



Catalyst for Regional Progress

PVPC

Timothy W. Brennan, Executive Director

To the DOER

In March 2019 the Pioneer Valley Planning Commission began a Solar District Local Technical Assistance Project to help municipalities in its service region manage the complexities of being engaged by developers who want to plan, develop, install and operate Large Scale Solar Arrays as a result of the SMART Program promoted by the Massachusetts Department of Energy Resources (DOER).

The net effect of the regulation is summarized below;

- Solar development is now a pressing local issue because of a “perfect storm” of regulations, incentives and state sponsored programs which do an excellent job promoting solar development, but did not recognize the potential pressure Large Scale Solar Development would put on volunteer Boards in smaller municipalities and Planning Departments in large communities.
- Local Planning Boards, Planning Departments, Conservation Commissions and Boards of Selectmen are now faced with a solar development “Bubble Economy”.
- Many Communities are seeing multiple Large Scale Solar proposals and do not have the time or personnel to evaluate each and every proposal properly.
- Most solar installations are proposed for previously undeveloped land. A recent analysis by Harvard Forest indicates that within the Pioneer Valley (Franklin, Hampden, and Hampshire counties) of the 1,232 acres of PV systems now in the region, 952 acres (77%) are on previously undeveloped land. Of the 952 acres, 459 acres were previously forested, and 420 acres were agricultural.
- Unchecked, large scale land conversion for Large Scale Solar Development has potential implications on a number of fronts, including retaining prime farmland soils for food production and protecting forested lands for all the climate resilience services they provide.
- This situation has also created an unfortunate local debate over which is greener (a more beneficial use of the land) cutting down acres of trees or installing solar panels.
- It is not clear that there is the interconnect capacity available for each and every proposed project in Western Massachusetts under the SMART Program.
- Solar developers continue to move ahead faster than the communities can keep up.
- Local planning regulations need to be updated to catch up with level of sophistication currently being deployed by the developers.
- Because of an unfortunate regulatory loophole, developers are finding it to be possible and potentially easier to locate large scale arrays on previously undeveloped land in smaller rural Towns with low energy use, than on previously developed land or land which would otherwise be un-useable in larger municipalities where the energy is needed.

- Towns are also finding that the local taxing mechanism and/or Payment in Lieu of taxes (PILOT) agreements for these arrays is now under fire from developers from multiple directions.
- Community Solar Projects are finding it increasingly difficult to get located and built.

Specifically the municipalities are being challenged in the following ways;

- 1) Most Towns want solar development but need help to do it right.
- 2) Small Towns with volunteer or limited planning capabilities are overwhelmed and do not have the bandwidth to handle these types of projects.
- 3) New SMART (1600MW) program did not create enough of a disincentive to build solar on unused or undeveloped land, creating unintentional consequences.
- 4) Developers and investors will always seek the “cheapest land” available to develop.
- 5) The incentives to develop large scale solar on previously developed (or cleared) areas are not strong enough and the disincentives to use undeveloped land are not negative enough.
- 6) There is a tax loophole challenge causing new issues for some towns, some towns which planned for and need the tax revenue, to support local budgets, have lost that revenue.
- 7) At least 7 Towns (and many more throughout the Commonwealth) in our region are currently engaged in lawsuits with developers over large Scale Solar Development at this time.
- 8) More often than not local boards now need to utilize the third party peer review process to assist them with the review and approval process.
- 9) Well done Large Scale Solar development, at the municipal level, requires a great deal of coordination.
- 10) The PVPC has created a “solar working group” which has been meeting regularly to discuss this challenging and complicated issue and our goal is to come up with a “**Best Practices Guide**” for the installation of Large Scale Solar arrays in the face of changing regulations for communities before December 31, 2019.

The SMART plan needs to be comprehensively fixed to relieve the challenges it has created;

- We ask you strengthen the proposed subtractors even more significantly to push developers onto previously developed land, building sites and parking lots and not undeveloped land.
- The regulations as proposed support small and large scale solar development but are weakest for the mid-sized systems being proposed (less than 1MW) because they cannot compete economically with larger projects. Projects in the 25Kw -1000Kw would be easier to manage, review, implement and support at the local level.
- We also strongly urge DOER to fix the solar taxation (PILOT) issue once and for all. There should be one standard (\$/MW installed) for PILOTS used statewide incorporated into the SMART regulations.
- We strongly urge DOER to fix the inherent conflict between Green Communities rules, “by right” solar regulations and the development of local solar planning regulations and bylaws.
- Developing and distributing a new standard set of “solar zoning bylaws” would be a valuable tool to Communities throughout the Commonwealth.
- Communities need the state agencies to talk to each other instead of having overlapping and contradicting roles and guidelines.

Respectfully submitted on behalf of the PVPC Large Scale Solar Working Group,

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