

09/09/26 Zoning Commission

The meeting will begin soon!



Planning Department

CITY of BOSTON

Interpreters for Today's Meeting



1 Joan Siu
Cantonese Interpreter

2 Ricky Huang
Mandarin Interpreter

3 Jardine Jerome
Haitian Creole Interpreter

4 Melisa Martin
Spanish Interpreter

5 Vicky Hodgkin
Vietnamese Interpreter

6 Carlos Brito
Cape Verdean Creole Interpreter

Draft Zoning Text Amendment for Approval to Petition:

Resolving Clerical Errors and Clarifications in the Boston Zoning Code



Planning Department

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OVERVIEW



The Planning Department's Zoning Reform team makes amendments to the Boston Zoning Code on an ongoing basis, to resolving clerical errors and clarifications existing across its various articles. This amendment features resolutions to six (6) existing minor changes, spread across five (5) different articles of the Code.

These resolutions clarify misrepresented terms and language, and correct instances of incorrectly cited or missing footnote/section references. This update **does not** establish any new regulations and does not change the functioning of the Code's existing regulations.

Minor changes within the Zoning Code are identified and collected continuously, through both staff review of the Code and public comment. If you find an error or clarification in the Zoning Code, please reach out to planningzoningqs@boston.gov.

CLARIFICATION OF TERM

Section 8-3. - Use Regulations.

Table A Definitions

Entertainment/Events. A facility which is primarily devoted to hosting live entertainment events, including but not limited to event centers, theaters, cinemas, night clubs, concert halls, arenas, and stadiums, or similar use. Such use may include concessions and other food service incidental to the Entertainment/Events use and receive a Live Entertainment License.

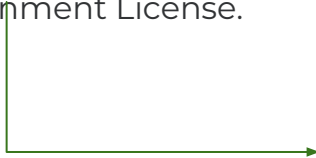
Extra Small - Capacity less than 250 persons.

Small - Capacity of 251-500 persons.

Medium - Capacity of 501-2,000 persons.

Large - Capacity of 2,001-9,999 persons.

Extra Large - Capacity greater than or equal to 10,000 persons.



Allow for Entertainment/Event spaces to allow for food service while not needing to be zoned for an Accessory Restaurant - requested by the ISD to simplify the interpretation of requests to add concessions to event and entertainment spaces

CLARIFICATION OF REQUIREMENT

Section 42A-18. - Use Regulations Applicable in the North End Waterfront Subdistrict and Downtown Waterfront Subdistrict.

2. **Facilities of Public Accommodation.** Within the North End Waterfront and Downtown Waterfront Subdistrict, any Proposed Project with 10,000 square feet ~~in the~~ or greater of gross floor area, involving new construction or a change of use on the first story, the use of at least forty percent (40%) of the gross floor area of the first story of such Proposed Project shall be for indoor Facilities of Public Accommodation, otherwise allowed for such Proposed Project or conditional and permitted pursuant to Article 6.



Add in information from the Harbor Park Plan about the requirement to increase clarity

UPDATING SYMBOLOGY



Section 42F-13. - Charlestown Navy Yard Dimensional Regulations

TABLE B Occupancy Limits for New Development Area

Location	Maximum New Square Feet of Gross Floor Area*
(a) Parcel	440,000
(b) Parcel 5	325,000
(c) Parcels 6 and 7	1,625,000†
(d) Pier 5	245,000‡
(e) Piers 6, 7, 8, and 9	28,000
(f) Housing Priority Area	144,000

Change to ‡ to accurately address the footnote for Pier 5

* The Maximum New Square Feet of Gross Floor Area allowed before January 1, 1994, may also be constructed and occupied after January 1, 1994.

† Provided that no more than 550,000 square feet, not including off-street parking, shall be occupied prior to January 1, 1994. Parking uses shall be included in the computation of total square feet of floor area of occupancy on Parcels 6 and 7 whether such uses are located above or below grade. Of the 1,625,000 square feet of gross floor area of occupancy available within the stated limit, 450,000 square feet shall be reserved exclusively for parking and shall not be available for other uses.

‡ Provided that none of such area on Pier 5 shall be occupied prior to January 1, 1994.

UPDATING SECTION NUMBERING

Article 51 Footnotes to Table D

5. See Section ~~51-50.2~~ 51-57.2, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.



Change section reference due
to a re-numbering from
previous text amendments

SIMPLIFY TEXT AND ADD ADDITIONAL CLARIFICATION

Section 80A-2. - Public Notice and Comment

3. Publication of Notice.

(a) **Manner of Publication.** Whenever the Boston Redevelopment Authority is required by this Article to publish notice pursuant to this Section 80A-2, the Authority shall publish such notice online via the Planning Department website, via an electronic distribution list available to the public, and to the City's public agencies ~~in any electronic publication that is issued on the City's behalf and is distributed in general circulation to the City's public agencies~~ within the time periods required by this Section 80A-2. If such notice concerns the issuance of a Scoping Determination or Adequacy Determination that waives further review, the Boston Redevelopment Authority shall publish notice of the issuance of such Determination online via the Planning Department website.

