as defined under section 1 of chapter 164.
- d) "Clean transmission and distribution infrastructure," transmission and distribution infrastructure and related ancillary infrastructure that is: (i) designed, at least in part, to directly interconnect or otherwise facilitate the interconnection of clean energy infrastructure to the electric grid; (ii) approved by the regional transmission operator in relation to interconnecting clean energy infrastructure; (iii) proposed to ensure electric grid reliability and stability; or (iv) will help facilitate the electrification of the building and transportation sectors. Clean transmission and distribution infrastructure shall not include new transmission and distribution infrastructure that directly interconnects infrastructure that does not meet the definition of clean energy infrastructure as defined in this section to the electric grid on or after January 1, 2026.
- e) "Solar facility," a facility for the production of electrical energy that uses sunlight to generate electricity.
- f) "Wind facility," a facility that uses wind to generate electricity that is located either onshore or offshore.

#### Vote summary on A.1. Definitions of Clean Energy Infrastructure

Agree	16
Disagree	2
Abstain	2
Did not vote	2

## 2. Summary of Types of Clean Energy Infrastructure

**Table 1.** — Generation, Energy Storage, Transmission and Distribution Types, Thresholds, and Permitting Authorities

Type	Capacity	Permitting authority <sup>9</sup>
<b>Clean Energy Generation</b>		
Solar Facility	<25 MW	Local
Solar Facility	≥25 MW	EFSB
Wind Facility, Onshore	<25 MW	Local
Wind Facility, Onshore	≥25 MW	EFSB
Anaerobic Digestion	<25 MW	Local
Anaerobic Digestion	≥25 MW	EFSB
<b>Energy Storage Systems<sup>10</sup></b>		
Energy Storage System	< 100 MWh	Local
Energy Storage System	≥ 100 MWh	EFSB
<b>Transmission and Distribution Infrastructure</b>		
Facilities needed to interconnect offshore wind to the grid	All	EFSB
New transmission lines in a new right of way (including ancillary facilities)	≥ 69 kV, > 1 mile	EFSB
New transmission lines in an existing right of way (including ancillary facilities)	≥ 115 kV, ≥ 10 miles	EFSB
Transmission infrastructure that triggers non-energy MEPA thresholds within 1 mile of EJ population	All	Local/opt-in EFSB
Transmission line reconductoring or rebuilding projects		Local/opt-in EFSB
New/substantially altered transmission lines located in an existing right of way (including ancillary facilities)	< 10 miles	Local/opt-in EFSB
New/substantially altered transmission lines located in a new right of way (including ancillary facilities)	< 1 mile	Local/opt-in EFSB
Any other new clean energy transmission infrastructure (including standalone transmission substations and upgrades) requiring zoning exemptions <sup>11</sup>	All	EFSB
Distribution-level projects		Local/opt-in EFSB

<sup>9</sup> Non-EFSB jurisdictional projects may still be required to obtain other state permits (e.g., anaerobic digestion would need to obtain a MassDEP air permit). Also, any utility-owned clean transmission or distribution project that is non-EFSB jurisdictional and wishes to obtain local permits via a consolidated permit issued by EFSB (in addition to regional and state permits) as described in Section A.4 below must first demonstrate a reasonable basis by which to apply to the EFSB.

<sup>10</sup> Pumped hydroelectric facilities located on navigable waterways are FERC jurisdictional and would not require local permits but may require certain state level permits (e.g., 401 WQC permit).

<sup>11</sup> The Commission proposes that facilities requiring a zoning exemption automatically be considered for EFSB review because conflicting zoning bylaws cannot be expeditiously resolved via a local permitting process.

### Vote summary on A.2. Summary of Types of Clean Energy Infrastructure

Agree	16
Disagree	1
Abstain	3
Did not vote	2

### 3. Changes to EFSB Jurisdictional Permitting Process (Consolidated Permit)

The Commission recommends that significant revisions be made to the process by which state, regional, and local permits are issued to clean energy infrastructure deemed EFSB jurisdictional. EFSB jurisdictional projects, which are defined below, are typically larger generation projects and utility infrastructure, which often require multiple state permits. Specifically, legislation should be enacted to establish a process by which a single consolidated permit is issued by the EFSB to applicants for EFSB jurisdictional clean energy infrastructure projects defined below. This single consolidated permit would be equivalent to the issuance of a Certificate of Environmental Impact and Public Interest that such facilities may obtain today after receiving EFSB Approval to Construct<sup>12</sup> and would encompass all state, regional, and local permits that a clean energy infrastructure project would otherwise be required to obtain to commence construction and operation. Certain specific permits, such as federal permits that are delegated to a specific state agency, may still need to be acquired separately from the single consolidated permit and such a determination should be made by the EFSB on a case-by-case basis; however, to the extent possible and consistent with all relevant laws, agencies responsible for issuing such permits should be required or encouraged to issue them in a similar timeframe as required by the EFSB.<sup>13</sup>

Legislation creating a consolidated state permit for EFSB jurisdictional clean energy infrastructure should include the following elements:

#### a. EFSB Jurisdictional Clean Energy Infrastructure Definitions

Legislation should define EFSB jurisdictional clean energy infrastructure as including the following:

1. Solar, wind, and anaerobic digestion facilities 25 MW and greater;
2. Energy storage systems 100 MWh and greater;
3. New transmission lines that are 69 kV or more that are one mile or longer in a new transmission corridor;
4. New transmission lines that are 115 kV or more that are 10 miles or longer in an existing transmission corridor;

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<sup>12</sup> Currently, approvals to construct are granted by EFSB pursuant to G.L. c. 164 § 69J and certificates of environmental impact and public interest are issued pursuant to G.L. c. 164 § 69K.

<sup>13</sup> For example, Office of Coastal Zone Management federal consistency reviews.

5. An ancillary facility that is an integral part of the operation of any EFSB-jurisdictional clean energy infrastructure; and
6. Facilities needed to interconnect offshore wind facilities to the electric grid.

Legislation should clarify that clean energy infrastructure that is not automatically EFSB jurisdictional, but may opt-in to be reviewed by the EFSB and obtain a consolidated permit, includes the following:

1. Transmission line reconductoring or rebuilding projects;
2. New and substantially altered transmission lines located in an existing right of way (including ancillary facilities) that are less than 10 miles long;
3. New and substantially altered transmission lines located in a new right of way (including ancillary facilities) that are less than a mile long; and
4. Distribution-level projects that meet a certain threshold, which could be determined in a rulemaking process.

**Vote summary on A.3.a EFSB Jurisdictional Clean Energy Infrastructure Definitions**

Agree	17
Disagree	1
Abstain	2
Did not vote	2

**b. EFSB Standards for EFSB Jurisdictional Project Reviews**

Legislation should direct the EFSB, in coordination with the Department of Energy Resources (DOER), DPU, Department of Environmental Protection (MassDEP), Department of Fish and Game (DFG), Department of Conservation and Recreation (DCR), the Office of Environmental Justice and Equity, the Massachusetts Environmental Policy Act Office (MEPA), the Executive Office of Public Safety and Security (EOPSS), and any other relevant state agency with a role in permitting energy infrastructure, to promulgate regulations and guidelines that retain existing environmental laws and regulations and establish the following:

1. A uniform set of standards that apply to the issuance of a consolidated state permit for EFSB jurisdictional clean energy infrastructure, including a determination of need for clean transmission and distribution infrastructure projects.<sup>14</sup>

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<sup>14</sup> Some commission members also advocated for inclusion of a cumulative impacts analysis to determine that a proposed project would not add cumulative burden to historically overburdened communities, but the commission could not come to agreement on whether to include such language.

2. A common application for clean energy infrastructure projects to use when submitting an application to the EFSB for a consolidated permit. The application should include minimum requirements that result in applications that include sufficient detail to aid the EFSB, in consultation with permitting agencies, to conduct an efficient review and demonstrate that the applicant has meaningfully consulted with the host community.
3. A uniform set of standards and requirements for pre-filing community engagement commensurate with the scope and scale of proposed clean energy infrastructure projects; such activities must be completed before submitting a permit application to the EFSB;
4. Adoption of site suitability guidance to be developed by EEA for any new clean energy infrastructure, except for those proposed in existing rights of way, shall be used in the pre-filing process to better understand and evaluate resource areas for quality, development potential, and general social and environmental impacts, and a mitigation hierarchy to avoid, minimize, and mitigate impacts of clean energy infrastructure siting on the environment and people to the extent practicable;
5. Standard permit conditions to be issued for various categories of clean energy infrastructure in the event that constructive approval is triggered if the EFSB does not issue a final decision to approve, approve with conditions, or deny a project by the applicable deadline.<sup>15</sup>
6. Regulations ensuring that any infrastructure that does not meet the definition of clean energy infrastructure, such as fossil fuel infrastructure, shall not be eligible to receive a consolidated EFSB permit, but shall be subject to the same community engagement and benefit requirements as clean energy infrastructure and shall be subject to a cumulative impacts assessment.<sup>16</sup>

The legislation should direct EFSB to promulgate final regulations and guidelines establishing these standards. State agency commission members stated their belief that 18 months is the fastest they could reasonably promulgate these regulations following enactment of legislation. Many commission members, particularly those associated with clean energy infrastructure development, advocated for a faster rulemaking process.

### **Vote summary on A.3.b EFSB Standards for EFSB Jurisdictional Project Reviews**

Agree	17
Disagree	1
Abstain	2
Did not vote	2

<sup>15</sup> Constructive approval means that a project is automatically granted a single consolidated permit under a standard set of pre-defined permitting conditions applicable to the project type.

<sup>16</sup> The Commission indicated that it will be important to define cumulative impacts assessment, which could occur through a rulemaking process.

### c. Revised EFSB Process

The legislation should reform the process by which the EFSB reviews and renders decisions on applications for eligible clean energy infrastructure as follows:

1. Require the EFSB to issue a single consolidated permit to eligible clean energy infrastructure projects that meet the statutory definitions;
2. Require all other local, regional, and state agencies that would otherwise have a permitting role for the clean energy infrastructure project to participate in the EFSB review process through the issuance of statements of recommended permit conditions, with an opportunity for public comment;
3. Require pre-filing requirements consistent with those requirements described in Section C: Pre-filing Engagement, below;
4. Require a decision on such permits to be rendered within 6-15 months of the receipt of a completeness determination with the specific time frame to be determined through regulations based upon the complexity of the project, the need for an exemption from local zoning requirements, and impacts on environmental justice populations;
5. Require that the EFSB issue a decision to approve, approve with conditions, or deny an application for a consolidated permit;
6. Require that if no decision is made by the EFSB within the timeframe established in its regulations for the clean energy infrastructure project type in question, the project will be deemed approved to proceed to construct under a common set of permit conditions established in regulations promulgated by the EFSB (“constructive approval”); and
7. Decisions made by the EFSB, including the issuance of a constructive approval, may be appealed directly to a single justice of the Massachusetts Supreme Judicial Court. Appeals should be filed within 20 calendar days of a final decision of the EFSB.

Suggested permitting phases for EFSB-jurisdictional projects shall include at least the following:

1. **Prefiling engagement process** – see Section C.
2. **Completeness determination** — within 30 days from receipt of an application, the EFSB shall determine whether the application is complete. If incomplete, the EFSB shall issue a concise statement listing the deficiencies and provide 30 days for the applicant to cure the deficiencies.
3. **Public notice of project** — following the application being deemed complete, the [EFSB or project proponent] must issue a notice of the project to the public. Notice should be provided in a manner that makes a reasonable effort to reach affected community members, including members of affected environmental justice

populations, at least 30 days before the public comment hearing.

4. **Public comment hearing** — EFSB shall conduct a site visit, if requested, open to the public, and a required public comment hearing. Following the conclusion of the public comment hearing, the EFSB reviews and rules on petitions to intervene, and allows submission of written public comments, and the EFSB Presiding Officer issues intervention rulings.
5. **Preliminary procedural conference** — following the public comment hearing, the EFSB shall hold a preliminary procedural conference (in person, hybrid, or virtual):
  - a) to identify any issues to be considered by the EFSB in evaluating the application;
  - b) to identify state, regional, and local agencies that should be designated to provide statements of recommended permit conditions on those issues to avoid duplication or inconsistencies in the event that more than one agency has jurisdiction over an issue; and
  - c) to establish the procedural schedule.
6. **Procedural order** – following the preliminary procedural conference, EFSB shall issue a procedural order that includes: (1) lead agency responsibilities; and (2) and procedural schedule.
7. **Statements of recommended permit conditions** — following the EFSB’s procedural order, statements of recommended permit conditions from local, regional, and state agencies shall be filed with the EFSB. Local and regional agencies may hold public hearings to hear from the public and gather input for developing the detailed statements of recommended permit conditions. The petitioner will offer site visits in advance of hearings to intervenors that request them. Statements of recommended permit conditions should include: (a) recommendations and related findings, (b) draft permit language and conditions, (c) monitoring, reporting, and accountability requirements, (d) measures and actions to be taken to limit impacts on people and nature, and (e) information about enforcement of permits, which remains with the agencies otherwise having jurisdiction (and not the EFSB). Failure of a local, regional, or state agency to submit timely statements of recommended permit conditions results in the EFSB reliance on standard permit conditions as set forth in regulation or guidelines. Failure or refusal by an applicant to provide responses to timely and proper information requests made by the EFSB or by local, regional, and state agencies pursuant to the procedural order may be considered grounds for denial of a permit. Statements of recommended permit conditions are not final decisions and are not subject to judicial review.
8. **EFSB adjudication and evidentiary hearing(s)** — EFSB and parties shall issue discovery as necessary. The EFSB shall hold an evidentiary hearing(s) to provide the applicant and all other parties to the proceeding the opportunity to address, in a single forum, and from a consolidated statewide perspective, the issues reviewed,



and the statements of recommended permit conditions rendered by local, regional, and state authorities. Absent extraordinary circumstances, there are no more than five days of evidentiary hearings. Issues subject to adjudication are those that raise substantial disputes on factual issues or issues of concern identified by the EFSB. The procedural schedule will allow parties to file briefs.

9. **Tentative Decision** — following the end of the adjudication, the EFSB shall issue a Tentative Decision. The Tentative Decision shall make necessary factual findings and legal determinations and explain the basis for the decision, indicate the proposed issuance or denial of a consolidated permit, and include applicable standard conditions and any special conditions. The Tentative Decision shall recommend that the Board approve, approve with conditions, or deny an application for a consolidated permit. The Tentative Decision shall include a recommended draft consolidated permit with all applicable approvals with conditions.
10. **Comments** — following issuance of the Tentative Decision, the applicant, state, and local agencies, intervenors (if any) and any other interested individuals or groups may submit comments on the Tentative Decision with draft consolidated permit.
11. **Board meeting and Final Decision** — following the deadline for submission of comments on the Tentative Decision, the EFSB shall conduct a public Board meeting, to hear comments, deliberate, and vote on the Tentative Decision. The EFSB is required to render a decision in a public meeting. Within five days after the Board meeting, the EFSB shall issue a written Final Decision. The Final Decision shall set forth final permit conditions and mitigation obligations of the project proponent and shall specify the responsible parties for enforcing such conditions and obligations.
12. **Constructive Approval** — if EFSB does not issue a written Final Decision within the allowed timeframe prescribed in regulation for the type of facility, the project shall be deemed approved, and permits will be issued with standard conditions established by EFSB regulations. An intervenor may appeal a constructive approval to a single justice of the Supreme Judicial Court (SJC).

The legislation should direct the EFSB to establish new regulations and guidelines to govern this revised process. State agency commission members stated their belief that 18 months is the fastest they could reasonably promulgate these regulations following of enactment of legislation. Many commission members, particularly those associated with clean energy infrastructure development, advocated for a faster rulemaking process.

