



THE COMMONWEALTH OF MASSACHUSETTS

House of Representatives
24 Beacon Street
State House, Boston 02113 - 1054

LINDSAY N. SABADOSA
STATE REPRESENTATIVE
1ST HAMPSHIRE DISTRICT

September 27, 2019

Judith Judson, Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, #1020
Boston, MA 02114
Sent by email to DOER.SMART@mass.gov

Dear Commissioner Judson,

Thank you for the recent 400-megawatt review of the SMART program. I appreciate the opportunity to submit comments on this important program, and I would like to thank you and your team for your work on this issue. I also want to thank you for committing to travel the state, including your stop in Amherst, to present this proposal.

While I appreciate the work that has been done thus far, I am very concerned about the SMART program striking an appropriate balance between encouraging solar and protecting our natural resources. According to a recent study by Harvard Forest, 92 acres of forest are being converted for photovoltaic development in Franklin, Hampshire, & Hampden counties annually (Johnson, E., Hall, B., Powers, M., Therien, A., & Foster, D (2019). The siting and impact of

76 GOTHIC STREET | NORTHAMPTON, MA 01060 | 413-270-1166
STATE HOUSE, ROOM 443 | 617-722-2460
Lindsay.Sabadosa@MAhouse.gov

photovoltaic systems in Franklin, Hampshire, & Hampden counties: A preliminary study. Harvard Forest, Harvard University, Plymouth State University, and Westfield State University). This study shows that the majority of photovoltaic systems in MA are situated on land that was previously undeveloped. In fact, 77% of systems (952 acres) are located on land that was forested (37%), used for agriculture (34%), or covered by shrub, scrub, and/or herbaceous vegetation (6%). Only 23% of photovoltaic siting has been done on developed land, including actively-used parking areas and buildings.

Following the solar forum my office hosted in Westhampton earlier this year (at which DOER was present), I have stayed in constant contact with solar developers and advocates in the region. Many of our local developers and installers are interested in protecting the natural resources of the district and, while they, of course, are working with small-scale solar, they would also like to expand to mid-size projects, particularly to stem off the loss of thousands of solar jobs that Massachusetts has experienced in the last two-three years. The current SMART program configuration does not incentivize mid-range projects because it divides projects into >25K and <25K. To appropriately encourage solar in built environments, support local developers, and see more canopy solar (which is more costly), the sweet spot for developers seems to be Block 3 incentives. Because all blocks filled so quickly with large projects, a real opportunity was missed to properly incentivize this type of project, which, in addition to small scale rooftop solar, is our best bet at finding a proper balance between protecting our greenfields and transitioning to 100% renewable energy as quickly as possible given the gravity of our current climate emergency.

I am also particularly concerned about the way the SMART program has affected small communities. I do not feel the impact on conservation and small communities has been adequately addressed by the proposed expansion. For example, the municipal bylaw exemption should be removed as it broadly impedes the development of solar. In addition, local-based adders for preferred sites should be increased. The SMART program catalyzed a rush to develop undeveloped land, which has overwhelmed small towns who are facing litigation because developers have failed to meet bylaws. If DOER's program operated on an annual basis, with capacity goals and set incentives, solar applications could be considered on a steadier basis, making things easier on small town governments and municipalities. This is an

important area in which stakeholder input is needed to protect towns from burdening expenses. This is why I continue to recommend that DOER appoint a liaison for small communities so that they do not bear an undue burden in this rush to solar as requested in the letter Chair Golden sent to DOER on August 30, which includes the signature of many of my House colleagues.

I further recommend that the DOER or EEA convene experts in solar development and incentives as well as experts in ecosystem land values to conduct an analysis of the most and least appropriate places and offer recommendations for effective incentives, disincentives, or other measures for implementation. Additionally, stakeholder engagement and input require the implementation of a permanent advisory group, preferably before an expansion of the incentive program. Education, agriculture, wildlife, and municipality groups are a few examples of stakeholders who have not been engaged in meetings pertaining to the regulation. Since these stakeholders have not been adequately engaged, the SMART program has been lacking feedback regarding solar siting, incentivization, and energy markets. It has been difficult to follow land use relative to solar development, and the DOER must be responsible for collecting, tracking, presenting and regularly updating the public with land use information.

Given that DOER is rightly anxious to release regulations that would allow the next tranche of solar projects to be awarded, I would further recommend an interim step of proceeding with regulations that allow solar projects on the already developed and disturbed sites, but not accepting any new proposals for greenfield development until the impacts of projects already in the pipeline but not developed can be forecasted, and the analysis for the best and worst sites is done.

We must also acknowledge that the current incentivization structure is not based on solar development needs. Any expansion in solar programs must be done to match greenhouse gas emission target rates and foster the state solar industry. I am concerned that the current incentive structure furthers a “solar coaster” market rush of solar technology followed by an extended pause in development which hurts solar developers, municipal decision-makers, and the public. The suggested expansion is 800 MW, exactly half of the current program;

expansions should be in line with state energy goals rather than arbitrary figures. In order to ensure that the SMART program expansion is adaptable to changing market conditions, the proposed expansion must be required to comply with the new financial incentive structure.

Finally, I would be remiss if I did not comment on the state-wide program revision presentations. While it is wonderful that DOER went on this road tour, the events were not listed on DOER's website under Events or under News and Announcements. As Scott Kjellberg can well attest, I checked in with DOER for months to find out the date of this hearing, which was only made available two weeks before the settled date after months of promises of "soon." While I am no stranger to time constraints and scheduling issues, these barriers, while they may seem small, hindered participation in Western Massachusetts. Without advance notice, it is hard to take time off from work, a necessity for most since all of these sessions are being held during the day, and to engage in a process that, in the face of a climate emergency, requires the involvement of every single person in our Commonwealth. **In order to help facilitate this, I hope that you will make all public comments public in order to ensure full transparency in this review process.**

Thank you very much for your time and consideration. I look forward to seeing the result of the revised proposal following full consideration of the public comments.

Sincerely,

A handwritten signature in cursive script, reading "Lindsay N. Sabadosa".

Lindsay N. Sabadosa

State Representative, 1st Hampshire