→ Simplify the phrasing of this requirement

↓
Clarify procedures for two specific Planning Dept documents

THANK YOU



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SMALL CLEAN ENERGY PERMITTING AND ARTICLE 88 ZONING TEXT AMENDMENT

ZONING COMMISSION - 09/09/2026



Planning Department

CITY of BOSTON

TODAY'S AGENDA

Overview Consolidated Local Permit Process

- Types Clean Energy Infrastructure
- CMR 29.00 and Article 88
- Consolidated Local Permit Process in Article 88

Criteria for Battery Energy Storage

- Article 88 BESS Zoning
 - New Definitions
 - Dimensional Requirements
 - Examples

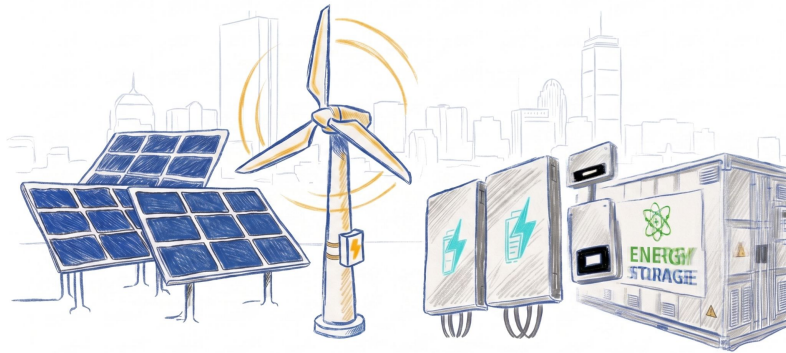
Questions

225 CMR 29.00 and the Consolidated Local Permit

Why State permitting reform for Clean Energy Infrastructure?

Boston's and the State's electricity needs are growing rapidly

- **It's the Law!** “2024 Climate Act” streamlines the permitting process for different types of clean energy infrastructure across Massachusetts
- **Permitting Reform is underway,** 225 CMR 29.00 establishes standard conditions, criteria, requirements, and procedures for the efficient and appropriate siting and permitting of Small Clean Energy Infrastructure Facilities by Local Governments.



Small Clean Energy Infrastructure

What is Small Clean Energy Infrastructure

Small Clean Energy Infrastructure as defined by the State of Massachusetts:

- **Energy Generation Infrastructure less than 25 MW**
Solar panels, wind turbines, or anaerobic digestion:
- **Energy Storage Infrastructure less than 100 MWh**
Battery energy storage systems (BESS):
- **Transmission and distribution Infrastructure:**
In a new corridor less than 1 mile long
In a existing corridor less than 10 miles

→ **Facilities larger than these sizes go straight to the state for review, bypassing local permitting processes**



~575 kW BESS - Boston, MA



~1 MW Solar Canopy - Roxbury, MA

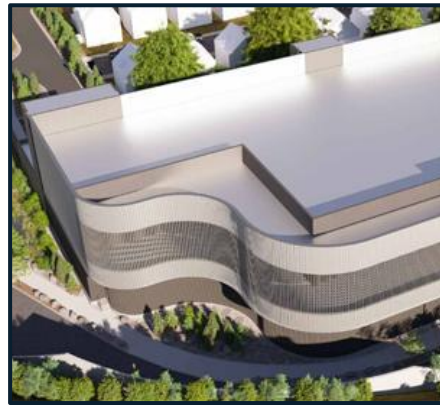
What is Large Clean Energy Infrastructure?

The City is **NOT** responsible for permitting Clean Energy Infrastructure Facilities that meet the following criteria

as defined by the State of Massachusetts:

- **Substations any size or scale**
- **Generation greater than 25 MW**
Solar, wind, or anaerobic digestion
- **Energy storage greater than 100 MWh**
Battery energy storage systems (BESS)
- **Transmission and distribution infrastructure:**
new corridor greater than 1 mile long
existing corridor greater than 10 miles

→ **Note: Data Centers are NOT part of either effort**



180 MWh "35 Electric Avenue"
proposed in Brighton, MA



K Street Substation in South Boston,
MA

What does 225 CMR 29.00 require?

The City must adopt the new permitting process and update zoning for Small Clean Energy Infrastructure

225 CMR 29.00 Requirements

- Use of DOER's Consolidated Local Permit Application
- Guaranteed 12-month review by municipality
- Updated zoning bylaws that enable the new permitting process (no Special Permit)
- Designation of a Local Government Representative
- Collection of a decommissioning surety for all projects

Flexibility in 225 CMR 29.00

- How Boston updates its Zoning Regulations
- How Boston reviews different scales of projects
- Requirements for minimization and mitigation
- How the overall review process is run

Outside of 225 CMR 29.00

- How Clean Energy projects undergoing standard review by the City of Boston are handled
- Ministerial Permits granted by the Inspectional Services Department and Boston Fire Department

Why changes to Article 88?