#### **Vote summary on A.3.c Revised EFSB Process**

Agree	15
Disagree	1
Abstain	4
Did not vote	2

**d. EFSB Queue Management**

The Commission notes that there was disagreement between members regarding what forms, if any, of queue management the EFSB should be allowed to exercise to manage its workload during periods of high volume (e.g., grouping applications, placing applications on hold). The Commission was unable to produce a recommendation on this topic; however, the Commission does have some recommendations regarding staffing and funding that may address some of these concerns; see Section A.4.c. below.

**e. Intervenor Financial Support**

Legislation should require that technical and financial support be made available to communities, including municipalities and community groups, that can demonstrate a need for such assistance to participate in EFSB proceedings. The Commission did not reach agreement on the methods or funding sources for this support, but urges that further consideration be given to the topic in legislation.

**Vote summary on A.3.e Intervenor Financial Support**

Agree	16
Disagree	1
Abstain	3
Did not vote	2

**f. Consolidated Regional and State Permit for Non-EFSB Jurisdictional Projects**

Certain clean energy infrastructure projects that are non-EFSB jurisdictional require a number of regional and state permits and would not directly benefit from the Commission’s proposed reforms to the EFSB process for EFSB-jurisdictional projects. This type of infrastructure includes clean generation and storage projects that are non-EFSB jurisdictional, but also includes a wide array of clean transmission and distribution infrastructure, such as upgrades to existing transmission lines and other infrastructure, substation expansions, and new substations with non-EFSB jurisdictional transmission-level interconnection.

There was a desire on the part of some Commissioners to allow for some types of clean transmission and distribution infrastructure to opt into the EFSB process, as well as to allow for a non-adjudicatory consolidated approach to non-EFSB permitting processes. Other commissioners expressed a desire to establish a similar process to obtain regional and state permits for clean generation and storage projects through a consolidated state level permitting process. Due to time constraints, the Commission was unable to reach a recommendation for non-adjudicatory processes to be established for such projects to apply for a consolidated permit that encompasses all state and regional permits, but urges further exploration of legislative, regulatory, or administrative options to enable such facilities to have their permit applications processed in a thorough, expeditious, and coordinated manner that allows for

adequate input from affected communities, provides for public health and safety, and avoids, minimizes, and mitigates environmental impacts to the extent practicable.

**Vote summary on A.3.f Consolidated Regional and State Permit for Non-EFSB Jurisdictional Projects**

Agree	11
Disagree	1
Abstain	8
Did not vote	2

**4. Changes to Local Permitting Process for Non-EFSB Jurisdictional Projects (Consolidated Local Permit)**

The Commission recommends that revisions be made to the process by which local permits are issued to non-EFSB jurisdictional clean energy infrastructure projects. Such projects would include all clean energy infrastructure projects that are not EFSB jurisdictional (as defined above, subject to certain exceptions described herein). Projects deemed non-EFSB jurisdictional will generally be smaller clean generation and storage projects and will typically be smaller than EFSB jurisdictional clean transmission and distribution infrastructure projects.

Specifically, legislation should be enacted to establish a process by which a single consolidated permit is issued by a municipality to an applicant for non-EFSB jurisdictional clean energy infrastructure. This single consolidated permit should encompass all local permits that a clean energy infrastructure project would otherwise be required to obtain to commence construction. The consolidated local permit should not include any additional state, regional, or federal permits that the facility may be required to obtain, which may be obtained separately or via a consolidated regional and state permitting process for non-EFSB jurisdictional projects described above.

Legislation creating a consolidated local permit should include the following elements:

**a. Non-EFSB Jurisdictional Clean Energy Infrastructure**

The legislation should define non-EFSB jurisdictional clean energy infrastructure to include all clean energy infrastructure projects that are not EFSB jurisdictional including but not limited to the following:

- a) Solar, wind, and anaerobic digestion generation facilities of less than 25 MW;
- b) Energy storage systems of less than 100 MWh; and
- c) All non-EFSB jurisdictional clean transmission and distribution infrastructure (see Table 1 and subsection A.3.a above).

**Vote summary on A.4. Consolidated Local Permit and  
A.4.a. Non-EFSB Jurisdictional Clean Energy Infrastructure**

Agree	15
Disagree	1
Abstain	4
Did not vote	2

**b. DOER Division of Energy Siting and Permitting**

Legislation should establish a new Division of Energy Siting and Permitting within DOER. The Division of Energy Siting and Permitting should be headed by a division director and should be supported by staff with expertise in environmental issues, community engagement, environmental justice issues, and legal expertise in municipal zoning, siting, and permitting. The division shall include at least four regional coordinators whose primary job will be to provide support to municipalities as they navigate the local permitting process for clean energy infrastructure projects. DOER will need authorization to hire additional full-time employees and will need a budgetary increase to support the staffing requirements of this new division.

The Commission recommends that a management study be undertaken immediately by a management consultant to assess: (i) the likely additional burdens placed on municipalities to accommodate a consolidated local permitting process, (ii) additional workforce qualifications and/or capacity needed, and (iii) the resources and support municipalities will need to deploy consolidated local permits within a 12-month timeline.

**Vote summary on A.4.b. DOER Division of Energy Siting and Permitting**

Agree	15
Disagree	1
Abstain	4
Did not vote	2

**c. State Standards for Local Review**

Legislation should direct DOER in coordination with the EFSB, DPU, MassDEP, DFG, DCR, the Office of Environmental Justice and Equity, MEPA, EOPSS, and any other relevant state agency with a role in permitting energy infrastructure, to promulgate regulations and guidelines and/or standard forms that establish the following:

- a) A uniform set of baseline health, safety, and environmental standards to guide municipalities in the issuance of permits for clean energy infrastructure;<sup>17</sup>
- b) A common standard application for local clean energy infrastructure projects to use when submitting a permit application to a municipality;
- c) Minimum pre-filing requirements for projects eligible for consolidated local permits to specify details such as requiring developers to offer at least one hybrid (virtual and in-person), or one virtual and one in-person, public meeting(s) of at least 90 minutes in length at least 60 days prior to filing a permit application with the municipality and at least 50% of any meetings held prior to filing must be dedicated to question-and-answer periods. Meeting material and presentation translation services and outreach costs related to advertising and coordinating the meeting shall be borne by the applicant.
- d) How to apply site suitability guidance developed by EEA for any new clean energy infrastructure not in an existing right of way in the pre-filing process to better understand and evaluate resource areas for quality, development potential, and general social and environmental impacts, and a mitigation hierarchy to be applied during the permitting process to avoid, minimize, and mitigate impacts of clean energy infrastructure siting on the environment and people to the extent practicable;
- e) Common standards for a single permit consolidating all necessary local approvals to be issued for different types of clean energy infrastructure in the event that constructive approval is triggered through inaction by a municipality; and
- f) Responsible parties subject to enforcement actions, including in the event of sale of clean energy infrastructure assets after permitting.

The legislation should direct DOER to promulgate final regulations and guidelines establishing these standards. State agency commission members stated their belief that 18 months is the fastest they could reasonably promulgate these regulations following of enactment of legislation. Many commission members, particularly those associated with clean energy infrastructure development, advocated for a faster rulemaking process.

**Vote summary on A.4.c. State Standards for Local Review**

Agree	17
Disagree	1
Abstain	2
Did not vote	2

<sup>17</sup> DOER shall coordinate with other expert agencies in areas within their respective expertise (e.g., MassDEP for wetlands, MDAR for agricultural lands, etc.).

**d. Revised Local Permitting Process<sup>18</sup>**

Legislation should reform the process of permitting clean energy infrastructure that is deemed non-EFSB jurisdictional as follows:

1. Require municipalities to issue a single consolidated local permit, which contains all necessary local approvals;
2. Require a decision on such permits to be rendered by a municipality within 12 months of the receipt of a complete application;<sup>19</sup>
3. Require that, if no decision is made within 12 months, the project will be deemed approved to proceed to construct under a common set of conditions established by DOER's regulations and guidelines;
4. Following permit issuance or denial by a municipality, the project applicant or other party specifically affected by the proposed project may file with the EFSB a request for de novo adjudication of the permit application, which must be filed within 30 days of consolidated local permit issuance or denial by a municipality;<sup>20,21</sup>
5. Require that, upon receipt of a request for review, the EFSB Director review the application for consistency with the statewide local permitting standards established by DOER and render a decision within six (6) months of receipt, with no prerequisite for MEPA review unless otherwise required under normal jurisdictional rules as described below; and
6. Decisions made by the EFSB Director may be further appealed directly to the single Justice of the Supreme Judicial Court. Appeals should be filed within 20 days of a final decision of the EFSB.

The Commission recommends that non-EFSB jurisdictional clean transmission and distribution infrastructure be permitted to submit a request to EFSB for de novo adjudication prior to issuance of a permit decision by a municipality if it meets conditions established by the EFSB for such a request.

The EFSB shall establish regulations that govern its de novo adjudication of local permitting applications and decisions. State agency commission members stated their belief that 18 months is the fastest they could reasonably promulgate these regulations following of enactment of legislation. Many commission members, particularly those associated with clean energy infrastructure development, advocated for a faster rulemaking process.

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<sup>18</sup> Note that the MMA has indicated that it does not support a framework where municipalities are required to issue a single consolidated local permit within 12 months but would support a framework where municipalities are permitted to "opt in" to such a framework.

<sup>19</sup> Many Commission members expressed a preference for a shorter timeline of no more than 6-9 months.

<sup>20</sup> Municipalities shall also be able to make such a request for an EFSB de novo adjudication at any time in situations where their resources, capacity, and staffing do not allow for consolidated local review of the permit application.

<sup>21</sup> De novo means decisions of the EFSB will be based solely on the EFSB's independent application of the EFSB's standard of review to the record before the EFSB. In rendering a decision, the EFSB shall consider any recommended permit conditions that have been submitted. A party may request that the EFSB include the record from a prior state or local proceeding in the record before the EFSB.

**Vote summary on A.4.d. Revised Local Permitting Process**

Agree	14
Disagree	1
Abstain	5
Did not vote	2

**5. Changes to the Energy Facilities Siting Board (EFSB)**

The Commission recommends that the EFSB staff remain as an independent agency within the DPU, but that changes be made to the composition of the EFSB and its sources of funding as follows:

**a. EFSB Statutory Mandate**

The EFSB’s statutory mandate should be updated as follows:

The EFSB shall (i) ensure a reliable supply of energy consistent with the commonwealth’s climate change and carbon reduction requirements, (ii) ensure that infrastructure avoids, minimizes, and mitigates environmental impacts to the maximum extent practicable and is consistent with the energy, environmental, land use, labor, workforce, economic justice, environmental justice and equity, and public health and safety policies of the Commonwealth, all in a cost-efficient manner.

**Vote summary on A.5 Changes to the Energy Facilities Siting Board (EFSB) and A.5.a EFSB Statutory Mandate**

Agree	16
Disagree	1
Abstain	3
Did not vote	2

**b. Energy Facilities Siting Board Composition**

The Commission could not reach agreement on specific recommendations regarding the composition or size of the EFSB, but does provide the following suggestions:

- The EEA Secretary should remain as chair of the board;
- Municipal representation should be provided;
- The EFSB should include members with expertise in the following areas (one or more areas of expertise may be represented by a single member):
  - Climate science;
  - Economic development;
  - Energy or engineering;
  - Environmental justice;
  - Indigenous sovereignty;

- Labor;
- Public health;
- Natural and Working Lands;
- Renewable energy; and
- Wildlife.

The Commission also discussed the size of the board, noting that it can be challenging to schedule meetings in a timely manner with the nine-member board that exists today. Accordingly, reducing the size of the board may be an idea worthy of consideration.

**Vote summary on A.5.b Energy Facilities Siting Board Composition**

Agree	16
Disagree	1
Abstain	3
Did not vote	2

**c. Staffing, Funding, and Fees**

The Commission discussed concerns about the EFSB's ability to manage a potentially much larger number of applications and increased workload due to expanded jurisdiction and a required deadline for rendering a decision. Accordingly, the Commission recommends that a management study be undertaken immediately by a management consultant to assess: (i) the likely EFSB workload based on the CECP goals, (ii) the workforce qualifications needed, and (iii) the cost associated with the hiring and retention of qualified professionals and consultants to successfully complete that work.

The Commission recommends that the funding and staffing resource requirements identified in the management study be reported to the chairs of the Joint Committee on Ways and Means, the chairs of the Joint Committee on Telecommunications, Utilities and Energy, the Secretary of Energy and Environmental Affairs, and the Secretary of Administration and Finance. The Secretary of Energy and Environmental Affairs and the Secretary of Administration and Finance shall within 90 days brief the Joint Committees on options to pay for the necessary staffing requirements and related costs including a possible surcharge on fossil fuels, general fund support and applicant fees.

The EFSB should continue to be funded through an assessment on electric and gas utilities; however, new assessment authority should be considered for the EFSB to cover its annual operational needs.<sup>22</sup>

The EFSB should also be authorized to establish project application fees via regulation to supplement its funding needs. Such fees shall be appropriately sized based on project size and

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<sup>22</sup> Most of the EFSB's budget today is funded via the DPU's general assessment authority under M.G.L. c. 25 § 18, although certain projects must pay an application fee. This proposal would create a separate EFSB specific assessment. While budgetary needs will increase for the EFSB overall, establishing a separate assessment authority will have the effect of reducing the DPU's assessment by the amount that it was previously using to fund the EFSB's operations.



type. All applicants, including electric distribution companies, will be responsible to pay application fees for each project application.

**d. Office of Community Engagement**

EFSB should establish an office focused on assisting communities and project applicants in navigating pre-filing engagement, clarifying filing requirements, opportunities to intervene, and facilitating dialogue. An ombudsperson would be located within this office to help coordinate between other state, regional, and local officials involved in the pre-filing engagement process and the permitting process generally. The ombudsperson would not participate in the adjudication process at EFSB.

**Vote summary on A.5.c Staffing, Funding, and Fees and A.5.d Office of Community Engagement**

Agree	17
Disagree	1
Abstain	2
Did not vote	2

**6. MEPA’s Role in Permitting**

The Commission was divided on what role MEPA should play in the permitting process, particularly for facilities undergoing an adjudication at the EFSB. While some members supported a role for MEPA in the pre-filing process in which MEPA review would serve as a necessary pre-EFSB application requirement, others advocated that it be rolled into the EFSB adjudicatory process in some manner, either as a parallel track item and/or as a party that submits recommended permit conditions, similar to other state, regional, and local agencies.

The Commission makes no specific recommendations on how MEPA should be integrated into the permitted process for facilities undergoing an adjudication at the EFSB; however, for all other facilities, the Commission recommends that MEPA review be dictated by existing jurisdictional rules and shall be required if a facility requires applicable permits, land transfers, or financial assistance, and meets MEPA regulatory thresholds that require project review (e.g., land alteration, wetlands, rare species impacts, etc.).

**Vote summary on A.6 MEPA’s Role in Permitting**

Agree	13
Disagree	0
Abstain	7
Did not vote	2

## B. SITING

The Commission proposes that EEA coordinate and convene a stakeholder process for the creation of a site suitability methodology for renewable generation and storage facilities to help reconcile competing land use interests by aligning the Commonwealth’s land use, environmental justice, climate, and energy goals. Site suitability will use multiple geospatial screening criteria to better understand and evaluate resource areas for quality, development potential, and social and environmental impacts. The methodology should identify areas that are preferential from a renewable energy and storage infrastructure siting standpoint and should be designed in a way to help project proponents avoid, minimize, and mitigate impacts to siting in areas of environmental and land use concern. EEA will develop guidance to inform state, regional, and local pre-filing permitting processes related to the level of scrutiny and requirements for developers needed to avoid, minimize, and mitigate impacts on the environment and people to the extent practicable.

