

Expedited Permitting

TOWN OF CHATHAM



Massachusetts Green Communities Grant Program

Criterion 2

NOVEMBER 22, 2019



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November 14, 2019

Lisa Sullivan
Southeast Regional Coordinator
Green Communities Division
Massachusetts Department of Energy Resources (DOER)
20 Riverside Drive
Lakeville, MA 02347
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Re: Town of Chatham Green Community Status

Dear Ms. Sullivan:

Please be advised that this firm serves as Town Counsel for the Town of Chatham ("Chatham"). This opinion is provided on behalf of Chatham in accordance with the requirements set forth in the Program Instructions/Guidelines and Designation Form and Guidance documents issued by the Green Communities Division (GCD) of the Department of Energy Resources (DOER) regarding Criterion 1, As-of-Right Siting, and Criterion 2, Expedited Permitting, pertaining to Chatham's application for designation as a Green Community. As I understand, based on the information provided by the Executive Office of Energy and Environmental Affairs (EOEEA), it has already been determined that Chatham meets Criterion 1, but EOEEA did not make a determination as to whether it met Criterion 2 and has requested Town Counsel's review and opinion. This letter serves as our opinion that Chatham does meet Criterion 2.

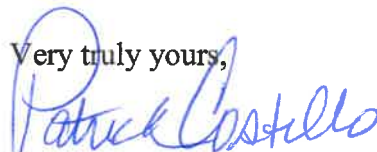
Criterion 2 of the Green Communities Program is met upon a municipality's adoption of an expedited application and permitting process of one year at most, pursuant to which applicants interested in siting a facility in a designated renewable zone within the municipality may obtain the necessary permits/approvals therefor. At the present time, Chatham's Bylaws and regulations do not provide a specific expedited permitting scheme for as-of-right renewable energy sites. However, there is nothing within Chatham's rules and regulations which would preclude the issuance of a permitting decision within one year. Therefore, it is my opinion that Criterion 2 has been met in this regard.

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Northeast Regional Coordinator
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Notably, Chatham's site plan review process and procedures are detailed in the Chatham Protective Zoning Bylaws Section VI.A.1-5. This Bylaw establishes the timing requirements within which the Planning Board must act on an application for site plan approval. When an application is received, the Planning Board must notify the applicant that the application is complete within 30 days of receipt, a hearing must be held within 30 days after such a determination, and the Board's decision must be rendered 30 days after the hearing. These scheduling deadlines fall well within the one-year limit for renewable energy site plan application and permitting under Criterion 2. Therefore, in my opinion, Chatham's bylaws meet the expedited permitting requirements for Criterion 2.

Please advise if I can be of any further assistance regarding this matter. Thank you for your prompt attention to this matter.

Very truly yours,



Patrick J. Costello
Town Counsel