The Planning Department will intake all Consolidated Local Permits as the Local Government Representative

Article 88 creates the optional Consolidated Local Permit Pathway to comply with CMR 29.00

New zoning changes outline clear, predictable criteria for the appropriate siting, permitting, and review of

Small Clean Energy
Infrastructure Facilities

throughout the City of Boston.

- **The Planning Department will coordinate the Consolidated Local Permit Process**
- The permit will be issued by the Director of the Boston Redevelopment Authority, in conjunction with the **Boston Planning and Development Agency Board and all necessary local permits, approvals.**
- **Consolidated Local Permitting requirements** for Small Clean Energy Infrastructure take effect on **October 1, 2026**

What departments participate in the process?

City of Boston Departments and partner agencies will provide coordinated reviews and feedback

Consolidated Local Permit

Department approvals:

- Boston Water Sewer Commission
- Conservation Commission
- Boston Public Health Commission
- Parks Department
- Landmarks Commission
- Planning Department

Other city departments will provide feedback

BFD and ISD will officially review projects after a Consolidate Local Permit has been issued

- Inspectional Services Department
- Boston Fire Department
- Public Improvement Commission

What does the process look like?

City of Boston Departments and partner agencies will provide coordinated reviews and feedback



Key Milestones:

- 30 days for City to determine if application is complete
- When an application is deemed complete, 12 month review begins
- Each Dept. decision must be issued in 10-11 months to fit BPDA Board timeline

What if Departments do not Meet the 12-month Deadline?

Each Department submits
a decision within 10-11
months:

Approve / Approve with
Conditions / Deny

- **If the Local Government Fails** to meet 12-month review period

Application shall result in Constructive Approval and will be subject to the conditions of CMR 29.00 and the Common conditions and requirements in case of constructive approval

- **If the Local Government Denies**

Must be based on merits related to local zoning bylaws or ordinance, risk mitigation, fire and life safety, environmental protection or the DOER's Guidelines on Public Health, Safety, and Environmental Standards

Applicants have the right to appeal denials directly to the State and apply for De Novo review with the Energy Facilities Siting Board

What is the role of the BPDA board in process?

Each Department submits
a decision within 10-11
months:

Approve / Approve with
Conditions / Deny

- **If all departments approve or approve with conditions** the BPDA board will approve the Consolidated Local Permit.
- **If one department denies a permit**
Application shall result in a full denial. All departments must complete their review and the BPDA board will issue the Consolidated Local Permit denial.

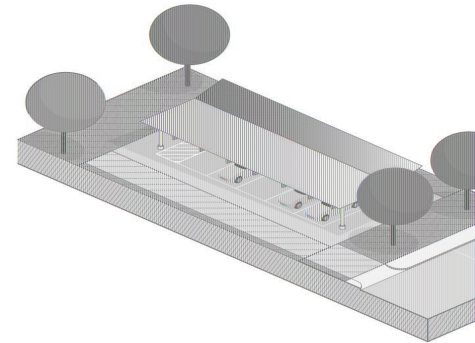
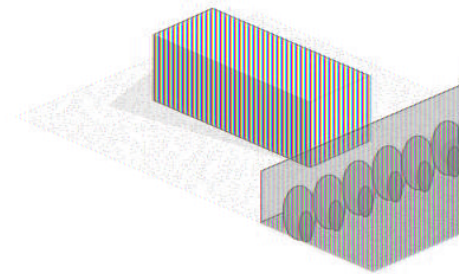
Who Can Apply for a Consolidated Local Permit?

Under Article 88 The
Consolidated Local Permit
is an **opt-in** pathway

for

All Small Clean Energy
Infrastructure

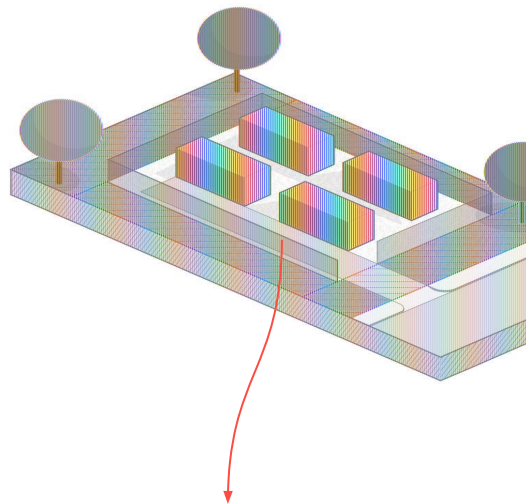
- BESS Facility up to 100 MWh
- Solar or Wind Facility up to 25 MW
- Existing transmission corridor less than 10 miles long or new corridor less than 1 mile



WHEN IS A CONSOLIDATED LOCAL PERMIT REQUIRED?