### Vote summary on B Siting

Agree	18
Disagree	0
Abstain	2
Did not vote	2

## C. PRE-FILING REQUIREMENTS FOR EFSB-JURISDICTIONAL FACILITIES

To improve opportunities for community engagement and public education about proposed clean energy projects, the Commission recommends that pre-filing requirements be established for EFSB-jurisdictional facilities via the regulations and guidelines that EFSB will promulgate to implement the recommendations above. For such projects, the EFSB Office of Community Engagement, in coordination with the Office of Environmental Justice and Equity and MEPA Office staff, should assist applicants in leading a pre-filing engagement process to include robust community engagement. The EFSB Office of Community Engagement should help applicants and communities to navigate the necessary pre-filing requirements and assist communities in understanding the proposed project.

For project applications deemed complete by the EFSB, a project proponent must demonstrate good-faith efforts to engage in meaningful community engagement. EFSB shall develop regulations that establish minimum stakeholder engagement requirements that project proponents must meet that shall include the following:

1. Notification of intent to apply must be submitted to EFSB at least 90 days prior to application submittal to EFSB.
2. A list of detailed project information that must be made available in writing on an EFSB project website landing page and by posting flyers in locations where communities commonly gather (e.g., libraries, community centers, parks, public transit stations, etc.) at least 15 days prior to an initial public meeting. The landing page and flyers must be translated into the languages spoken in the community.

3. The number, type, timing, and length of meetings that must be held with the following individuals (meetings can, and should, occur as soon as possible and can be scheduled before the 90-day notification period):
  - a. One or more meetings with the chief municipal official of each municipality hosting the project or their designee. Meetings with elected or appointed representatives can occur jointly with abutters and community-based organizations or separately.
  - b. All abutters of the project, including residential and business renters of the property boundary, through direct mail, email, and/or door-knocking.
4. A requirement to hold at least two hybrid (virtual and in-person) public meetings of at least 90 minutes in length each, one at an early stage of project development as defined by the EFSB and the second of which must take place at least 45 days before filing with EFSB. At least 50% of meeting time must be dedicated to question-and-answer periods. Notice of the meeting and any materials distributed should be translated into any languages identified in a manner provided in guidance issued by the EEA EJ Office.
5. Demonstration of additional efforts made to involve members of community-based organizations, tribes/Indigenous organizations, resident groups, neighborhood associations, local labor council, and small business groups, including by inviting such entities to one or more meetings or directly partnering with such entities to provide input as an advisory body.<sup>23,24</sup> The proponent should make attempts to work with these entities to develop a community benefit proposal and/or execute a community benefits agreement commensurate with impacts.
6. For projects that involve land in more than one municipality, the proponent should hold at least one additional informational meeting about the project per additional municipality and invite municipal officials from those municipalities to meet together and discuss questions, ideas, and concerns.
7. A minimum 60-day opportunity for written public comment or other form of feedback to the proponent that concludes at least 30 days prior to filing with EFSB.
8. Development of a distribution list that includes any party that has indicated interest in receiving ongoing information about the project.
9. Demonstration of good faith efforts to provide substantive responses to inquiries in writing from local and state agencies. An evaluation of the project proponent's efforts will be made by the EFSB Office of Community Engagement.
10. Agendas and notes from all public meetings, which must be included as part of the application to EFSB.

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<sup>23</sup> Significant efforts to secure a meeting include door-knocking, contacting public schools/senior centers/community centers, communicating with the community, including local newspapers in different languages, providing information to a local cable channel, and calls and emails. For EJ populations where one of the EJ population criteria is limited English proficiency, the applicant must provide translated written invitations and offer oral interpretation during phone calls and meetings.

<sup>24</sup> The EJ Office, upon request (or may be available via a publicly accessible database), will provide a list of potential people and organizations for the project proponent to contact. The proponent can invite the EFSB 2.0 Ombudsperson and EEA EJ Office staff to the meetings.

### Vote summary on C Pre-Filing Requirements for EFSB-Jurisdictional Facilities

Agree	15
Disagree	1
Abstain	4
Did not vote	2

## D. ADDITIONAL COMPLEMENTARY REFORMS

The Commission discussed additional complementary reforms that are both legislative and non-legislative in nature. These reforms were primarily suggested by the Siting Practitioner Advisory Group or National Grid and the level of agreement between Commission members on each is reflected below.

### 1. Legislative Reforms

#### a. Permit Extensions

Legislation should be enacted to extend all state, regional, and local approvals for projects impacted by interconnection delays for a period sufficient to allow for the interconnection to be completed. Extensions would apply to project approvals that were in effect as of between October 22, 2020, and January 1, 2024, and would be limited to projects that have an active interconnection application or agreement.

#### b. Appeals Reform

In order to reduce appeals timelines for projects undergoing permitting before the more comprehensive siting and permitting reform outlined in this document goes into effect, there are two proposed recommendations for reforming appeals processes. The first is to add clean energy infrastructure project decisions to the list of projects eligible for the “permit session” of the Land Court pursuant to M.G.L. c. 185 § 3A. Currently eligible projects are limited to those that involve “25 or more dwelling units or the construction or alteration of 25,000 square feet or more of gross floor area or both.”

Additionally, the second recommendation is to establish a process within the Land Court that allows for a single justice to provide expedited review of clean energy infrastructure project appeals. The process could empower the establishment of an alternative dispute process and could allow for interlocutory decisions on matters of law.

#### c. Energy Storage Eligibility for EFSB Certificate

Legislation should be enacted to establish that energy storage projects may qualify for the granting of a certificate of environmental impact and public interest under M.G.L. c. 164 § 69K to allow for the overriding of local denials or burdensome conditions. This temporary measure would apply to facilities that are currently undergoing permitting before the new proposed process changes are effective.

**d. Clarification on DPU authorizations for transmission lines**

M.G.L. c. 164 § 72 provides the process by which transmission line proponents can seek DPU authorization for the taking of property rights to support new or expanded transmission projects. In a 1962 ruling, the Supreme Judicial Court interpreted § 72 as a requirement that utilities seek DPU approval for transmission line projects even if no taking is needed. This interpretation continued in force even after the Energy Facilities Siting Council was created in 1974, resulting in additional siting process for transmission lines only. National Grid recommended that language be added to § 72 clarifying that it is applicable only when a taking is required to complete a transmission project, leaving review of other transmission line projects to the EFSB and environmental agencies as needed.

**Commission votes on D.1 Legislative Reforms**

	a. Permit extensions	b. Appeals reform	d. Energy storage eligibility for EFSB certificate	e. Clarification on DPU authorizations for transmission lines
<b>Vote summaries</b>				
Agree	15	10	12	12
Disagree	0	2	1	1
Abstain	5	8	7	7
Did not vote	2	2	2	2

Note that due to time constraints, some Commission members were unable to reflect more definitive agreement or disagreement on some of these matters.

**2. Non-Legislative Reforms**

**a. Statewide public education**

Massachusetts’ CECP presents an opportunity for the Commonwealth to promote and champion its clean energy transition to residents. The Commonwealth should launch a public education campaign to provide context for an anticipated rapid growth in clean energy infrastructure. Such a campaign should emphasize the benefits of the transition, factual information about the relevant environmental, public health, and public safety data, available incentives to electrify, and opportunities to get involved.

**b. Model Zoning Bylaws**

DOER should create a new model municipal solar and energy storage bylaw to address preemption of local ordinances and bylaws, scope of authority, tree clearing, noise, decommissioning, and canopy projects.

**c. Review of MassDEP Noise Policy**

MassDEP should be directed to update its noise pollution policy to address the disparity of treatment of projects proposed in rural versus urban areas. The current policy makes it easier to site certain infrastructure in areas with higher levels of ambient noise, which are often more urban and densely developed communities. In contrast, the standard makes it very difficult to site projects, even those with minimal incremental noise impacts, in areas with lower levels of ambient noise.

**d. Technical Assistance**

EEA and/or DOER should establish a program designed to provide technical resources for municipalities, tribal nations, and community-based organizations serving environmental justice populations. In tandem, EEA and/or DOER should establish a clearinghouse of on-line information to provide accurate and unbiased information on clean energy infrastructure for municipalities. EEA and/or DOER should also provide education and training for municipalities. This technical assistance would be available to support local decision-making, community engagement and facilitation, answer and advise on technical issues and questions related to the DOER guidance documents, advise on best-practices, and provide non-binding mediation on issues hindering local permitting.

**e. Community Benefits Agreements**

The Office of Environmental Justice and Equity (EJ Office) should create statewide guidance on community benefits plans and agreements through a stakeholder engagement process.

**f. Green Communities Designation Criteria**

The Commission recommends that DOER update the Green Communities Designation and Grant Program to align with the model bylaws and guidance suggested above. We recommend that DOER also evaluate additional opportunities to support and incentivize municipalities to make municipal buildings and parking lots available for solar energy installation, potentially through the Green Communities or Climate Leader Communities Programs.

**g. Solar Canopies**

The DOER should develop additional incentives for the deployment of solar canopies on parking lots over a certain size. Incentives should include but not be limited to establishment of setback and building coverage exemptions under the building code and local bylaws; stormwater management credit under MassDEP stormwater policy provided the installed runoff technology satisfies MassDEP's clean water runoff technology requirements. The Commission recommends that DOER also develop a task force to examine the opportunity for deployment of solar canopies on state and municipal controlled parking lots, with a focus to include lowering any burdens related to a site-by-site procurement requirement. Additionally, the Commission recommends executive action directing deployment of solar canopies on State-owned parking lots over a certain size (where feasible).

**h. DPU Review/Interconnection Approval Process**

Interconnection delays are the most serious impediment to accelerating the installation of storage and solar facilities. The DPU should conduct a review of its existing timeline enforcement mechanisms with particular focus on how these relate to interconnection approvals.

**i. Review of Siting and Permitting Reforms in 2030**

Concurrent with the publication of the Climate Report Card for 2030, the Secretary shall issue a detailed assessment of the performance of the administrative and legislative siting and permitting reforms initiated in 2024 for Clean Energy Infrastructure. Performance shall be assessed relative to each of the three goals set forth in Executive Order No. 620. If the Commonwealth has failed to achieve the 2030 limit on greenhouse gas emissions (50% reduction from 1990 levels), the Secretary shall consider the performance assessment in recommending further actions to the Governor designed to enhance the likelihood of achieving the 2040 limit on greenhouse gas emissions (75% reduction from 1990 levels).

**Commission votes on D.2 Non-Legislative Reforms**

	a. Statewide public education	b. Model Zoning Bylaws	c. Review of MassDEP noise policy	d. Technical assistance	e. Community Benefits Agreements	f. Green Communities Designation Criteria	g. Solar canopies	h. DPU review / interconnection approval process	i. Review of siting and permitting reforms in 2030
<b>Vote summaries</b>									
Agree	18	14	14	17	15	15	15	14	17
Disagree	0	0	0	1	1	1	0	0	0
Abstain	2	6	6	2	4	4	5	6	2
Did not vote	2	2	2	2	2	2	2	2	3

**E. REGULATORY PROCESS**

Legislation should explicitly direct all of the executive branch agencies involved in this effort to coordinate with respect to timing of their regulatory processes so that all proposed rules move concurrently through the process and there is transparency into how all of these various permitting processes will intersect as the rulemaking process unfolds. The agencies responsible for promulgating rules and developing guidance should also be directed to convene a stakeholder process that includes municipal, environmental, climate, land use, environmental justice, clean energy, and utility stakeholders before commencing any formal rulemakings. The agencies should have the flexibility to determine which content is best integrated into regulations or guidance.

The following agencies will be responsible for promulgating regulations and developing criteria and guidance as follows:

1. EFSB: establishing regulations and guidelines for infrastructure that is EFSB jurisdictional, for de novo reviews of local permitting decisions, and for consolidated regional and state permits issued to non-EFSB jurisdictional clean energy infrastructure projects that qualify for such a permit.
2. DOER: establishing regulations and guidelines for non-EFSB jurisdictional clean energy infrastructure undergoing a local permitting process.
3. EEA (in coordination with its subordinate offices and agencies): developing a site suitability framework.
4. EEA (specifically the EJ Office in coordination with EFSB and DOER): establishing guidance for community engagement and Community Benefits Agreements.

State agency commission members stated their belief that 18 months is the fastest they could reasonably promulgate these regulations following of enactment of legislation. Many commission members, particularly those associated with clean energy infrastructure development, advocated for a faster rulemaking process.

#### **Vote summary on E Regulatory Process**

Agree	16
Disagree	2
Abstain	2
Did not vote	2



## APPENDIX A: COMMISSIONER VOTES AND COMMENTS

### Commission votes and comments on A.1. Definitions of Clean Energy Infrastructure

Alexandra Blackmore, National Grid	Agree	National Grid agrees with the definition of “Clean transmission and distribution infrastructure” and defers to other Commission members on the definitions of “Clean energy infrastructure” and “Clean generation and storage infrastructure” and other associated definitions.
Francis Callahan, Massachusetts Building Trades Unions	Disagree	I disagree with the statement that "Clean transmission and distribution infrastructure shall not include new transmission and distribution infrastructure that directly interconnects infrastructure that does not meet the definition of clean energy infrastructure as defined in this section..." The purpose of this commission is to facilitate the siting and permitting energy infrastructure. This position will hinder that purpose.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Although this definition may need to be expanded as new technologies are developed that can accelerate the transition, this seems to be an appropriate starting point.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	Particular care will need to be taken to assure that clause iii and iv of the first sentence are not seen as a way around the second sentence within "Clean transmission and distribution infrastructure."
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports the establishing in state law definitions pertaining to clean energy infrastructure, with clarifications. The Commission largely and appropriately focused on the increased future need for land-based infrastructure for solar and transmission. Future iterations should focus on the benefits and impacts of different types of storage and other types of generation, such as wind. The Commission should clarify that pumped storage facilities would fall under state, and not local consolidated permitting. Pumped storage facilities fall under the Federal Power Act and require review and a federal license from Federal Energy Regulatory Commission. That license does include state-level authorizations under the Clean Water Act (401 certification) – and if it’s new construction also CWA 404 from the Army Corps of Engineers...and a host of other reviews.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	Mass Audubon recommends that the definition of clean transmission and distribution infrastructure not include (iii) proposed to ensure electric grid reliability and stability or (iv) help facilitate the electrification of the building and transportation sectors." These are broad characteristics that should not alone be used to justify investments in new infrastructure that will be built into the rate base without alternatives analysis.
Jeremy McDiarmid, Advanced Energy United	Agree	Appreciate the additional flexibility in the T&D definition.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	

Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that for any legislation resulting from these recommendations to meet the Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Disagree	We really need to add nuclear power to this list - so should a nuclear facility be permitted here, the associated infrastructure should enjoy an expedited permitting process - reference a quote from yesterday 3/27/24 "US Secretary of Energy Jennifer M. Granholm said Wednesday: 'Nuclear power is our single largest source of carbon-free electricity, directly supporting 100,000 jobs across the country and hundreds of thousands more indirectly.'"
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	While recognizing that T&D is necessary for CE projects like battery and solar facilities, I feel like the nature of cost recovery on these projects makes lumping them together too difficult for rule-making. Proponents will always claim that ANY T&D that is not directly hardwired into a fossil fuel generating facility is CE -- even though the exact same project 20 years ago had connection to CE. The implications of this cascades out into writing legislation about early community outreach, CBAs and other aspects of this work and makes it difficult to find solutions that apply to both types of projects -- T&D and actual CE projects. Basically almost every suggestion in this report I would like to approve for one category of projects and not the other or vice versa. Lumping them together makes all my voting impossible, hence, my abstentions.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

