




---

## EXPEDITED PERMITTING OPTIONS

---

### INTRODUCTION

Criteria Two of the Green Communities Program states that communities need to adopt an ***expedited application and permitting process*** under which as-of-right energy facilities (criterion #1) may be sited within the municipality and which shall not exceed 1 year from the date of initial application to the date of final approval.

Such an expedited application and permitting process applies only to the proposed facilities which are subject to the as-of-right siting provisions and the one (1) year deadline requirement must include an effective enforcement mechanism such as a constructive approval provision.

Note: Municipalities can also meet this requirement by applying the expedited permitting process of MGL c 43D to the as-of-right zoning district(s), which has a one hundred and eighty day (180) deadline requirement.

---

### COMPLIANCE

#### **Standard One Year Process**

To meet this criterion generally, municipalities need to have rules and regulations in place governing permit issuance such that all local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority – applicable to the siting and construction of clean energy facilities within the relevant zoning district(s) can be issued within 1 year of submission of a completed application. Also required are constructive approval or similar enforcement mechanisms addressing clean energy projects not receiving a permitting decision within one year.

In regard to documentation, municipalities will have already demonstrated that they have by-right zoning allowing clean energy facilities (criterion #1). Thus, communities need to show that other provisions of the zoning, as well as other local regulations, allow permitting within one year. In order to document

compliance with the Green Communities expedited permitting criterion (criterion #2) municipalities must provide DOER a letter from legal counsel affirming conformance with the expedited permitting requirement and providing:

- Language of any applicable local site plan review by-law or ordinance that covers approval procedures and associated timing;
- Text of bylaws or ordinances or regulations that provide for constructive or automatic grant of approval should any issuing authority fail to act within one year or the time frame specified in the by-law or regulation, whichever is shorter; and
- A statement that nothing else within the municipality's rules and regulations precludes issuance of a permitting decision within one year.

### **MGL c 43D Priority Development Sites**

A municipality may also meet the Green Communities expedited permitting criterion by providing for as-of-right siting of renewable or alternative energy generation or manufacturing or research and development (R&D) facilities within a Priority Development site approved pursuant to Chapter 43D by the interagency Permitting Board. The municipality will be required to provide documentation that demonstrates that the designated as-of-right zoned area and the 43D Priority Development Site overlap. If meeting the criterion by allowing the by-right construction of either renewable or alternative energy R&D or manufacturing facilities, the municipality will be required to provide a letter from the municipality's legal counsel providing documentation that a Priority Development Site approved pursuant to Chapter 43D by the Interagency Permitting Board applies to enough land within the district zoned for the by-right siting of energy facilities to construct at least 50,000 square feet of R&D or manufacturing space in the aggregate. However, communities are encouraged to make the procedures expediting the permitting of renewable or alternative energy projects uniform throughout a zoning district in order to avoid confusion and facilitate siting and construction of renewable or alternative energy facilities.

Note: The materials developed to assist communities with issuance of permits within 180 days as required by Chapter 43D will also help communities looking to expedite permitting for the purpose of becoming a Green Community.

#### **REFERENCES:**

[43D website](#)

[A Best Practices Model for Streamlined Local Permitting](#)

## **FOR MORE INFORMATION**

**Website:**

[www.mass.gov/energy/greencommunities](http://www.mass.gov/energy/greencommunities)