Battery Energy Storage Systems with the following criteria:

- **Main Use** (up to 100 MWh)
- Site footprint **greater than 400 sf**
- Fence height **greater than 7 feet**



Site Footprint = 401 sf
Fence height = 7+ ft

Why required?

- **Allowed use** upon approval (otherwise conditional use)
- **Coordinated review** and feedback
- **Clear conditions** for approval
- **12 month** timeframe
- Aligns with Article 80 if applicable

Article 88 Zoning for Battery Energy Storage Systems

Battery Energy Storage System: New Definition



New use definitions in Article 2

Battery Energy Storage System (BESS)

- A system consisting of at least one battery module for storing electrical energy, including any equipment needed to support the safe and proper function or usage of the battery modules, and at least one physical container providing secondary containment to any of the above.

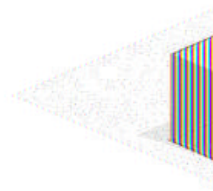
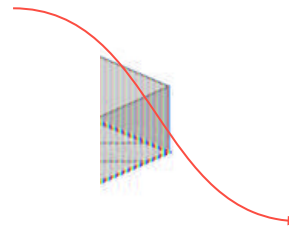
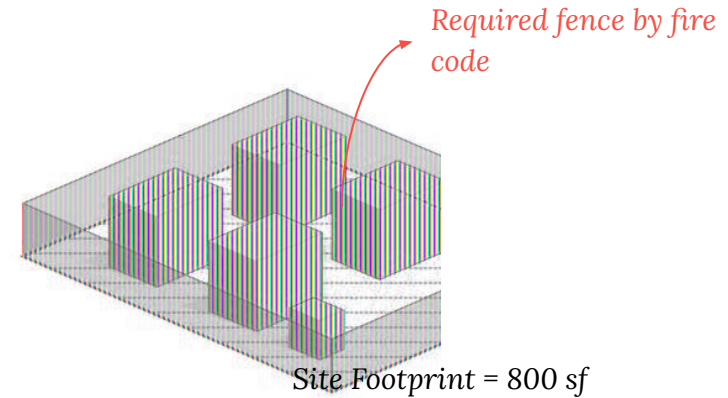
Accessory Battery Energy Storage System (BESS)

- A Battery Energy Storage System customarily incidental and subordinate to a lawful main use on the same lot. Its primary purpose is to serve that main use behind the meter, or at a shared utility connection point serving multiple electrical loads. An Accessory BESS may also be part of a microgrid, or operate as part of a network that bundles multiple Small Clean Energy Infrastructure Facilities together to supply power back to the main electrical grid. When an Accessory Battery Energy Storage System is installed entirely within or on an existing Building it shall be exempt from Section 88-13. Dimensional Regulations for All Battery Energy Storage Systems Not Integrated into Buildings, and instead subject to the dimensional regulations of the underlying zoning.

Battery Energy Storage System: Site Footprint

Site Footprint

- Part of definition for BESS and Accessory BESS in Article 2
- BESS shall be measured as the total area enclosed by the outermost fence or structure required for fire and electric code compliance, inclusive of that fence or structure.
- Where there is no fenced perimeter, site footprint shall be measured as the total area encompassing the equipment and all dedicated safety, maintenance, and clearance zones required by fire code