## Commission votes and comments on A.2. Summary of Types of Clean Energy Infrastructure

Alexandra Blackmore, National Grid	Agree	National Grid appreciates the changes that were made to this table so that EFSB jurisdiction was not expanded to new types of projects, and that the language in footnote 9 has been revised. National Grid also believes that in addition to the two options in the table – EFSB adjudication (mandatory or opt-in) and a local consolidated permit – there should be a third option for a non-adjudicatory consolidated permit for non-EFSB electric utility clean energy infrastructure. We appreciate that our position has been acknowledged in Section A.3.f.
Francis Callahan, Massachusetts Building Trades Unions	Disagree	We need to include Nuclear facilities under Clean Energy Generation.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Abstain	Table 1 is a thoughtful breakdown of the starting point for permitting various facility types. However, the statement in footnote 10 regarding pumped hydroelectric facilities is not quite correct. The construction of new pumped storage facilities and updates to existing facilities do require local permits.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports the establishing in state law definitions pertaining to clean energy infrastructure, with clarifications. Since land-based wind and solar generation require different amounts of land and have different impacts on people and nature, there should be different and appropriately sized MW thresholds. The Commission should clarify that pumped storage facilities would fall under state, and not local consolidated

		permitting. Pumped storage facilities fall under the Federal Power Act and require review and a federal license from Federal Energy Regulatory Commission. That license does include state-level authorizations under the Clean Water Act (401 certification) – and if it’s new construction also CWA 404 from the Army Corps of Engineers...and a host of other reviews.
John Mangiaratti, Massachusetts Municipal Association	Abstain	
Michelle Manion, Mass Audubon	Agree	Mass Audubon recommends a much lower threshold for solar projects than 25 MW. DOER data on RPS Class I projects indicate that vast majority of solar facilities in MA are under 10MW, and this will continue to be true in the future. We also maintain that towns and community should be able to opt into the EFSB review process regardless of project size. Project size alone is not a useful proxy for potential impacts to a community and natural resources.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	Massachusetts Association of Conservation Commissions (MACC) supports establishing in state law definitions pertaining to clean energy infrastructure, with clarifications. There should be a lower threshold than 25 MW for municipal permits because there will be a huge workload for municipalities. In addition, very small rooftop solar and small projects on the built environment could be subject to minimal permitting requirements to streamline projects for household and other small clean energy projects. Land-based wind and solar generation require different amounts of land and have different impacts on people and nature, therefore, there should be different and appropriately sized MW thresholds.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that for any legislation resulting from these recommendations to meet the Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	I believe we have most of the facility designations correct.
John Walkey, GreenRoots, Inc.	Abstain	
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on A.3.a EFSB Jurisdictional Clean Energy Infrastructure Definitions

Alexandra Blackmore, National Grid	Agree	National Grid appreciates the revisions to this section to address our concerns about expanding EFSB jurisdiction. This has allowed us to change our vote to “agree” with this section.
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	

Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	The recommended change to a consolidated state permitting process is vital for the Commonwealth to achieve its carbon reduction mandates. This is consistent with reforms adopted in other states that are leaders in achieving carbon reductions. Recommend adding non-EFSB substations to the list of utility facilities that may opt-in to be reviewed by the EFSB.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports a consolidated state permitting process, with qualifications and clarifications. Since land-based wind and solar generation require different amounts of land and have different impacts on people and nature, there should be different and appropriately sized MW thresholds. The Commission should clarify that pumped storage facilities would not fall under state and not local consolidated permitting. Pumped storage facilities fall under the Federal Power Act and require review and a federal license from Federal Energy Regulatory Commission. That license does include state-level authorizations under the Clean Water Act (401 certification) – and if it's new construction also CWA 404 from the Army Corps of Engineers...and a host of other reviews. The Commission should define the permitting path required of clean energy infrastructure that is not automatically EFSB or locally jurisdictional.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	We maintain the same recommendations on changes to project thresholds as in the above comments. We recommend a very clear definition of what "substantially altered" means with respect to transmission lines.
Jeremy McDiarmid, Advanced Energy United	Agree	Consolidated EFSB permit is one of the core improvements within the commission's recommendations.
Dorothy McGlinicy, Massachusetts Association of Conservation Commissions	Agree	MACC supports consolidated permitting process with additional clarifications. How will the consolidated permit be finalized? Will input from state and local groups be part of the process deciding which aspects of the regulatory programs should be included in the streamlined permit? MACC urges continued participation by municipal and environmental representatives in the future for the consolidated permit (and siting) process.
Rusty Polsgrove, Arise for Social Justice	Abstain	Arise cannot support these measures without: -adequate site suitability criteria that is responsive to environmental justice -the EFSB standard of review including both assessment of cumulative impacts on host communities and a de novo assessment of need for the specific facility
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that for any legislation resulting from these recommendations to meet the Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Disagree	While i agree with some of the language here, I remain concerned that using the EFSB option, we may be doing "more of the same" and thinking that we will be able to shorten the timeline, as was our charge. I have mentioned

		multiple times that we did not consider H3215, as a vehicle, maybe even revised to accomplish the mission of the Commission
John Walkey, GreenRoots, Inc.	Abstain	
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on A.3.b EFSB Standards for EFSB Jurisdictional Project Reviews

Alexandra Blackmore, National Grid	Agree	While National Grid agrees with most of the content of this section, we have concerns with the language in A.3.b.4 suggesting that site suitability guidance applies to “any new clean energy infrastructure, except for those proposed in existing rights of way”. Site suitability guidelines developed for large, point-location projects like solar and storage facilities likely would not be a good fit for either linear facilities like transmission lines, or smaller point-location projects like substations. For these reasons, National Grid is opposed to the application of site suitability guidance to utility infrastructure, whether or not it is located in an existing ROW. We therefore recommend revising A.3.b.4 to be consistent with the recommendations in Section B, with the following revision: “identify areas that are preferential from a renewable energy [generation] and storage infrastructure siting standpoint”. National Grid also supports promulgating rules and regulations within 12 months instead of 18 months.
Francis Callahan, Massachusetts Building Trades Unions	Agree	Note: In point 3 - Community engagement needs to include labor engagement with existing workforce that may be impacted and workforce considerations for the construction, operations and maintenance of the facilities being considered.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly endorse the development of siting standards and a uniform application tailored by facility type. They should be helpful to developers and agencies at all levels of government. Separately, any site suitability guidance should recognize that transmission and distribution infrastructure, including for off-shore wind, may need to traverse or occupy land which might otherwise be desirable to avoid. The alternative site or route review by the EFSB must be able to take into account the need for utilities and developers to build underground lines, interconnect with new CEI generation, serve growing loads in any of our communities, etc. and that their locational choices are more limited than for other types of infrastructure. Also, object to language being added in the future that would require all projects not to add to the cumulative burden of a community. Such a standard would, among other things, preclude adding any new transmission or distribution capacity in such neighborhoods, leading to “electricity deserts” (under-served communities.) Such a standard is too extreme. Finally, the 18-month period for promulgation of regulations should be viewed as a deadline, not a goal.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports many of the steps proposed as part of a consolidated state permitting process, with qualifications and clarifications. The Nature Conservancy is pleased to see the inclusion of site suitability and community engagement in the pre-filing process. The combination of these two criteria, addressed early in the siting and permitting process, will provide science-based data and community knowledge to help inform the location and design of a project. It will also help achieve agreements between the community and the developer to avoid conflicts which could delay the permitting process. And outcomes of the pre-filing process will help avoid impacts on nature and people. We are also pleased to see the inclusion of the

		<p>Departments of Fish and Game and Conservation and Recreation in the development of guidelines and regulations, due their expertise in biodiversity, wildlife, and carbon storage and sequestration by Natural and Working lands. We also strongly urge that state consolidated permitting include consideration and incorporation of issues not already incorporated into siting and permitting from the list below. There should also be authorizations for the EFSB to adaptively manage and adopt new and emerging issues in the future. While we are pleased to see mention of these topics under site suitability, we believe it is important to clarify the source in Massachusetts laws, policies, and plans of each with the following: • The NextGen RoadMap Law’s goals for Net Zero requires the inclusion of Natural and Working Lands carbon sequestration and storage. These are embodied in the goals, policies and programs for land protection, management, and restoration in the Clean Energy and Climate Plans (2025/30 and 2050), Forests as Climate Solutions, the Resilient Lands Initiative, and the Healthy Soils Action Plan. • The Commonwealth’s forthcoming goals for biodiversity protection and restoration under the Healey-Driscoll administration’s Executive Order 618 Biodiversity Conservation in Massachusetts and the use of BioMap habitat data to define those goals. • The Commonwealth’s goals for adaptation and resilience as identified in the Massachusetts Climate Assessment, and recommended in the ResilientMass Plan, and the Resilience Design and Standards Mapping Tool. • The Commonwealth’s Environmental Justice Law that requires considering cumulative impacts on residents and environmental justice populations</p>
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	<p>Mass Audubon supports the development of a uniform set of standards for consolidated project review. We also endorse the inclusion of the Department of Fish and Game in the state agencies who will be involved in the state process. In light of the thousands of acres of land needed to site new energy infrastructure, it will be critical to have the state top experts on wildlife habitat involved in developing guidance. With respect to site suitability guidance (4), we agree that this can and should be considered during the pre-filing process, but it should also be required as a condition for receiving a permit in both the local and EFSB review and permitting processes. Moreover, site suitability guidance should apply to all CEI, not only generation and storage infrastructure.</p>
Jeremy McDiarmid, Advanced Energy United	Agree	<p>Believe that 18 months for establishing regulations and guidance does not match the urgency of the moment. Recommend reducing this to 12 months. I agree that cumulative impacts should be a consideration (but not a veto tool) in permitting clean energy infrastructure in overburdened communities. The specifics certainly matter both of how we define cumulative impacts and how they are weighed, particularly in overburdened communities.</p>
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	<p>MACC supports many of the state steps proposed as part of the state permitting process, but clarifications are needed. Will all of the current permitting agencies be part of the decision-making process on the streamlined permit? Will there be a public comment portion of this process? We are pleased to see site suitability &amp; community engagement are part of the pre-filing process. Additional clarifications are needed to ensure the siting is not ignored in the consolidated permit process.</p>
Rusty Polsgrove, Arise for Social Justice	Abstain	<p>I am concerned that the community consultation aspect will be treated as box-checking exercise as mentioned in previous comments. Arise hopes to see a stronger role for the OEJE in developing these standards.</p>
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa’lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Disagree	<p>This section lacks necessary specificity about the EFSB’s standard of review. For any legislation resulting from these recommendations to meet the</p>

		Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	There should be consideration given to include legislative language that would expedite the promulgation of regulations resulting in a reduction in the 18-month timeframe currently anticipated.
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	I agree, but the timeline needs to be quicker than the proposed 18 months. We do not have 18 months to wait to enact some of these initiatives if we are to meet our climate goals.
John Walkey, GreenRoots, Inc.	Abstain	Sounds good, but in the absence of a real impact of community voice in the decision-making process (criteria used to make the decisions) feels very much like this could be nothing more than a new set of boxes to be checked. The criteria for decision making should include concepts of cumulative impact assessment – however the state comes around to define that for the various media – air, water, land use, etc. For public outreach please make use of recommendations already provided through the AGO's report on siting which took in input from stakeholders.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on A.3.c Revised EFSB Process

Alexandra Blackmore, National Grid	Agree	National Grid generally supports the process outlined in A3(c) including constructive approval and appeals to the SJC, but requests that appeals go directly to the full court instead of a single justice.
Francis Callahan, Massachusetts Building Trades Unions	Agree	I am uncertain on the timeline of 6`15 months in bullet point 4 and whether "the project will be deemed approved to proceed" in bullet point 6 "if no decision is made by the EFSB within the timeframe established". In section "C. Notice of project" "affected community members" should include labor organizations, specifically "Local Area Central Labor Councils"
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Endorse the basic structure of the process proposed though not each of the details. For example, prior to the EFSB proceeding there must be multiple public meetings in every jurisdiction where the facility is proposed to be sited. After that, there will be an EFSB public hearing followed by an opportunity to visit the site and to intervene in the process. After the lengthy EFSB review and hearing process is over and the evidentiary record is closed, the Tentative Decision is issued. Once again, written comments from parties as well as "interested individuals or groups" are invited. What seems misleading to the public is that even after that stage when the record has been closed and comments received on the Tentative Decision, the recommendation calls for the Siting Board to solicit another round of comments at its meeting to deliberate on the Tentative Decision. Our goal should be meaningful participation, not meaningless or endless participation. Participation and input should occur before and during the creation of the evidentiary record.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy would be willing to support a state consolidated permitting process with the following qualifications and changes. Most importantly, under the state consolidated permitting process, the authority of existing environmental agencies and their laws and regulations are retained and not diluted. There should be a rebuttable presumption on the

		<p>recommended conditions from other state agencies that allows them to be included in the final decision as drafted. This is especially true for requirements -- and in some cases the greater lengths of time needed -- of federally-designated programs under the Endangered Species Act and Clean Water Act. We strongly urge strengthening the requirements to avoid, minimize and mitigate impacts on people and nature. changing Section G, subsection (d) from " measures and actions to be taken to limit impacts on people and nature" to "measures and actions to avoid, minimize, and mitigate impacts on people and nature." Although we support the concept of a constructive approval, we cannot support what is proposed here without a more detailed description and elaboration of what it might entail. Under #6, we believe there is a need to provide a "safety valve" that would extend timelines for unexpected consequences extending the permitting process that are not the fault of the municipality or state agencies. When multiple projects are proposed in one community, concurrently or over time, there shall be a review of cumulative impacts and application of the mitigation hierarchy relative to the cumulative impacts.</p>
John Mangiaratti, Massachusetts Municipal Association	Disagree	<p>The MMA agrees with the sentiment of this section but has concerns on several subsections that would impose hardships on municipalities and remove critical opportunities for review and local approval. Some of these burdens include removal of opportunities for local governments to issue grants of location, limiting opportunities for communities to develop MOAs, lack of weight of recommended permitting conditions, and lack of guarantee that municipal governments will be allowed to provide recommendations for permitting conditions. We have additional concerns on subsection A.3.c.12 (page 17) regarding the ability of EFSB decisions to be appealed directly to just a single justice of the Massachusetts Supreme Judicial Court, and the "Constructive Approval" subsection of A.3.c regarding the ability of an intervenor to appeal a constructive approval to a single justice of the Massachusetts Supreme Judicial Court. The Commission did not sufficiently discuss whether appeals should be made to one single justice or to the full SJ.</p>
Michelle Manion, Mass Audubon	Agree	<p>Mass Audubon strongly supports a process that can streamline and accelerate reviews of projects needed to decarbonize our power sector through a consolidated process for vetting and issuing state and federal permits that reduces redundancy and duplication. It is absolutely critical, however, that all existing environmental regulations be adhered to in this process, that forthcoming policies and protections for biodiversity and natural lands be incorporated, and that sufficient time for appeal be provided. Moreover, this framework needs to significantly advance our current approach to CEI siting by explicitly delineating more and less preferred locations for siting of new CEI -- the protection of natural and working lands, healthy soils, and biodiversity are Commonwealth goals which have yet to be formally codified in quantitative goals or policies, but this approach must anticipate those goals. Such an approach should also require mitigation of impacts on these public goods. At both the state and local permitting levels, this approach must substantiate the need for new T&amp;D infrastructure, and formally consider the consider cumulative impacts of additional development on communities. Finally, we recommend expanding the time for appeal to 30 days. We also question the use of a single justice at the Supreme Judicial Court -- this idea has not been discussed or vetted by the Commission, so it's inclusion here is a surprise.</p>
Jeremy McDiarmid, Advanced Energy United	Agree	<p>Believe that 18 months for establishing regulations and guidance does not match the urgency of the moment. Recommend reducing this to 12 months.</p>
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	<p>MACC agrees with much of this recommendation, and we are willing to support a state consolidated permitting process with some clarifications: - There should be a rebuttable presumption on recommended permit conditions from state agencies that allows them to be included in final decisions. -Existing environmental laws and regulations should be retained, not diluted or ignored in the consolidation process.</p>
Rusty Polsgrove, Arise for Social Justice	Abstain	<p>Arise cannot agree because there is no specific mention of cumulative impacts and needs analysis as a part of EFSB standard of review. Cumulative impacts have been a large part of our discussion, attention and care on behalf of the</p>



		state is needed to create a definition and standard for a cumulative impacts analysis. Arise, the Ej table and many others are ready and willing to assist in the development and implementation of such tools. We cannot continue to make the mistake of looking at infrastructure and grid projects and investments as isolated incidents that do not compound when located nearby other developments.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that for any legislation resulting from these recommendations to meet the Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	I agree, but the timeline needs to be quicker than the proposed 18 months. We do not have 18 months to wait to enact some of these initiatives if we are to meet our climate goals.
John Walkey, GreenRoots, Inc.	Abstain	We oppose any efforts to curtail or consolidate public input into the process. Becoming an intervenor is a difficult and daunting process for most people not normally operating in this space, so the opportunity to offer comments (A.3.c.17) from interested parties who may not be intervenors is appreciated and should be retained. Also – the standards of review should be inclusive of a clear statement and review of need and cumulative impacts to overburdened communities – which includes urban communities already burdened by legacy infrastructure as well as rural communities already carrying a large share of solar capacity, relative to the rest of the state.
Lizzi Weyant, Metropolitan Area Planning Commission	Abstain	I need clarification on section H.

