

From: janetmcgowan30@comcast.net
To: [SitingBoard Filing \(DPU\)](#)
Subject: Stakeholder Comments on Cumulative Impacts Analysis and Site Suitability Criteria for Clean Energy Infrastructure
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Dear Siting Board,

I have served on the Amherst Planning Board for 5 years and on the town's Solar Bylaw Working Group for over a year. I am also a Harvard-educated attorney and mediator with litigation and non-profit law experience. Many commenters from Western Massachusetts and the Berkshires have raised concerns specific to smaller towns with substantial amounts of green working lands needing protection as a key climate change strategy. I support those concerns.

I write today to raise a concern about the 1 year deadline for siting solar projects since this requirement is ripe for abuse by solar developers. Developers can and will use this 1 year requirement to run out the clock. Time and again in Amherst project developers have hired local firms to conduct wetlands surveys that are inaccurate — requiring the Conservation Commission to hire outside independent experts to fix their poor work. This often results in considerable delays in permitting projects since the surveys are best done during the growing season and it takes time to locate and hire outside experts. The ZBA will delay its permit decision while the wetlands survey is re-done and the Conservation Commission completes its permit. (Project applicants often apply for both permits at once or close in time.)

Projects are also delayed for a variety of reasons having nothing to do with an intent to run out the clock. Developers who are unorganized and file poor permit applications take up a lot of board time with hearing after hearing where requested materials are often not provided. This is another avenue for delay, intentionally or not, by the permit applicants. Solar permit applications can involve complex issues and time. It takes time to hire additional experts given RFP requirements, the review of RFPs, the drafting of contracts to hire the experts, approval and actual signing by the Town Manager. This can take months and months—without any intention by anyone to delay projects. Finally, sometimes applicants simply postpone meetings, often at the last minute, adding weeks or even months to a permit application to reschedule a meeting to fit into a board's crowded schedule.

All of these issues can arise in an application, leading to delays. Forcing board approval into a short, set 1 year time limit will result in forcing ill-considered decisions or constructive approvals due to time lapse alone. This helps no one but solar developers and can lead to abuse.

I strongly suggest that the 1 year deadline be dropped. I also suggest imposing a requirement that independent, outside wetlands experts be hired to conduct wetlands surveys for town boards. Local firms have an understandable bias to favor local developers since they are their regular customers. Small communities lack resources and expertise and need independent experts, information and advice.

Thank you for your time considering my comments.

Janet McGowan

Attorney & Mediator