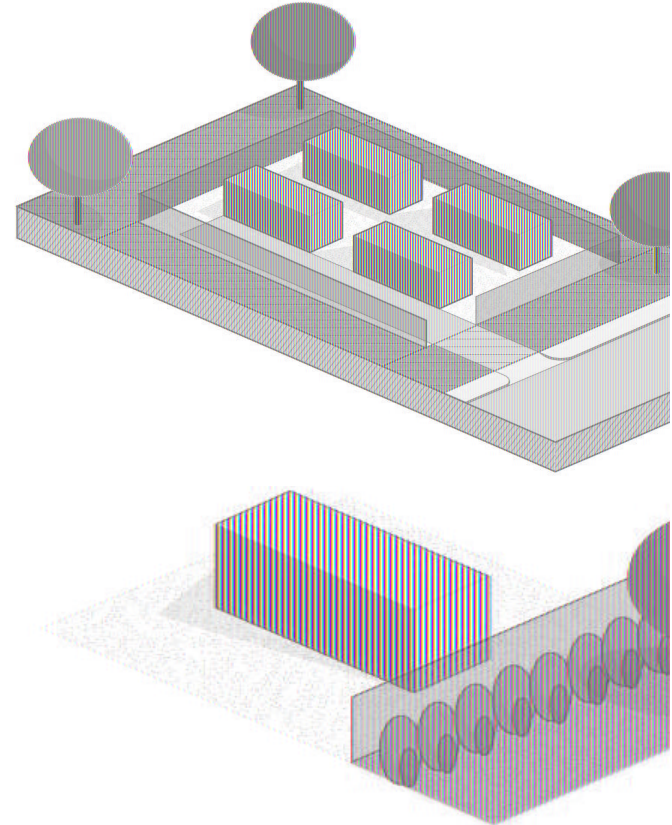


Site Footprint = 180 sf

Battery Energy Storage System: Height, Fences, and Screening

Requirements when BESS is not integrated into a building

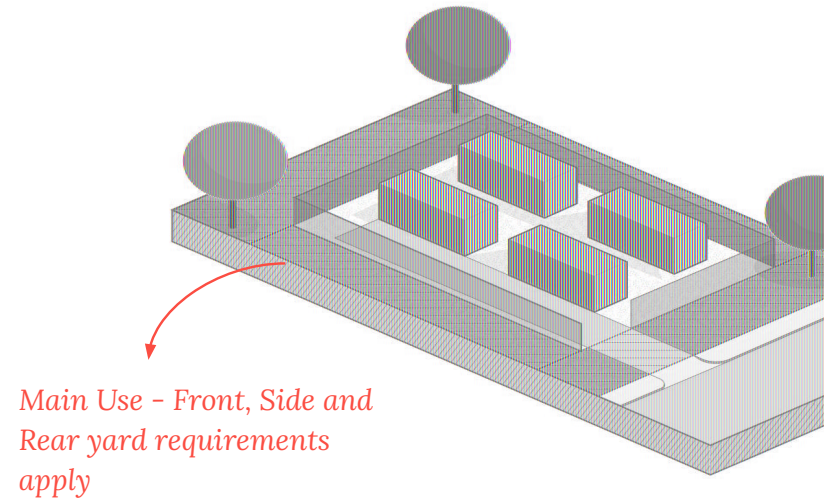
- **Maximum system height:** 12' / 24' in Newmarket Industrial
- **Fence Height:** Fences 7' tall and under are allowed, fences over 7' are required to go through the Consolidated Local Permit Process
- **Screening Requirements:** Additional screening requirements will be part of best practices and design guidelines that are being drafted



Main Use Battery Energy Storage System

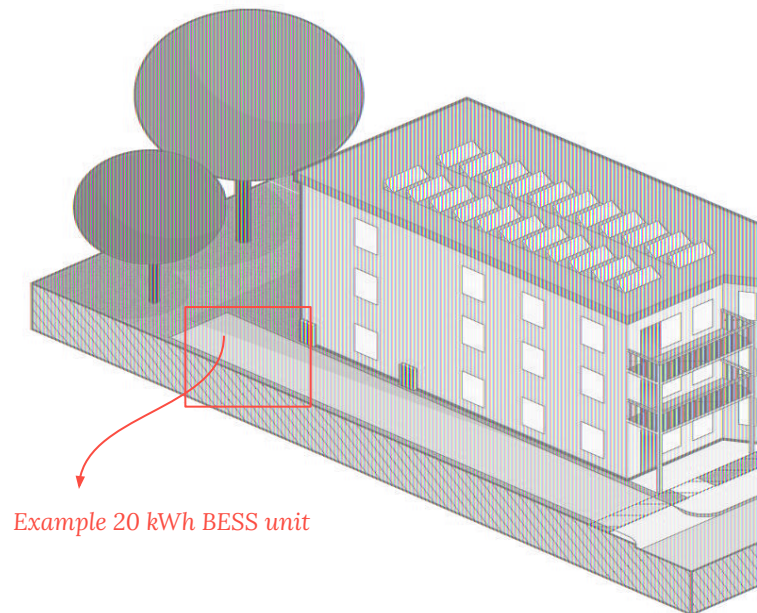
Main Use

- **The site footprint of a Main Use BESS is not allowed** within a required front, side, or rear yard of any zoning district or subdistrict
- **BESS have a maximum height of 12ft** (if located in a Gateway Industrial Subdistrict and Core Industrial Subdistrict, 24 feet maximum height)
- **If maximum Building Lot Coverage is required for a Lot, the site footprint of a BESS is included** in the total lot coverage
- **If minimum Usable Open Space (%) is required for a Lot, the site footprint of a BESS does not count toward minimum Usable Open Space requirements**



Accessory Use Battery Energy Storage System

- **Accessory BESS** is often **designed to provide backup power and demand response** capabilities to facilities such as multifamily buildings, hospitals, schools, and industrial sites
- Capacity typically is **~20 kWh - 0.5 MWh**.
- **Average Accessory BESS footprint** for multifamily or municipal buildings (**100-300 sf**), including Battery Storage and all supporting equipment.
- **Accessory BESS with a site footprint greater than 400 sf** is required to go through the Consolidated Permit Process