### Commission votes and comments on A.3.e Intervenor Financial Support

Alexandra Blackmore, National Grid	Agree	This statement accurately summarizes the general support for intervenor funding within the Commission, coupled with a lack of agreement on methods or funding sources for this support. National Grid recommends that the legislature look to other states where intervenor funding has been implemented to identify models for financing intervenor funding.
Francis Callahan, Massachusetts Building Trades Unions	Disagree	While I agree that technical and financial support should be made available to smaller communities that lack the staffing and expertise to adequately perform these necessary functions, I am concerned that financial resources will be consumed by more sophisticated organizations that will utilize these limited resources to amplify existing programs that may run counter to the goal of facilitating the permitting and siting of energy facilities.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	Further discussion is needed on framework, eligibility, funding sources, and cost recovery before legislative requirements are established.
Mary Beth Gentleman, Siting Practitioner Advisory Group	Abstain	The Siting Practitioner Advisory Group has strongly advised providing municipalities and community groups with technical assistance to understand clean energy technologies and their risks (albeit, de minimus). The Advisory Group also believes that there may be a benefit to the applicants, the EFSB and intervenors alike from having intervenors not familiar with the EFSB process being advised by experienced counsel. However, during the many

		months of the Commission process, proponents of "intervenor funding" did not explain the magnitude of the funding being sought, who would ultimately be responsible for paying, who would select the persons or groups to receive such funding, how such selection process would not lead to further delay, how disputes over who was and was not selected would be resolved, whether proponents would be eligible or just opponents, why this would not adversely affect the perception of the solar and battery industries of MA as a place to develop projects, and so forth. Consequently, there was no consensus within the Advisory Group that this concept was mature enough or understood well enough to advise the Commission to proceed with legislation now. Members of the Advisory Group would be pleased to work the Attorney General's Office, Commission members, and the Administration to see under what circumstances and for what types of projects this concept might be appropriate.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports a broader approach to intervenor and community support which includes more specifics on the scale and types of technical and financial assistance provided, such as: 1. enabling engagement (compensation, translation services, and flexible scheduling of meetings); 2. consultant services that would help provide interpretation of data and permitting processes; 3. and legal assistance with which to intervene,
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	Under the local permitting process that has been proposed, towns and cities will be responsible for permitting the vast majority of solar projects -- no solar projects are likely to meet the proposed threshold for automatically entering the EFSB jurisdiction. As such, it is critical that municipalities and community groups have the ability to opt into EFSB and then have access to financial support to participate in proceedings. And communities which are already hosting dozens of projects will need to seek relief from EFSB for consideration of cumulative impacts of additional projects proposed.
Jeremy McDiarmid, Advanced Energy United	Agree	Intervenor financial support will require clear eligibility guidelines and caps on available funding, both on an individual party basis, and on an annual budget.
Dorothy McGlinchy, Massachusetts Association of Conservation Commissions	Agree	The local permitting will require significant additional work by municipalities. Under the local permitting process that has been proposed, towns and cities will be responsible for permitting the vast majority of solar projects—virtually no solar projects will meet the proposed thresholds for automatically entering the EFSB jurisdiction. Technical and financial support will be needed for the municipalities.
Rusty Polsgrove, Arise for Social Justice	Abstain	Agree with John Walkey's comment
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	The EFSB should work with the Attorney General's Office to develop the approach to intervenor financial support.
Mark Sylvia, BlueWave Solar	Agree	Agree with financial support - suggest there is an established formula/cap.
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	We need to be very careful in who and how we fund this support. We need to make sure that is not just ratepayers who will end up supporting all these efforts and causing rates to be even higher.

John Walkey, GreenRoots, Inc.	Abstain	This is important and the Attorney General's Office has already assembled stakeholders to consider other states' programs to avoid pitfalls and create and efficient and effective program for the Commonwealth. It is important to do this in a manner that facilitates an equitable process and does not empower simple obstructionism for the sake of being difficult. We understand the need for guardrails and believe there are a number of solutions out there that will not break the bank but will improve the process.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	While I agree with the principle of providing technical and financial support for intervenors, it will be important to ensure that such support is specifically made available to low-income intervenors, EJ communities, and CBOs. Additionally, the threshold for seeking intervenor support should not be so high as to effectively bar intervenors from seeking support.

### Commission votes and comments on A.3.f Consolidated Regional and State Permit for Non-EFSB Jurisdictional Projects

Alexandra Blackmore, National Grid	Agree	National Grid appreciates that this section acknowledges the need for further exploration of non-EFSB permitting options. We look forward to working with the Administration and other stakeholders on this issue.
Francis Callahan, Massachusetts Building Trades Unions	Disagree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Would like to see a non-adjudicatory process such as a general permit for such facilities so long as their expected impacts were de minimis.
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Abstain	The Nature Conservancy requires further elaboration clarification before we can express an opinion.
John Mangiaratti, Massachusetts Municipal Association	Abstain	There was not adequate discussion at the Commission level on this subject. Given the insufficient time to review this section, discuss potential projects that would fall under this type of review, or understand its implications, the Massachusetts Municipal Association disagrees that this section should be included in the final recommendations.
Michelle Manion, Mass Audubon	Abstain	This was proposed too late in the process for sufficient discussion.
Jeremy McDiarmid, Advanced Energy United	Agree	Believe that the "hardship" demonstration should not just be restricted to utility-owned projects.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	Additional clarification is required before MACC can provide an opinion.
Rusty Polsgrove, Arise for Social Justice	Abstain	I find it a bit ridiculous that this is even in the final voting document because it was raised so late in the game. there has not been due conversation around capacity and the role state agencies and municipalities.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Abstain	Proposal was raised too late in the Commission process and there are a lot of unanswered questions around EFSB capacity and the role of other state agencies and municipalities.

Mark Sylvia, BlueWave Solar	Agree	Maintain the proposed jurisdiction and clarify/add to the language so it is consistent with other jurisdiction/permitting recommendations such as: "Legislation should require that non-EFSB jurisdictional generation and storage projects that require one or more regional or state permits may apply to the EFSB for a consolidated permit covering all state and regional permits, and that a constructive approval is issued if the EFSB does not issue a determination within 6 months."
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	The infrastructure associated with clean energy resources need to be completed in a timely manner.
John Walkey, GreenRoots, Inc.	Abstain	This topic came up fairly late in the game and feels like it was not adequately vetted, especially in terms of the capacity of the EFSB and how other state agencies and municipalities would interact with this.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on A.4. Consolidated Local Permit and A.4.a. Non-EFSB Jurisdictional Clean Energy Infrastructure

Alexandra Blackmore, National Grid	Agree	National Grid generally supports a local option, but this support is contingent upon the ability to opt in or out of the program at the discretion of the applicant.
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	This reform is critical because it results in a single appeal of all local permits to a single justice of the Supreme Judicial Court rather than multiple appeals to multiple levels of the judicial system, potentially spanning 4 or more years. This recommendation should also be amended to read that "This single consolidated permit should encompass all local permits that a clean energy infrastructure project would otherwise be required to obtain to commence construction AND OPERATION. This would be consistent with the scope of the consolidated state permit described in Section A.3. Also, the term "Non-EFSB Jurisdictional" should be substituted throughout for "locally jurisdictional." "Non-EFSB" more accurately reflects that such projects may need local, state and/or regional approvals, not just local.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	Maintaining local control, within the strong guidelines of the dover amendment, both those protections provided to ASTGU's in paragraph 1 of MGL 40A s3 (as conveyed under paragraph (d) of section 2A of chapter 61a) and to other solar projects under paragraph 9 of MGL chapter 40A S 3. Additionally care should be taken to assure that ASTGU's fall under the ag exemptions within the wetlands protection act, and under the existing protections from local wetlands bylaws for agriculture.
Steve Long, The Nature Conservancy	Agree	Since land-based wind and solar generation require different amounts of land and have different impacts on people and nature, there should be different and appropriately sized MW thresholds. The Commission should clarify that pumped storage facilities would not fall under either the state or local consolidated permitting. Pumped storage facilities fall under the Federal Power Act and require review and a federal license from Federal Energy Regulatory Commission. That license does include state-level authorizations under the Clean Water Act (401 certification) – and if it's new construction also CWA 404 from the Army Corps of Engineers...and a host of other reviews. When multiple projects are proposed in one community, concurrently or over

		time, there shall be a review of cumulative impacts and application of the mitigation hierarchy relative to the cumulative impacts.
John Mangiaratti, Massachusetts Municipal Association	Disagree	The Massachusetts Municipal Association strongly disagrees with this section of the Commission's recommendations. We strongly urge the Commission, as well as legislative and executive leadership to consider instead a local consolidated permit option for municipalities. In order to incentivize municipalities to opt in to this program, the Commission recommends including funding support for municipalities. Incentives could include, but are not limited to community mitigation funding, grants to expand local capacity, help to conduct associated community engagement, and funding for related technical assistance programs, potentially through the Green Communities Program or Climate Leader Communities Program. The Commission also recommends that appropriate staffing capacity is addressed at the state level to ensure the successful implementation of the program.
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	I do not believe that the consolidation of local permitting for clean energy infrastructure projects should be "opt-in."
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	MACC supports streamlining a local permitting process, but only if there are incentives for the local permitting and siting process; in addition, clarifications are needed for the consolidated local permit. There are significant technical and time requirements that will increase the workload for municipal officials, many of whom are volunteers. The 25 MW solar threshold might be too large a threshold for municipalities to easily manage, and since many of the solar projects could fall into this category, there could be a significant workload placed on municipal boards across Massachusetts. In addition, project size is not the same as impact: a municipality with 15 solar fields already, could have 2 more solar fields be proposed for the town/city that would have a greater impact than 2 new solar projects are proposed for a different town/city without any current solar projects. Incentives need to be addressed. MACC is concerned that wetland permitting, which is a state permit, but issued on the local level, could be negatively impacted by this process. Additional discussion is needed. For example: who will coordinate or be the lead for the local permitting process? Without significant financial and technical resources, the local permitting process could collapse under the weight of the process. How will the Open Meeting Law be implemented? Will all town/city boards & commissions meet at the same time, or will the Boards meet separately? One size does not necessarily fit all. Another issue: What will happen to the extremely small projects on rooftops, or in the backyards of homes? Will the applicant go through this process as well as the 25 MW projects? We urge flexibility, more discussion, and a process with incentives and options. Finally, local municipalities are the ones that know the "heart" of their community and the local bylaws and ordinances have been enacted for good reasons. Further discussion will help clarify this process.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Standards for public engagement and consideration of cumulative impacts should be as consistent with the EFSB process as possible to ensure equity.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tziorangas, Energy New England	Abstain	This needs to be discussed more with the municipalities, but is an important part of the proposed new process.

John Walkey, GreenRoots, Inc.	Abstain	Consolidation sounds good, but we should be cognizant of any ways to ensure local authorities' knowledge and local expertise is somehow transferred to the EFSB process.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	While I support a pathway that creates a consolidated local process, it absolutely must occur alongside additional supports for cities and towns. These should include the establishment of a Division of Energy Siting and Permitting, which should establish clear state standards for local review, offer technical assistance to cities and towns to support the implementation of consolidated process, and promote requirements under the new process.

### Commission votes and comments on A.4.b. DOER Division of Energy Siting and Permitting

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Abstain	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	DOER is a great choice to perform this function given its long history with administering programs for clean energy generators and its familiarity with challenges faced by municipalities and developers under the Green Communities Program.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports the establishment of the DOER Division of Energy Siting and Permitting. DOER's support will be essential to assist low-capacity and under-resourced communities.
John Mangiaratti, Massachusetts Municipal Association	Abstain	We are supportive of this subsection, though we cannot support this section in full without language that clearly provides for a local option for municipalities to adopt to issue consolidated permits for CEI.
Michelle Manion, Mass Audubon	Agree	Mass Audubon supports the establishment and appropriate funding of a new division of energy siting within DOER. We recommend that staff from other state agencies with expertise in environmental issues, state goals for natural and working lands, biodiversity, EJ impacts and zoning should be funded to support the new division as needed. Given that certain towns and regions already bear a disproportionate burden for energy infrastructure and require more support, we recommend that the regional coordinators should be at-large rather than assigned to specific regions.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	MACC agrees with this process, but additional clarification will be needed to show how DOER can support under-resourced communities. There is a need for either an energy Circuit Rider or others to help with the local and statewide permitting process. Staff should have environmental and technical skills to make sure the projects move forward quickly while implementing site suitability requirements.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	

Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Disagree	This looks to me like the division that is proposed by the H3215, which would make the division separate and not underneath DOER, as that does not make the new division independent.
John Walkey, GreenRoots, Inc.	Abstain	Sounds fine. Would caution that efforts to gatekeep against people who have an interest in the process from appealing or participating in this process should be curtailed. The problems we are addressing are directly related to this process being complicated and difficult to access—we don't want to perpetuate them.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	This Division should have within its purview the ability to provide funding support to cities and towns to comply with the consolidated local permitting process outlined above.

