

Massachusetts House of Representatives Bill Summary

Bill #:	H.4685
Title:	An Act requiring local approval for battery storage facility permitting
Sponsor:	Rep. Kelly Pease
Committee:	Municipalities and Regional Government
Hearing Date:	November 17 – November 21, 2025 written testimony only
Similar:	H.4689 (buffer zones for battery storage facilities) referred to the Joint Committee on Telecommunications, Utilities and Energy
Current Law:	<p>Chapter 40A is the State Zoning Act, which regulates how all cities and towns except Boston determine where certain types of structures and uses may be located within a municipality. Exemptions are provided for specified uses and structures (solar, non-profits, agricultural, etc.)</p> <p>Chapter 239 of 2024 is the new climate / clean energy law, codified in M.G.L. Chapter 164, Sections 69H to 69W (definitions in 69G). According to a description produced by the Massachusetts Municipal Association, the law requires all cities and towns to approve small clean energy infrastructure project applications through a mandated consolidated permitting process within 12 months. Should a municipality not act within that time frame, the permit would be automatically approved, allowing the project to operate under standard conditions. Small clean energy infrastructure is defined as generation projects under 25 megawatts and clean energy infrastructure storage projects under 100 megawatt hours. Permitting for large clean energy projects will also follow a consolidated process overseen by a reformed Energy Facilities Siting Board, with approvals due within 15 months of receipt of a complete application.</p> <p>980 CMR 1.00, 2.00, 13.00, 14.00, 16.00 and 17.00 are the proposed regulations from the Energy Facilities Siting Board that are meant to implement applicable provisions of the new climate law.</p>
Summary:	<p>This bill would amend the State Zoning Act by adding a new section which essentially requires the Department of Public Utilities (D.P.U.), Energy Facilities Siting Board (E.F.S.B.) or other state agency to first obtain approval of the governing board of the municipality in which the proposed facility would be located.</p> <p>Subsection (a) of the bill defines terms to be used in the new section:</p> <p>"Battery storage facility", facility using batteries to store and distribute electricity.</p>

"Municipal governing body", city council, select board, or other legislative authority of a municipality.

"State permitting authority", any state agency responsible for granting permits related to energy infrastructure, including but not limited to the D.P.U. and E.F.S.B.

Subsection (b) prescribes the local approval requirement referenced above. It also authorizes municipalities to establish additional siting, safety and environmental requirements for battery energy storage facilities, provided those requirements do not conflict with state law.

Subsection (c) requires the municipality to hold a public hearing prior to conducting a vote on the proposed battery storage facility. In addition to soliciting public input, at the public hearing the project applicant would need to present detailed plans, a risk assessment, emergency response protocols, and an environmental impact analysis. The municipal governing body would consider public comments when making its decision.

Subsection (d) requires the state permitting authority to provide technical assistance to municipalities to help in the evaluation process but would not be allowed to override a municipality's decision to deny the project. State and local officials would coordinate to ensure compliance with all applicable safety, environmental and zoning regulations.

Subsection (e) concerns enforcement and penalties, and states that any battery storage facility constructed or operated without local approval of the municipality will be subject to fines of up to \$100,000 per violation and be required to cease operations until compliance is achieved. It also authorizes the Attorney General to enforce this section and seek injunctive relief where necessary.

Section 2 of the bill provides for the act to take effect immediately.

Notes:

E.F.S.B. 25-10 is the rulemaking document related to the promulgation of new regulations by the Energy Facilities Siting Board for implementing the climate law. According to an excerpt from the document:

"The 2024 Climate Act creates a new Consolidated Permit process by which the Siting Board will issue all necessary local, regional, and state permits and approvals for large clean energy infrastructure facilities ("LCEIF"). G.L. c. 164, § 69T. In addition, in certain circumstances, the Siting Board will issue Consolidated Permits for small clean energy infrastructure ("SCEIF") facilities: G.L. c. 164, § 69U allows proponents of small clean transmission and distribution infrastructure facilities ("SCTDIF") to elect to seek a Consolidated Permit from the Siting Board that includes all necessary state, regional, and local permits; G.L. c. 164, § 69V allows proponents of small clean energy generation facilities ("SCEGF") and small clean energy storage facilities ("SCESF") to elect to seek a Consolidated State Permit from the Siting Board that includes all necessary state permits. The Act establishes

mandatory deadlines for the Siting Board to issue these permits; if the Siting Board fails to issue a decision on the permit Application by the deadline, the Application will be constructively approved, meaning that the Applicant will receive a Consolidated Permit with certain pre-determined standard conditions without the Siting Board voting to approve any project-specific components and conditions. St. 2024, c. 239, § 74.

"G.L. c. 164, § 69W allows Local Governments to elect to refer a request for all necessary local permits for a SCEIF to the Siting Board Director ("Director") for "De Novo Adjudication" of a Consolidated Local Permit request initially submitted to local permit officials. G.L. c. 164, § 69W also allows Applicants and other substantially and specifically affected parties to seek De Novo Adjudication by the Director of Consolidated Local Permit decisions made by Local Government (or issued by constructive approval)."