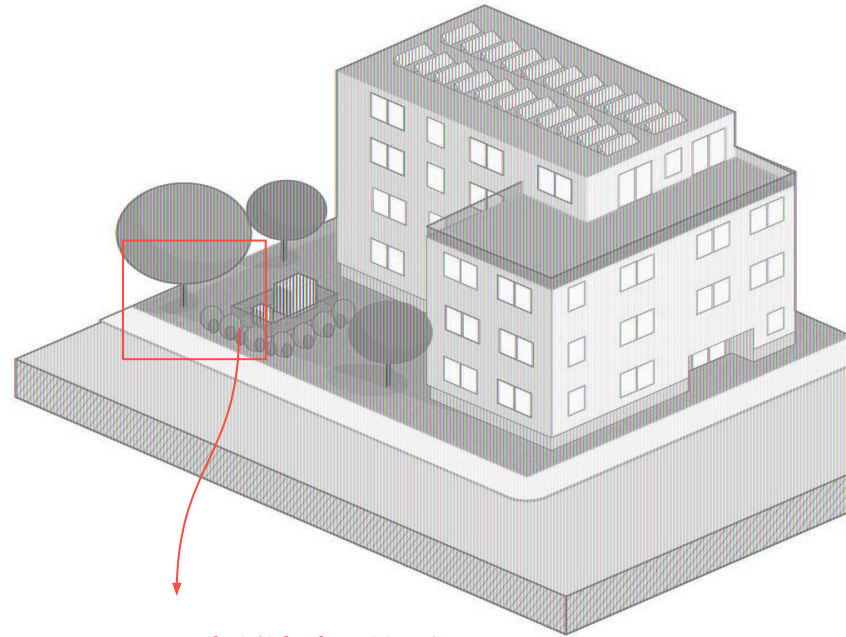


Example 20 kWh BESS unit

Accessory Use Battery Energy Storage System

Accessory BESS

- **Allowed use** in any zoning district or sub district if it is **less than 400 sf** (site footprint).
- **Allowed** in a required Side Yard and/or Rear Yard. **Must meet separation distances** required by Code.
- **Not allowed** in the front yard.



Example 250 kWh BESS unit

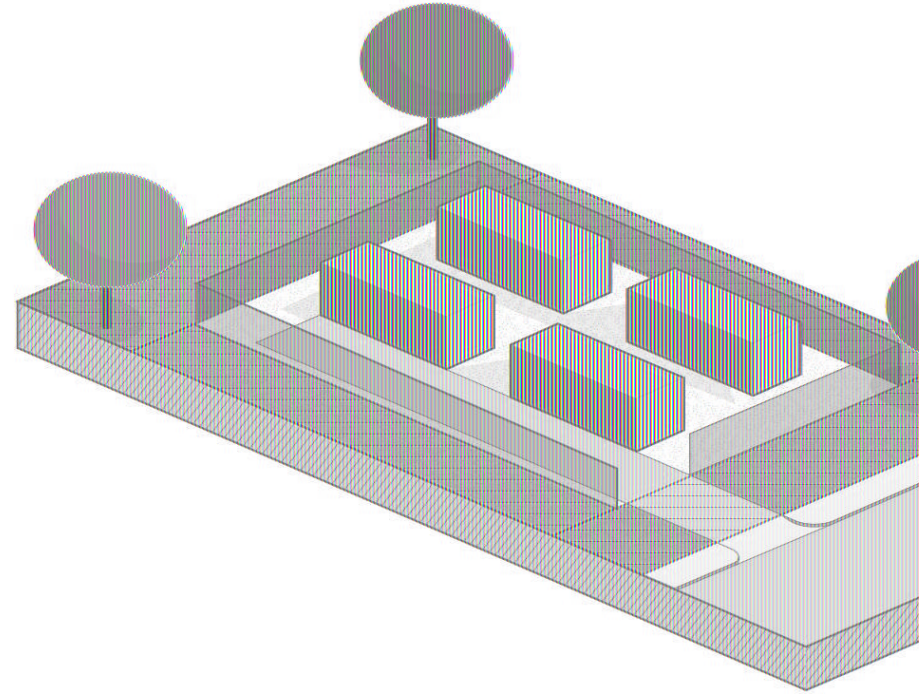
Example: Battery Energy Storage System

Consolidated Local Permit Review required

Main Use - Residential District

- Footprint = 800 sf
- BESS Height = 9.6 ft
- Lot Coverage = 70%
- Usable Open Space = 30%
- Front yard setback = 12 ft
- Side yard = 15 ft (cumulative)
- Rear yard = 20 ft
- Fence height = 8 ft

Additionally, the site plan will be reviewed using guidance from State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and National Fire Protection Association (NFPA) 855 or subsequent standards.