### Commission votes and comments on A.4.c. State Standards for Local Review

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Agree with the thrust of the recommendation; however, the siting standards must be consistent with the Commonwealth's statutes including Chapter 40A, s. 3 which limits the use of local zoning authority to exclude solar and storage facilities; in addition, the minutiae regarding pre-filing requirements (such as the number a minutes a meeting must equal or exceed) included in this recommendation should not be included in the legislation authorizing DOER to promulgate relevant rules; that level of detail should be determined via the rulemaking process after affected parties have had an opportunity to be heard and should not be dictated before the fact; also, the phrase "avoid, minimize and mitigate impacts" should be restated if used in legislation to correctly track the language in the MEPA regs: 11.01(4)(c).1 "...issues Section 61 Findings that specify, based on the EIR, all feasible means to be used to avoid Damage to the Environment, or, to the extent Damage to the Environment cannot be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable..." finally, the 18 month time frame should be considered a deadline, not a goal.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	additionally, in doing this, care should be taken not to provide broader jurisdictional powers than currently exist within the dover amendment, and wetland bylaws.
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports State Standards for Local Review. We would like to see the Departments of Fish and Game and Conservation and Recreation mentioned among the list of essential agencies in developing regulations and guidance. We would like to see the site suitability section strengthened: Replace the word "how" with the words "Apply the." We would like to see this section make the connection to other Commission recommendations on the need for and level of state support and technical assistance for under-served and capacity-strained communities (such as the Division of Siting and Permitting at DOER).
John Mangiaratti, Massachusetts Municipal Association	Disagree	The Massachusetts Municipal Association supports the development of unbiased, baseline health and safety standards to address one of the main

		challenges identified in the local process: confusion and fear about health and safety impacts. The MMA disagrees with the process and approach taken by these recommendations to require municipalities to participate in such a process, when a local option would be much more preferable.
Michelle Manion, Mass Audubon	Agree	Mass Audubon agrees in principle with a streamlined, standardized approach to local permitting of clean energy projects. Solar projects on rooftops and parking lot canopies in particular should have a standardized approach to expedite permitting. However, we strongly recommend that towns and municipalities -- especially those which are already hosting considerable clean energy infrastructure -- be sufficiently supported to be able to adequately evaluate the impacts of projects. It's critical to note that the impacts of a project are not only a function of its size or capacity, but its specific location, the benefits (or lack thereof) of the project to the community, and other factors must be considered. We are very pleased to see our request to establish responsible parties who will be subject to enforcement actions in the proposal added to this set of recommendations. Finally, we strongly recommend that the Dept of Fish and Game also be involved in consulting to DOER on the establishment of state standards for local review.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	MACC agrees with the concepts in this section, but additional details and discussion are warranted. We are glad to see the site suitability guidance is mentioned in this section, and a statement about responsible parties and enforcement. We do have concerns about the common standards for a single permit consolidating all necessary local approvals, because one-size does not always fit all. We will be happy to continue working with EEA, MMA, and others to make sure concerns by local groups can be addressed in future state standards and local review. There needs to be recognition of the need for state support & technical assistance to municipalities.
Rusty Polsgrove, Arise for Social Justice	Abstain	standards for public engagement and site suitability should match the EFSB process to preserve the little equity currently held.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Site suitability guidance must account for environmental justice impacts.
Mark Sylvia, BlueWave Solar	Agree	There should be consideration given to include legislative language that would expedite the promulgation of regulations resulting in a reduction in the 18-month timeframe currently anticipated.
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Sounds fine, although we should ensure that the process of public engagement and site suitability assessment should match the EFSB process as much as possible to ensure equity.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	These state standards for local review should also include guidance about minimum thresholds for meaningful community engagement, and guidance around the creation of community benefit agreements, which must include a workforce component.

#### Commission votes and comments on A.4.d. Revised Local Permitting Process



Alexandra Blackmore, National Grid	Agree	National Grid generally agrees with the process, contingent upon our comments in A.3.g and further recommends simplifying the appeal process so that there is a direct appeal to the full SJC.
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	This recommendation is a reasonable approach for improving the status quo of lengthy, uncoordinated local permitting processes ending in multiple appeals. All local boards and committees retain the right to review the project and, based on their local knowledge. rules and by-laws, place in a single permit what they view to be the appropriate conditions for building and operating the facility or denying the application in whole or in part. The Siting Board has always had the ability to balance state and local interests to ensure a necessary supply of energy and that remains so under this recommendation. The 18-month period for promulgation of rules should be viewed as a deadline, not a goal. The 12-month period for acting on an application for a consolidated local permit is longer than some local permitting processes take now; constructive approval should pose little risk in light of that expanded time frame; standing to appeal should be limited to those who are "substantially and specifically affected" (c. 30A § 10) by the outcome of the proceeding not some "other party with a substantial interest."
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	care should be taken to particularly coordinate the application of wetlands permitting, which has interlapping state and local jurisdictions, and requires the local government to issue permits according state guidelines, but also allows a role for state review and for the state to supersede the local jurisdiction, confusing the matter, as to what is a "local" and what is a "state" approval.
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy would be willing to support a local consolidated permitting process with the following qualifications and changes. Most importantly, under the local consolidated permitting process, there should be a rebuttable presumption that recommended conditions from other local agencies are included in the final decision as drafted. There needs to be mention of the need for local boards involved be required to have expertise and knowledge on the topics of biodiversity, natural and working lands, resiliency, and environmental justice, and also the process of community engagement. When they don't have this expertise, they can request assistance and receive it from the DOER or its designee, such as a regional planning agency or consultant with expertise in environmental and energy infrastructure siting and permitting and land use planning. There needs to be an integration of the pre-filing process on community engagement and site suitability mentioned in the regulations and guidance developed (above). We strongly urge strengthening the requirements to avoid, minimize and mitigate impacts on people and nature. changing Section G, subsection (d) from "measures and actions to be taken to limit impacts on people and nature" to "measures and actions to avoid, minimize, and mitigate impacts on people and nature." We believe there is a need to provide a "safety valve" that would extend timelines for unexpected consequences extending the permitting process that are not the fault of the municipality or state agencies. When multiple projects are proposed in one community, concurrently or over time, there shall be a review of cumulative impacts and application of the mitigation hierarchy relative to the cumulative impacts.
John Mangiaratti, Massachusetts Municipal Association	Disagree	The MMA is committed to working in strong partnership to achieve the Commonwealth's climate goals. We strongly oppose the mandating the consolidation of local permitting processes related to clean energy siting and development. We believe that a more fruitful path is to allow for an incentivized opt-in program that will strive towards our common climate goals while empowering DOER to truly partner with local government.

Michelle Manion, Mass Audubon	Agree	We fully endorse a local consolidated process with the conditions delineated by our TNC colleagues above. Our earlier comment about the appeal being vetted by a single Justice of the SJC applies here as well.
Jeremy McDiarmid, Advanced Energy United	Agree	Need to define "substantial interest" in a legally defensible manner. Believe that 18 months for establishing regulations and guidance does not match the urgency of the moment. Recommend reducing this to 12 months.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	MACC agrees with the goals but we do not fully support this section. Under the local consolidated permitting process, there should be a rebuttable presumption that recommended conditions from other local agencies are included in the final decision as drafted. There needs to be an integration of the pre-filing process on community engagement and site suitability mentioned in the regulations and guidance developed (in other sections of this document). When multiple projects are proposed in one community, concurrently or over time, there shall be a review of cumulative impacts and application of the mitigation hierarchy relative to the cumulative impacts. As previously mentioned, there is no clarity on who is responsible for consolidating permits on the local level, how Open Meeting Law requirements will be maintained; how cumulative impacts will be factored into the process; how municipalities will be incentivized for the additional workload and time requirements. MACC urges consideration of MMA's proposal for a local option to opt out of the local process due to various factors.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that for any legislation resulting from these recommendations to meet the Commission's equity mandate, the EFSB standard of review must include a determination that the facility proposal would not add cumulative burden to historically overburdened neighborhoods.
Mark Sylvia, BlueWave Solar	Agree	There should be consideration given to include legislative language that would expedite the promulgation of regulations resulting in a reduction in the 18-month timeframe currently anticipated.
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Abstain	This needs to be dealt with quicker than 18 months and spend more time with the municipalities.
John Walkey, GreenRoots, Inc.	Abstain	Sounds fine.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### **Commission votes and comments on A.5 Changes to the Energy Facilities Siting Board and A.5.a EFSB Statutory Mandate**

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	

Mary Beth Gentleman, Siting Practitioner Advisory Group	Disagree
Carrie Hitt, Vineyard Offshore	Agree
Nathan W. L'Etoile, American Farmland Trust	Agree
Steve Long, The Nature Conservancy	Agree
John Mangiaratti, Massachusetts Municipal Association	Agree
Michelle Manion, Mass Audubon	Agree
Jeremy McDiarmid, Advanced Energy United	Agree
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree
Rusty Polsgrove, Arise for Social Justice	Abstain
Jessica Robertson, New Leaf Energy	Agree
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote
Eddie Rosa, Groundwork Lawrence	Did not vote
Caitlin Peale Sloan, Conservation Law Foundation	Agree
Mark Sylvia, BlueWave Solar	Agree
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree
John G Tzimirangas, Energy New England	Abstain
John Walkey, GreenRoots, Inc.	Abstain
Lizzi Weyant, Metropolitan Area Planning Commission	Agree

### Commission votes and comments on A.5.b Energy Facilities Siting Board Composition

Alexandra Blackmore, National Grid	Agree	National Grid generally agrees with the proposals offered here, with a few caveats. First, the EFSB should include members with experience in energy and engineering in a field directly relevant to CEI – e.g., transmission planning or electrical engineering, rather than civil engineering. Second, we strongly urge the Commission to recommend staffing all agencies, not just the EFSB, at a level that will allow them to review the incoming wave of Clean Energy Infrastructure projects in a timely and consistent fashion.
Francis Callahan, Massachusetts Building Trades Unions	Abstain	I voted 'Abstain' because this vote encompasses too many areas for one answer. The EFSB mandate should be expanded to include under (ii) "...labor, workforce and economic justice..." The current representation on the EFSB must be maintained with the possibility of adding a small number of additional members. There is overlap on the proposed additional member groups to be represented the group. I counted 4-5 proposed member expertise areas which could be characterized as environmental concerns. I do not support a rotating membership of the EFSB.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	

Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	If staffed adequately, could be very helpful to all involved in the process.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy appreciates the inclusion of new areas of expertise on the EFSB but would like to see more specifics about who would bring that expertise. The Nature Conservancy strongly believes that the composition of the newly configured EFSB needs to reflect the new era of energy infrastructure development. We are entering a new paradigm of the development and build out of clean energy infrastructure which will require more land use. As noted above in the report of the Commission's recommendations: "The Commission identified that many of the Commonwealth's recently established climate-related goals, policies, and plans have not yet been incorporated into siting and permitting, such as Natural and Working Lands, climate resiliency, biodiversity, and environmental equity and justice. Some relevant statutes and regulations are dated and cannot efficiently facilitate equitable decarbonization." One of the ways to represent these goals on the EFSB would be to add the Department of Fish and Game (biodiversity expertise), the Department of Conservation and Recreation (natural and working lands expertise) -- and retain Department of Environmental Protections (air and water and blue carbon). An alternative to adding DFG and DCR to the EFSB would be to have a rotating seat among the three environmental agencies whose expertise could be accessed depending on the impacts of the infrastructure.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	EFSB will absolutely require additional resources to conduct its expanded obligations under the consolidated permitting process proposed here. This is also true for cities and towns, which will have significant new obligations under the proposed local review. Mass Audubon strongly recommends that the scope of the management study be expanded to include an assessment of additional workload, resources, and staffing needs for cities and towns who will need to review the vast majority of generation projects (i.e., solar and storage) under the proposed local consolidated permitting approach. We support the establishment of a new Office of Community Engagement, though with the caveat this cannot substitute for staffing and resources at the local level needed to issue town permits.
Jeremy McDiarmid, Advanced Energy United	Agree	While I agree with most of A.6, I do remain concerned that the words "The EFSB shall ... ensure that infrastructure AVOIDS, minimizes, and mitigates environmental impacts to the MAXIMUM EXTENT PRACTICABLE...." could lead to de facto vetoes of otherwise worthy clean energy infrastructure projects.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	3-7 is a ridiculous size range, not only is it a large range, but 3 people representing the long list of competencies requested is ludicrous. There is no mention of minimum public membership. I have no reason to believe that a board conceived off of this recommendation would appropriately address the charges brought forward by the commission.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree with the caveat that more specificity is needed regarding public membership.

Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Disagree	I do not think the Commission should dictate the members of this Board. I also think there are too many members, it needs to be a smaller group. There should not be a rotation on the Board either as was discussed at the Commission level.
John Walkey, GreenRoots, Inc.	Abstain	The Office of Community Engagement is a good thing. The new statutory mandate sounds good but exactly how those different priorities are weighted in the decision-making process is unclear, at best. And without a guarantee of representation on the Board, we do not feel like equity will weigh in as heavily as other considerations. Especially without some sort of recognition of cumulative impacts.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on A.5.c Staffing, Funding, and Fees and A.5.d. Office of Community Engagement

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	

Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Disagree	
John Walkey, GreenRoots, Inc.	Abstain	
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

## Commission votes and comments on A.6 MEPA's Role in Permitting

Alexandra Blackmore, National Grid	Agree	National Grid's agreement is contingent on continuing to work with the Administration and other stakeholders on non-EFSB permitting reform.
Francis Callahan, Massachusetts Building Trades Unions	Abstain	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Front-end loading MEPA onto the EFSB process and having MEPA serve as a self-described "gatekeeper" is contrary to the goal of accelerating deployment of clean energy infrastructure. MEPA can provide its informal consultation services and inform EFSB applicants of any emerging policy developments as one of many state agencies taking part in the EFSB consolidated review process. The duplication between the EFSB review and the MEPA review needs to come to an end as soon as possible. MEPA's outreach and participation requirements can be integrated into the EFSB pre-filing process requirements without continuing the duplicative substantive review. The Siting Practitioners Advisory Group would be happy to continue to work with the EFSB and MEPA staff to accomplish that integration process.
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports a role for MEPA. MEPA plays an important role in the pre-filing process in which MEPA review would serve as a necessary pre-EFSB application requirement. MEPA also has the authority to adopt consideration and incorporation of emerging issues such as: ● The NextGen RoadMap Law's goals for Net Zero requires the inclusion of Natural and Working Lands carbon sequestration and storage. These are embodied in the goals, policies and programs for land protection, management, and restoration in the Clean Energy and Climate Plans (2025/30 and 2050), Forests as Climate Solutions, the Resilient Lands Initiative, and the Healthy Soils Action Plan. ● The Commonwealth's forthcoming goals for biodiversity protection and restoration under the Healey-Driscoll administration's Executive Order 618 Biodiversity Conservation in Massachusetts and the use of BioMap habitat data to define those goals. ● The Commonwealth's goals for adaptation and resilience as identified in the Massachusetts Climate Assessment, and recommended in the ResilientMass Plan, and the Resilience Design and Standards Mapping Tool. ● The Commonwealth's Environmental Justice Law that requires considering cumulative impacts on residents and environmental justice populations
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	Mass Audubon recommends that MEPA be involved in any application of site suitability during the pre-filing portion of the process. While we understand the concerns about the time saved by avoiding unnecessary However, consistent with our comments above that local and state permits should be required to weigh site suitability criteria as a condition for issuing a permit, we support a role for MEPA during the permit review process.