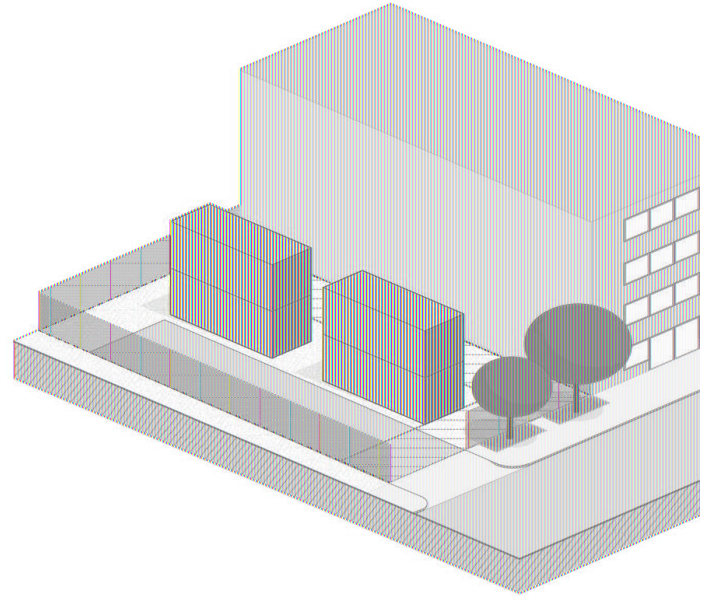
Example: Battery Energy Storage System

Consolidated Local Permit Review required

Accessory Use - Core Industrial Subdistrict

- Footprint = 500 sf
- BESS Height = 24 ft
- Front yard setback = 0 ft
- Side yard = 0 ft
- Rear yard = 0 ft
- Fence height = 8 ft

Additionally, the site plan will be reviewed using guidance from State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and National Fire Protection Association (NFPA) 855 or subsequent standards.



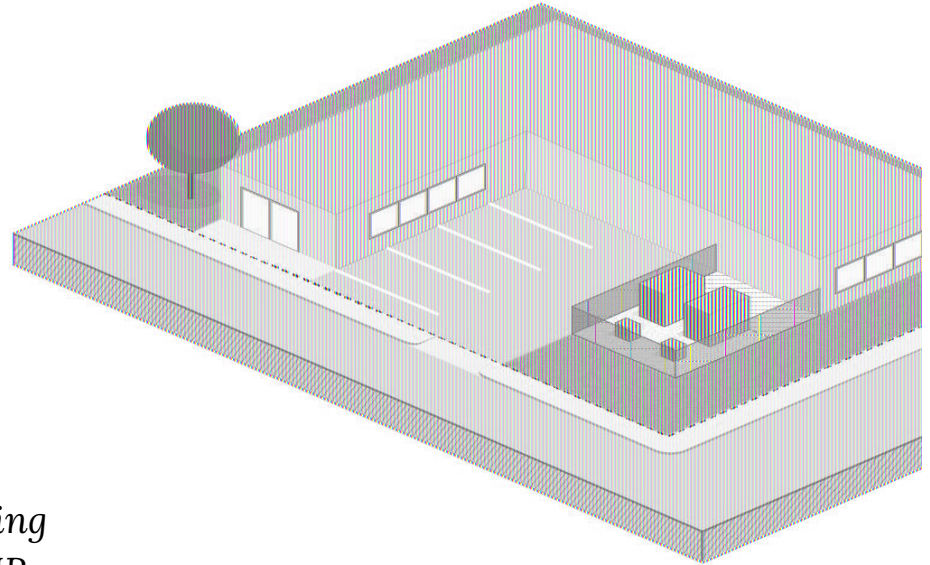
Example: Battery Energy Storage System

Consolidated Local Permit Review required

Accessory Use - Commercial Subdistrict

- Footprint = 450 sf
- BESS Height = 9.6 ft
- Lot Coverage = 60%
- Usable Open Space = 15%
- Front yard setback = 8'
- Side yard = 14' (cumulative)
- Rear yard = 15 ft
- Fence height = 8 ft

Additionally, the site plan will be reviewed using guidance from State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and National Fire Protection Association (NFPA) 855 or subsequent standards.

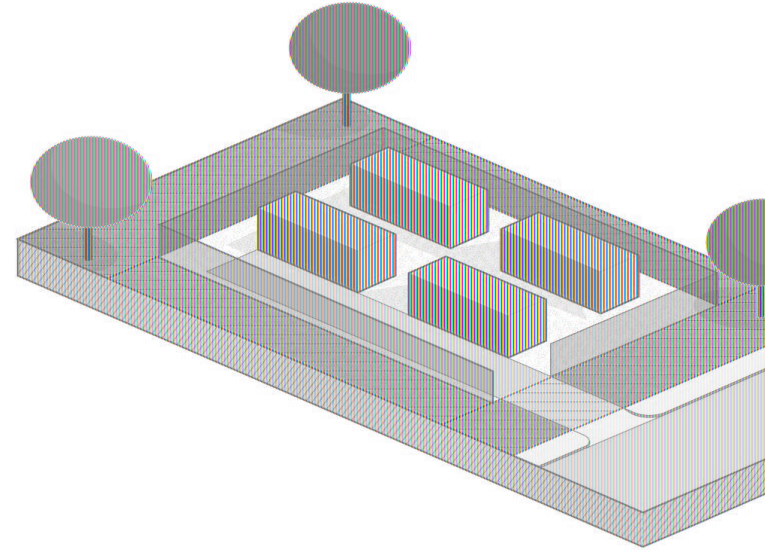


Battery Energy Storage System: Decommissioning Fund and Surety



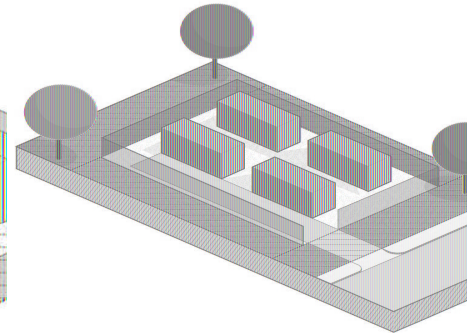
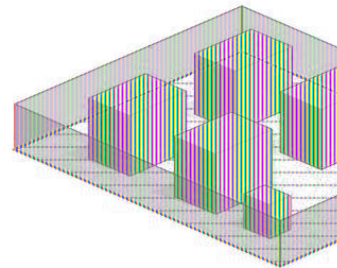
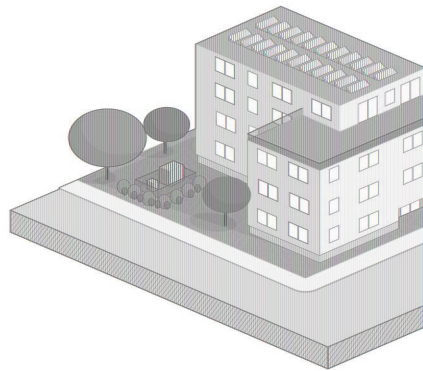
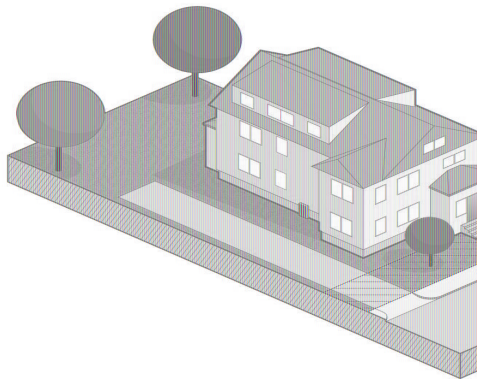
125% Surety is required for decommissioning

- **Covers the cost of removal** in the event the City of Boston must remove the BESS or Accessory BESS and remediate the site.
- Applies to BESS **greater than 400 sf or 500 kWh.**
- BESS greater than a **1,000 sf footprint or 1 MWh** shall contribute an additional 10% for the decommissioning fund.



Does not apply to any BESS facilities owned by the City of Boston or the Commonwealth of Massachusetts or operated as a public facility or utility.

Questions?





Thank you!

Contact: travis.anderson@boston.gov
christopher.maskas@boston.gov
andrew.plumb@boston.gov

Appendix

WHAT CAN BATTERY ENERGY STORAGE LOOK LIKE?



Battery Energy Storage Systems – typical sizes

50 kWh

4 MWh



Residential Heat Pump



Transformer



U-Haul Trailer



Full Size Dumpster



Standard Shipping Container

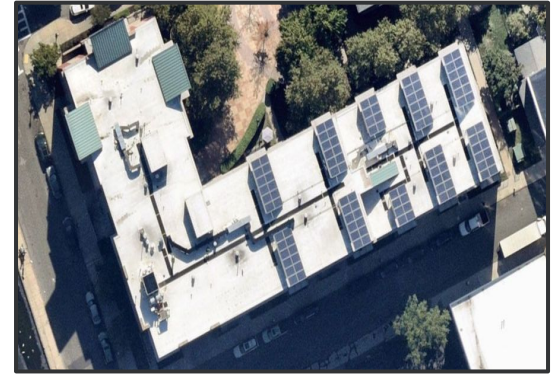
WHAT CAN SOLAR ARRAYS LOOK LIKE?



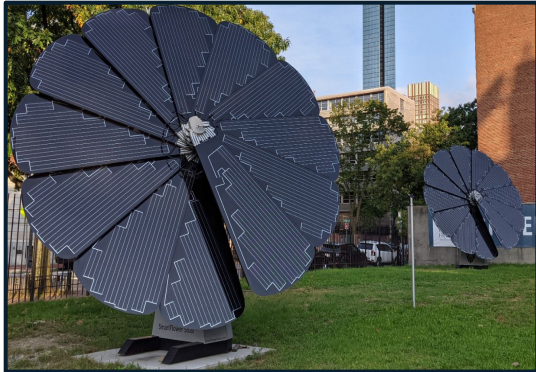
537 kW Roof-Mounted Solar - Jamaica Plain, MA



3.8 kW Roof-Mounted Solar - East Boston, MA



35 kW Roof-Mounted Solar - East Boston, MA



2.5 kW (per) Ground-Mounted Solar - South End, Boston, MA



2.4 MW Ground-Mounted Solar - Sterling, MA



250 kW Solar Canopy - Roxbury, MA