Jeremy McDiarmid, Advanced Energy United	Abstain	Abstention reflects my position that MEPA review should be incorporated into the proposed EFSB adjudicatory process.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	We support a role for MEPA. More discussion urged.
Rusty Polsgrove, Arise for Social Justice	Abstain	These recommendations in all of part A are the lowest common denominator in what clean energy infrastructure siting and permitting could be as an equitable process. I feel that in this commission's zest for abbreviated siting and permitting time frames the co-equal charge for equity and community engagement was forgotten. The above-mentioned reforms were borne out of this commission because the commission has catered to the interest of corporations, not the residents of our commonwealth.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	I agree that consensus was not reached. MEPA staff involvement, a MEPA-like pre-filing review, and G.L. c.30 section 61 findings are critical to effective public engagement in any reformed EFSB framework.
Mark Sylvia, BlueWave Solar	Abstain	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	The MEPA process needs to be rolled into the new process and not allow it to hold up the pre-filing process, as has been a concern of the Commission.
John Walkey, GreenRoots, Inc.	Abstain	MEPA is important and should be integrated in some fashion in order to realize some of the needed efficiency desired, but it feels like there is too much of a risk for some entities with a desire to remove MEPA altogether to take advantage of this opportunity in the name of "clean energy." Hopefully the work that has gone into improving community outreach & engagement as well as future efforts to define cumulative impact assessments might be incorporated into a MEPA process grafted on to the EFSB process in order to realize our desire for minimizing duplication of efforts and speeding things up without compromising community and environmental concerns.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes and comments on B. Siting

Alexandra Blackmore, National Grid	Agree	National Grid supports the scope of site suitability analysis expressed in this section with the following revision: "The methodology should identify areas that are preferential from a renewable energy [generation] and storage infrastructure siting standpoint" and requests that this language also be used in sections A.3.b.4 and A.4.c.4. We also recommend that the title of this section be changed to something that better reflects its content, e.g., "Site Suitability Standards for Storage and Renewable Generation". At this point, many industry participants understand the word "siting", standing alone, as a reference to the EFSB.
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Agree provided that the limitations and imprecision of such mapping methodologies are acknowledged, and that transmission and distribution infrastructure can still be sited and permitted with a reasonable alternative

		site and/or route analysis that results in occupying or traversing lands that might otherwise be desirable to avoid.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports site suitability. In the absence of siting and permitting laws and regulations providing protections for recently developed goals, policies, and plans for natural and working lands, biodiversity goals, resiliency, and environmental justice, site suitability can be an effective way to pre-screen and influence the siting and design of projects. We also strongly encourage site suitability to incorporate the holistic and integrated approach in developing the Statewide Protective Land-Use Strategy in the 2050 Clean Energy and Climate Plan. Suitability can also help determine actions and measures in the mitigation hierarchy that help avoid, minimize, and mitigate impacts on people and nature. Site suitability in the pre-screening process can help save time and money. A California study documents that projects sited on lands with higher conservation value take longer and are more expensive. "Over the past decade, California has invested in proactive landscape-scale planning for solar that integrates conservation information and directs development to places of low biodiversity value. In 16 case studies, "the Green Light Study indicates that low-impact siting of utility-scale solar...had permitting timelines more than two and a half times shorter. Projects sited on lands of low biodiversity value take, on average, thirteen months from project announcement to permit issuance compared to 35 months for solar projects located on lands of high biodiversity value." Site suitability should also: ensure that local conditions are included by listening to local voices for their lived experience and conducting ground truthing with a site survey. Site suitability criteria should be flexible to allow for adaptive management to accommodate future conditions. And site suitability should be made meaningful such as using a numeric scale for scoring. We also look forward to the Executive Office of Energy and Environmental Affairs' process to develop a holistic and integrated land use plan which can apply measures such as site suitability to all aspects of development and conservation.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	Mass Audubon has advocated throughout this Commission's proceedings that we can build the clean energy resources that we need to meet our ambitious decarbonization goals much faster, and with significantly less conflict and opposition, if we identify criteria and areas that are preferential for siting before specific projects are proposed. This approach to 'proactive siting' has paved the way for building critical offshore wind resources after a decade-plus of opposition to early project proposals. We do support the development of a site suitability methodology and can provide our own best estimates of lands that we believe can support solar development. And we do support the use of siting criteria in pre-filing processes, we also believe that permits should be conditional on siting that avoids and minimizes and requires mitigation when siting does result in impacts to natural resources, terrestrial carbon, biodiversity, and creates inequities for communities.
Jeremy McDiarmid, Advanced Energy United	Agree	Care must be taken in developing site suitability methodology in order to avoid creating barriers to responsibly developed projects.
Dorothy McGlinchy, Massachusetts Association of Conservation Commissions	Agree	MACC strongly supports site suitability requirements - we need to balance protection of wetlands, open space, Article 97 lands, and natural carbon as we move towards clean energy infrastructure siting. Site suitability should also: ensure that local conditions are included by listening to local voices for their lived experience and conducting ground truthing with a site survey. Site suitability criteria should be flexible to allow for adaptive management to accommodate future conditions. And site suitability should be made meaningful such as using a numeric scale for scoring.
Rusty Polsgrove, Arise for Social Justice	Abstain	Site suitability processes cannot be adequately done without consideration for Cumulative Impacts and Needs analysis, we cannot continue to examine siting issues as one-time headaches or isolated incidents. The impacts of



		infrastructure development compound over time whether it is shown in land use, economic impact, or public health impact.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Sounds fine — as always — cumulative impacts analysis needs to be defined and incorporated.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	This site suitability methodology should also take into account the Commonwealth's housing production goals. The methodology should also consider local residential zoning.

### Commission votes and comments on C. Pre-Filing Requirements for EFSB-Jurisdictional Facilities

Alexandra Blackmore, National Grid	Agree	National Grid agrees with establishing pre-filing requirements but has two important objections. First, in C.3, National Grid disagrees with the requirement to actually meet with elected/appointed officials or abutters since National Grid has no control over whether or when another party will meet with them. The Commission should instead recommend that the petitioner demonstrate their efforts to offer meetings to the listed stakeholders. Second, detailing the means for the public meeting (medium, length, question and answer duration) does not ensure meaningful involvement. Instead, National Grid suggests that the Committee require a virtual option and allow the feedback at the meeting to dictate length and content.
Francis Callahan, Massachusetts Building Trades Unions	Agree	Point 5 must include local Central Labor Council of the AFL-CIO
JD Chesloff, Mass Business Roundtable	Abstain	Unclear what the impact would be in potentially delaying projects
Catherine Finneran, Eversource	Agree	Supportive of early engagement and clear pre-filing engagement requirements. Further discussion is needed on details of pre-filing engagement requirements through stakeholder forums, as well as cost implications.
Mary Beth Gentleman, Siting Practitioner Advisory Group	Disagree	No objection to new requirements for meaningful community participation and input in projects early enough in the process to enable useful changes to be made. Also, no objection to paying the cost of any necessary environmental mitigation including noise, visual impacts, dust, traffic during construction, replacement of sacrificed parkland, etc. However, it is hard to see how it is in the interest of ratepayers or the quest for carbon reduction to add a mandate at this pivotal moment that requires payments be made to host communities or individuals in host communities in exchange for permits for much needed clean energy infrastructure. There was virtually no discussion by the full Commission of any magnitude or means of administration of these payments. Moreover, the costs of such payments will need to be recovered from solar customers, storage customers or utility customers depending on the type of facility. The notion that shareholders or clean energy investors will just absorb these costs is baseless and misleading. Affordability is a serious concern in Massachusetts; having to pay communities or individuals in communities to site facilities will only add to

		that affordability problem by raising the cost of the transition to a carbon free economy. For those reasons, I respectfully disagree with this recommendation. See below additional suggestions on process to explore the community payments concept under D.2.e Community Benefits Agreements
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports early pre-filing community engagement. We think the early engagement would enable developers to provide better alternatives for siting and project design. Better engagement provides opportunities the hear lived experiences from community members and consider unique community values and considerations. Customizing a project in alignment with the community had been proven to lead to a smoother permitting process with fewer challenges and appeals. The time devoted to community engagement provides a return on investment that can save tie in the long run.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	We support many of these pre-filing requirements, but also strongly recommend that community benefit agreements be required rather than advisory. Many communities who host clean energy infrastructure do not currently benefit from these projects, including lacking access to the electric bill benefits of community solar, for example. Requiring packages that provide benefits to host communities is necessary to build public support for these projects.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlinicy, Massachusetts Association of Conservation Commissions	Agree	MACC supports early pre-filing community engagement. We think the early engagement would enable developers to provide better alternatives for siting and project design. Flow Diagrams showing the "on-ramps" and "off-ramps" of the pre-filing and permit process will benefit the public and applicants with this process. Time frames for the process should be included on the flow diagram.
Rusty Polsgrove, Arise for Social Justice	Abstain	It will be critical to have leadership from OEJE in developing standards, to ensure improvement over the current practices. Arise does not believe corporate bodies who control essential services to create profit are capable of acting "in good faith."
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	This is a reasonable approach to pre-filing, in a framework that includes the EFSB standard of review noted in my prior comments.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Abstain	While I can agree with a lot of the items listed above, I am still not sure of the timing and length of this process and we wanted to understand this impact on the timeline.
John Walkey, GreenRoots, Inc.	Abstain	Happy to see all this. Hoping that this can be standardized across agencies so that basic good governance BMPs can be implemented - maybe spearheaded by the Office of EJ&Equity. As far as point 5 and the reference to CBAs – I think it might be best at this point to leave that out as CBAs are a big can of worms that still needs to be hashed out as we have serious misgivings about

		having CBAs or host community agreements included in projects that might be part of a rate case.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	In section 5, I would like to include labor groups as part of a possible advisory body. I also think a Community Benefits Agreement should consider labor, workforce, and training opportunities that the project could provide.

## Commission votes and comments on D.1 Legislative Reforms

### D.1.a. Permit Extensions

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Abstain	Can't support legislation without running it through internal Roundtable process
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Recommended by the Siting Practitioner Advisory Group. Fully permitted clean energy projects should not have their approvals terminated simply because they are waiting for permission to interconnect. This is a very narrow recommendation which would be invaluable for meeting the 2030 sublimits.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Abstain	The Nature Conservancy doesn't have enough information to make an informed choice about how this recommendation would help achieve the goals of the Executive Order to help expedite the siting and permitting process and achieve equity.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	This is straightforward and we support it.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlinicy, Massachusetts Association of Conservation Commissions	Abstain	MACC does not have enough information to make an informed decision about this section.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	This is a reasonable response to the interconnection delays from utilities
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tziorangas, Energy New England	Agree	

John Walkey, GreenRoots, Inc.	Abstain	At least while I was on the CEISP I don't feel like much convo took place around the delays on interconnect agreements which seem to be as long as permitting delays although without a state employee to yell at.
Lizzi Weyant, Metropolitan Area Planning Commission	Abstain	

### D.1.b. Appeals Reform

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Abstain	
Catherine Finneran, Eversource	Abstain	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Recommended by the Siting Practitioner Advisory Group. The delay and expense of defending against multiple waves of appeals will be mitigated to a large extent if consolidated permitting as recommended by the Commission is enacted and rules promulgated. However, even if that occurs, there will be no material change until 2026. These complementary reforms involving the Land Court would enable improvements in the appeals process to occur in the interim. This could materially improve the Commonwealth's ability to meet our 2030 sublimits.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Abstain	The Nature Conservancy doesn't have enough information to make an informed choice about how this recommendation would help achieve the goals of the Executive Order to help expedite the siting and permitting process and achieve equity.
John Mangiaratti, Massachusetts Municipal Association	Disagree	
Michelle Manion, Mass Audubon	Abstain	Insufficient discussion
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlinicy, Massachusetts Association of Conservation Commissions	Abstain	MACC does not have enough information to make an informed decision about this section.
Rusty Polsgrove, Arise for Social Justice	Abstain	It is not appropriate for the Siting Commission to recommend this separately from the above reforms.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Disagree	Not appropriate for the Siting Commission to recommend separately from the reforms above.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	

John Walkey, GreenRoots, Inc.	Abstain	I do not feel like I am adequately informed on the nature of the land court's inclusion in this and what that impact would be for community members seeking to appeal adverse decisions.
Lizzi Weyant, Metropolitan Area Planning Commission	Abstain	

### D.1.c. Energy Storage Eligibility for EFSB Certification

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Abstain	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Recommended by the Siting Practitioner Advisory Group. If the Commission's recommendations for consolidated permitting are enacted, this complementary reform may no longer be needed for storage facilities to obtain relief from local permits being unreasonably delayed, conditioned, or denied. However, in the interim, this change is vitally necessary in order for storage projects to be developed in the Commonwealth until such time as consolidated state permitting is implemented.
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Abstain	The Nature Conservancy doesn't have enough information to make an informed choice about how this recommendation would help achieve the goals of the Executive Order to help expedite the siting and permitting process and achieve equity.
John Mangiaratti, Massachusetts Municipal Association	Disagree	
Michelle Manion, Mass Audubon	Abstain	Insufficient discussion
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	
Rusty Polsgrove, Arise for Social Justice	Abstain	It is not appropriate for the Siting Commission to recommend this separately from the above reforms.
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	

John Walkey, GreenRoots, Inc.	Abstain	I understand now. Seems reasonable.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

#### D.1.d. Clarification on DPU Authorizations on Transmission Lines

Alexandra Blackmore, National Grid	Agree	National Grid strongly supports this proposal, which would eliminate a secondary, and very confusing, siting process for transmission lines only at the DPU. We note that EFSB staff are currently charged with implementing Section 72 reviews, and that releasing them from this task would create more bandwidth for the additional work associated with the Commission's other recommendations.
Francis Callahan, Massachusetts Building Trades Unions	Abstain	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	This would update Chapter 164 to remedy another classic area of duplication in the Massachusetts energy facility permitting process.
Carrie Hitt, Vineyard Offshore	Abstain	This idea has good intentions but it's not clear what the DPU could or would do on interconnections given FERC authority and the OATT.
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Abstain	The Nature Conservancy doesn't have enough information to make an informed choice about how this recommendation would help achieve the goals of the Executive Order to help expedite the siting and permitting process and achieve equity.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Abstain	Insufficient discussion / outside scope
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Disagree	Outside of Commission scope
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Again, another rando topic that felt a little out of left field for me. Don't feel I have the information to really assess it.

Lizzi Weyant, Metropolitan Area Planning Commission	Agree	
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## Commission votes and comments on D.2 Non-Legislative Reforms

### D.2.a. Statewide Public Education Campaign

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	While not a substitute for permit reform, such an education campaign might mitigate some of the opposition based purely on lack of familiarity with how electricity is produced and distributed.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports a public education campaign. The campaign should include several elements to help inform and build the content, messages, and messengers, including: 1. Convening diverse stakeholders to develop a common understanding of each other's perspectives and find ground. For example, recent dialog between solar developers and conservationists have identified mutually agreeable priorities such as projects built near existing infrastructure have a lower environmental impact when compared to projects in more intact landscapes. However, these projects have greater visibility by the public. A win-win solution would stem from greater public acceptance of visible solar projects in and near the built environment. 2. Conducting public opinion polling to better understand public perceptions, understanding, and levels of support for renewable energy.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	Mass Audubon strongly supports an investment in a strategic communication and public education campaign to clearly explain the pace and magnitude of the energy transition, and its implications for communities and residents. As part of this, the public needs to be assured that the state has put in place strong safeguards to reduce impacts on the environment and maximize net benefits to communities associated with new infrastructure. While there is no way to completely eliminate local opposition to new projects, the broader public will largely support clean energy deployment when they have a clear understanding of its net benefits and know its being deployed responsibly.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlinchy, Massachusetts Association of Conservation Commissions	Agree	MACC strongly supports a public-education campaign. We will be happy to work with EEA and others in this effort.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	

Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	It will be critical to have leadership from the EJ Office in defining the vision for this plan. The EJ Office must be adequately resourced to do this work.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	this should also include education of the current, tenuous nature of the grid infrastructure and need for grid modernization
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Sounds great and would be a huge help in getting the public engaged in the electrical system which should help in funding and permitting it.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.b. Model Zoning Bylaws

Alexandra Blackmore, National Grid	Abstain	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group. Helpful to many municipalities including those with thin staffing.
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports an updated by-model zoning by-law.as communities need support and advice on siting and permitting.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	We support an updating of the 2014 model municipal solar bylaw as well as expanding this to include energy storage. We strongly encourage clarifying the relationship between an updated municipal zoning bylaw and 40A, sec iii of state zoning law.
Jeremy McDiarmid, Advanced Energy United	Agree	I agree with the premise, but this may require additional discussion and vetting.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Abstain	MACC agrees with the use of model zoning bylaws for use as a guide by municipalities and EEA, but there is a need to recognize that one size does not fit all. Coastal communities are far different from inland communities; cold water streams require special protections that other areas might not need; removal of trees has a significant impact on the Heat Island Effect - both in urban areas and in rural areas.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	



Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tziorangas, Energy New England	Abstain	
John Walkey, GreenRoots, Inc.	Abstain	Also sounds great.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.c. Review of MassDEP Noise Policy

Alexandra Blackmore, National Grid	Abstain	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Abstain	
Catherine Finneran, Eversource	Abstain	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group. Under the current standards, communities with low nighttime ambient noise levels will forever be exempt from hosting battery storage facilities. That appears to be inequitable.
Carrie Hitt, Vineyard Offshore	Abstain	This provision adds a "policy" that while might be worthy, goes beyond "siting reform" as I understand this Commission scope is.
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy thinks that there should be an equitable approach to siting and permitting. Noise standards will help ensure the urban communities do not continue to bear an unfair burden of hosting energy infrastructure.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	I agree with the premise, but this may require additional discussion and vetting.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	

John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Noise annoys - sounds fine.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

## D.2.e. Technical Assistance

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group. Such a service would be invaluable to all involved in the siting and permitting process.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports technical assistance. Providing accurate science-based information in a web-based clearing house and live experts who can answer questions and reduce the impacts of misinformation and disinformation campaigns.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	Disagree--Commission never seated an indigenous representative, recommendations should not be made in the absence of consultation with Tribal governments, Massachusetts Commission on Indian Affairs, and the North American Indian Center of Boston
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Disagree	As the Commission never seated an Indigenous representative, recommendations mentioning Tribal Nations should not be made in the absence of consultation with Tribal governments, Massachusetts Commission on Indian Affairs, and the North American Indian Center of Boston.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	With the caveat that we need to explain how the funding for this technical assistance is achieved.

John Walkey, GreenRoots, Inc.	Abstain	T.A. is fine but please make sure this is funded and that it is being informed by EJ communities including tribal governments who have been largely left out of this process.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.e. Community Benefits Agreements

Alexandra Blackmore, National Grid	Disagree	National Grid supports the concept in H. 3215 to establish a state fund to ensure that communities, in general, and environmental justice communities, in particular, benefit from the transition to cleaner energy.
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Abstain	Respectfully, a stakeholder engagement process on payments to communities or individuals chaired solely by the EJ Office would reasonably appear to have a predetermined outcome. It is unlikely to produce stakeholder buy-in except on the part of advocates for those likely to receive such payments. Any stakeholder process on payments to communities would need to be led (not just attended) by a group with expertise in clean energy project development and economics, the basics of utility rate recovery, an appreciation of the legal and practical differences between projects funded by the federal or state government versus projects financed by private investors or ratepayers, practices in other states pertaining to the size and type of facility to which such requirements would apply in MA, and cost-effective alternative incentives for encouraging community acceptance of projects. There also would need to be a transparent vetting of the cost implications to ratepayers and developers. Without that type of expertise leading the stakeholder process along with the EJ Office, the conversation may not advance from where it is today. Clean energy project developers have no objection to mitigation payments relative to environmental impacts. However, adoption of mandatory community payment requirements absent developer buy-in may adversely affect the perception of MA as a place to invest in clean energy infrastructure.
Carrie Hitt, Vineyard Offshore	Abstain	OSW already engages in detailed and protracted CBAs. The description in this document is too short/abbreviated to understand what is contemplated, what changes would happen, who should be involved, etc.
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports the provision on Community Benefits Agreements (CBAs). CBAs have been proven to help mitigate impacts on communities and provide the benefits of a clean energy transition such as workforce development, local tax revenues, and reduced energy costs. Empirical research shows that CBAs help siting and permitting at the local scale.
John Mangiaratti, Massachusetts Municipal Association	Agree	The MMA supports this section and wants to ensure that communities have the ability to design and tailor their agreements to avoid, minimize, and/or mitigate the impacts of infrastructure development. We encourage additional guidance to help municipal governments properly navigate the development of CBAs.
Michelle Manion, Mass Audubon	Agree	Mass Audubon supports the development of guidance for the development of community benefits plans. We believe that these should be required, not voluntary, for projects of a certain size and level of impact, just as they are for offshore wind projects. These should be a primary means to make sure that local residents enjoy bill savings, i.e., where community energy projects are viable, and other benefits like local economic development. We also

		oppose the inclusion of costs of community benefit agreements in the rate base.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	I mostly agree with this, except that my agreement is contingent on the idea that the cost of CBAs should not at all be borne by ratepayers or be used in calculating the rate of return of profit for the proponent of the project,
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	The EJ Office must be adequately resourced to do this work.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	This should be coordinated with the municipalities and MMA
John Walkey, GreenRoots, Inc.	Abstain	CBAs are a serious sticking point due to lumping in CE projects with T&D. I object in the strongest possible terms to any CBAs that are rolled into rate cases or are used in the calculation of ROR. Punting to the OEJE seems a bit lame, but we were never going to agree on this given the mix of projects lumped together.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	This should be connected to the stakeholder engagement thresholds outlined above, and should include labor, workforce, and training considerations.

#### D.2.f. Green Communities Act Designation Criteria

Alexandra Blackmore, National Grid	Abstain	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group.
Carrie Hitt, Vineyard Offshore	Abstain	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy strongly supports aligning Green Communities incentives to support the extra efforts and capacity that will be required of communities under local consolidated siting and permitting. We would prefer that incentives help drive energy infrastructure to the built environment and already developed lands.
John Mangiaratti, Massachusetts Municipal Association	Agree	

Michelle Manion, Mass Audubon	Agree	We believe that Green Communities is a critical portal for both disseminating reliable information on the clean energy transition, as well as an opportunity to deploy creative incentives for solar on the built environment and low-impact lands.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Disagree	the green communities act should be rescinded in it's entirety not strengthened as it has dramatically increased the cost of new construction and now renovations
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	Sounds good!
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.g. Solar Canopies

Alexandra Blackmore, National Grid	Abstain	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group. Solar canopies are generally so much more expensive for developers and customers than ground-mounted installations. This recommendation might help remove some of the disincentives to development of canopies in MA.
Carrie Hitt, Vineyard Offshore	Abstain	This provision adds a "policy" that while might be worthy, goes beyond "siting reform" as I understand this Commission scope is.
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports incentives help drive energy infrastructure to the built environment and already developed lands.
John Mangiaratti, Massachusetts Municipal Association	Abstain	
Michelle Manion, Mass Audubon	Agree	Mass Audubon fully supports the proposal to support a much broader deployment of solar canopies on parking lots. Our study found that 55,000 acres of parking lots exist in the Commonwealth, and that deploying solar on less than half of these could deliver nearly 10 GW of new solar capacity. These installations are more expensive than ground-mount, however. We

		need to redeploy state and federal incentives accordingly and also get creative on addressing building owners' reluctance to deploy these systems due to concerns about optionality.
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlinicy, Massachusetts Association of Conservation Commissions	Agree	MACC strongly supports siting solar and other projects on the built environment, parking lots, and solar on municipal buildings.
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.h. DPU Review/Interconnection Approval Process

Alexandra Blackmore, National Grid	Abstain	
Francis Callahan, Massachusetts Building Trades Unions	Agree	
JD Chesloff, Mass Business Roundtable	Abstain	
Catherine Finneran, Eversource	Abstain	Existing process is in place for this to be evaluated through the DPU Interconnection Working Group
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Strongly advised by the Siting Practitioner Advisory Group. To ensure that adequate resources are being devoted to reduce queue times for interconnection, the DPU should review its existing enforcement mechanisms and its current efforts to enforce compliance.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy thinks that DPU should a review of processes related to interconnections and make decisions to better enable them.
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	

Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Abstain	
John Walkey, GreenRoots, Inc.	Abstain	Don't recall talking much about this - but may have happened before I joined. Sounds good - also worth assessing the delays on the utility side as well.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### D.2.i. Review of Siting and Permitting Reforms in 2030

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Did not vote	
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	
John Mangiaratti, Massachusetts Municipal Association	Agree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	
Jessica Robertson, New Leaf Energy	Agree	

Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	
Caitlin Peale Sloan, Conservation Law Foundation	Agree	This is a reasonable approach to take with any new program.
Mark Sylvia, BlueWave Solar	Agree	
Matthew Teague, Home Builders & Remodelers Association of Massachusetts		
John G Tzimirangas, Energy New England	Agree	
John Walkey, GreenRoots, Inc.	Abstain	
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

### Commission votes on E Regulatory Process

Alexandra Blackmore, National Grid	Agree	
Francis Callahan, Massachusetts Building Trades Unions	Agree	Note: we need to add "organized labor" in the list of stakeholders in the first paragraph of E. 64.
JD Chesloff, Mass Business Roundtable	Agree	
Catherine Finneran, Eversource	Agree	
Mary Beth Gentleman, Siting Practitioner Advisory Group	Agree	Support provided the 18-month time period is viewed as a deadline, not a goal; also see prior comments on approach to stakeholder process for exploring payments to communities beyond mitigation.
Carrie Hitt, Vineyard Offshore	Agree	
Nathan W. L'Etoile, American Farmland Trust	Agree	
Steve Long, The Nature Conservancy	Agree	The Nature Conservancy supports an integrated approach to developing a coordinated approach to siting and permitting. We think that it is essential to add the Department of Fish and Game (biodiversity expertise), the Department of Conservation and Recreation (natural and working lands expertise) -- and retain Department of Environmental Protections (air and water and blue carbon).
John Mangiaratti, Massachusetts Municipal Association	Disagree	
Michelle Manion, Mass Audubon	Agree	
Jeremy McDiarmid, Advanced Energy United	Agree	Note that I am in favor of shorter deadlines for the promulgation of regulations considering the urgency of the moment. 12 months should be sufficient throughout.
Dorothy McGlincy, Massachusetts Association of Conservation Commissions	Agree	
Rusty Polsgrove, Arise for Social Justice	Abstain	the number of separate rule makings is concerning given the significant amount of work already produced by Environmental Justice Organizations
Jessica Robertson, New Leaf Energy	Agree	
Eve Rodriguez, Lawrence Pa'lante Resident Task Force	Did not vote	
Eddie Rosa, Groundwork Lawrence	Did not vote	



Caitlin Peale Sloan, Conservation Law Foundation	Agree	Agree, though I continue to have concerns about the number of separate rulemakings, particularly given the volume of work that Environmental Justice organizations have already submitted on some of these topics.
Mark Sylvia, BlueWave Solar	Agree	There should be consideration given to include legislative language that would expedite the promulgation of regulations resulting in a reduction in the 18-month timeframe currently anticipated.
Matthew Teague, Home Builders & Remodelers Association of Massachusetts	Agree	
John G Tzimirangas, Energy New England	Disagree	I do not disagree with improving the process and timeline, i am just not convinced using the same agencies as work through this process now, is the most efficient process.
John Walkey, GreenRoots, Inc.	Abstain	that's a lot of rulemaking. Also I don't see cumulative impact assessments anywhere in these recommendations. CIA needs to get defined eventually (as was highlighted in our discussions) and it needs to get incorporated into this process somewhere eventually, otherwise EJ and Equity is indeed a set of checkboxes.
Lizzi Weyant, Metropolitan Area Planning Commission	Agree	

## APPENDIX B: PARTICIPANTS

### Commission on Energy Infrastructure Siting and Permitting

**Michael Judge**, Undersecretary of Energy, Executive Office of Energy and Environmental Affairs, and Chair of the Commission

**Senator Michael Barrett**, Co-Chair, Joint Committee on Telecommunications, Utilities, and Energy (non-voting)

**Alexandra Blackmore**, General Counsel for New England, National Grid

**Frank Callahan**, President, Massachusetts Building Trades Unions

**JD Chesloff**, President and CEO, Mass Business Roundtable

**Carrie Cullen Hitt**, Senior Director for Grid and Transmission Policy, Vineyard Offshore

**Catherine Finneran**, Vice President for Transmission Project Development, Siting & Project Service, Eversource

**Mary Claire Kelly**, Attorney, Alternatives for Community and Environment

**Nathan L'Etoile**, National Farm Viability Managing Director, American Farmland Trust

**Mary Beth Gentleman**, Chair, Siting Practitioner Advisory Group

**Steve Long**, Director of Policy and Partnerships, The Nature Conservancy

**John Mangiaratti**, Acton Town Manager and member, Massachusetts Municipal Association

**Michelle Manion**, Vice President of Policy and Advocacy, Mass Audubon

**Jeremy McDiarmid**, Managing Director and General Counsel, Advanced Energy United

**Dorothy McGlincy**, Executive Director, Massachusetts Association of Conservation Commissions

**Caitlin Peale Sloan**, Vice President for Massachusetts, Conservation Law Foundation

**Rusty Polsgrove**, Environmental Justice Organizer, Arise for Social Justice, Springfield

**Jessica Robertson**, Director of Policy & Business Development for New England, New Leaf Energy

**Eve Rodriguez**, Task Force Member, Lawrence Pa'lante Resident Task Force

**Eddie Rosa**, Community Programs Director, Groundwork Lawrence

**Nick Rose**, General Counsel, Division of Labor Standards

**Representative Jeffrey Roy**, Co-Chair, Joint Committee on Telecommunications, Utilities, and Energy (non-voting)

**Amy Stitely**, Chief of Programs, Executive Office of Housing and Livable Communities

**Ashley Stolba**, Undersecretary of Economic Foundations, Executive Office of Economic Development

**Mark Sylvia**, Chief of Staff, Bluewave Solar

**Matthew Teague**, President, Home Builders & Remodelers Association of Massachusetts, Ltd.

**John Tziorangas**, President and CEO, Energy New England

**John Walkey**, Director of Waterfront & Climate Justice Initiatives, GreenRoots, Inc.

**Lizzi Weyant**, Deputy Executive Director, Metropolitan Area Planning Commission

## Interagency Task Force

**Joel Barrera**, Director of Strategic and Business Planning, Massachusetts Port Authority  
**Robert Boeri**, Project Review Coordinator, Office of Coastal Zone Management  
**Jonathan Cosco**, General Counsel, Executive Office of Economic Development  
**Sean Duffey**, Coastal Habitat and Water Quality Specialist, Office of Coastal Zone Management  
**Joan Foster Evans**, General Counsel, Energy Facilities Siting Board  
**Jessica Freedman**, Assistant Attorney General, Energy & Ratepayer Advocacy Division,  
Massachusetts Attorney General's Office  
**Kurt Gaertner**, Assistant Secretary for Environmental Policy, Executive Office of Energy and  
Environmental Affairs  
**Andy Greene**, Director, Energy Facilities Siting Board  
**Katie Gronendyke**, Clean Energy Policy Advisor, Executive Office of Energy and Environmental  
Affairs  
**Ben Hanna**, Policy Advisor, Department of Environmental Protection  
**Jennifer Howard**, Director of Land Protection, Department of Conservation and Recreation  
**Gerard Kennedy**, Director of Division of Agricultural Conservation and Technical Assistance,  
Department of Agricultural Resources  
**Tori Kim**, Assistant Secretary and MEPA Director, Executive Office of Energy and Environmental  
Affairs  
**Lionel Lucien**, Director of Public Private Development, Massachusetts Department of  
Transportation  
**Kristen McDonough**, Fire Protection Engineer, Division of Fire Safety  
**Samantha Meserve**, Director of the Renewable and Alternative Energy Division, Department of  
Energy Resources  
**Gary Moran**, Deputy Commissioner, Department of Environmental Protection  
**Galen Nelson**, Chief Program Officer, Massachusetts Clean Energy Center  
**Maria Belén Power**, Undersecretary of Environmental Justice and Equity, Executive Office of  
Energy and Environmental Affairs  
**Nick Rose**, General Counsel, Division of Labor Standards  
**Staci Rubin**, Commissioner, Department of Public Utilities  
**Jennifer Ryan**, Assistant Commissioner of Strategic Initiatives and Climate Policy, Department of  
Fish and Game  
**Eve Schluter**, Deputy Director, Division of Fisheries and Wildlife, Department of Fish and Game  
**Amy Stitely**, Chief of Programs, Executive Office of Housing and Livable Communities  
**Wayne Wang**, Assistant Director, Energy Facilities Siting Board

### **Siting Practitioner Advisory Group**

**Ann Berwick**, City of Newton  
**David Fixler**, Greenberg Traurig, LLP  
**Mary Beth Gentleman**, Chair  
**Zachary Gerson**, Foley Hoag LLP  
**Richard Kanoff**, Prince Lobel Tye LLP  
**Andrew Kaplan**, Pierce Atwood LLP  
**Jonathan Klavens**, Klavens Law Group, P.C.  
**David Rosenzweig**, Keegan Werlin LLP  
**Gregory Sampson**, Sullivan & Worcester LLP  
**Robert Shapiro**, Duncan & Allen LLP  
**Jessica Wall**, Anderson & Kreiger LLP  
**Jollette Westbrook**, Environmental Defense Fund

### **Consultant**

**Jennifer Haugh**, GreenerU, Inc.