



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., 9TH FLOOR
BOSTON, MA 02114
Telephone: 617-626-7300
Facsimile: 617-727-0030

Maura T. Healey
Governor

Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper
Secretary

Elizabeth Mahony
Commissioner

May 29, 2025

Via Electronic Mail

Jesse Robertson-DuBois
BlueWave Energy
116 Huntington Ave, Suite 601
Boston, MA 02116
Email: jrobertsondubois@bluewave.energy

Dear Jesse Robertson-DuBois,

The purpose of this letter is to respond to a request (Request) submitted by BlueWave Energy (Applicant) via electronic mail on November 27, 2024. The Request seeks a Waiver for Decreased Yield for an Agricultural Solar Tariff Generation Unit (ASTGU), identified by application number SMANG_45515, located at 903 Tremont Street in Dighton, MA. The Department of Energy Resources (Department) has reviewed the Request, as supplemented by additional information.

Pursuant to Section 6)i. of the *Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units* (Guideline):

Due to unforeseen circumstances, such as but not limited to weather events, pests, or change in crops, the projected agricultural yield for any given year may be lower than stated in the agricultural plan or previous year's annual report. In these instances, an applicant can request a waiver to the Department for the decreased yields. The applicant must demonstrate to the satisfaction of the Department, and in consultation with MDAR, that a waiver is warranted for good cause.

The Request stated that "[f]ollowing retirement of Jim Cabral from active agricultural production due to age and health issues," the Applicant "began discussions with other farmers about farming in the array, including direct outreach and posting the farm on

NewEnglandFarmlandFinder.org.”¹ The Request also stated that “[t]own delays in approving stormwater and conservation permits delayed the start of agricultural field preparations and cover crop seeding beyond viable dates for butternut squash production.”² The Request also stated that “full agricultural activity is expected in 2025,” and that the two new operations “will be sharing the site, producing vegetables and grazing livestock.”³

On February 6, 2025, in response to a request for information from the Department, the Applicant provided additional narrative that stated the Applicant has “been engaged in recruiting a new farmer for the array” since 2023, and that a neighbor “was initially interested, but eventually declined,” which led the Applicant to list “the property at New England Farmland Finder in Spring 2024.”⁴ The Applicant also provided documentation of a communication from Jim Cabral confirming this series of events.⁵ On April 4, 2025, in response to a request for information from the Department, the Applicant provided documentation of the property postings on Instagram and New England Farmland Finder from April 2024.⁶

On February 6, 2025, the Applicant also provided documentation of the Certificate of Compliance from the Dighton Conservation Commission from October 30, 2024.⁷ On April 8, 2025, in response to a request for information from the Department, the Applicant stated that “the Dighton Stormwater Committee voted to close out the permit at their November 20, 2024 meeting,” and that the delay was “due to a combination of factors stemming from the Dec[ember] 2023 rain events that heightened Stormwater Committee scrutiny on the project.”⁸ The Applicant also stated that the “November vote provided final approval to move ahead with unrestricted agricultural activity.”⁹ The Applicant also provided documentation of the meeting minutes from the November 20, 2024 Stormwater Committee meeting showing the approval.¹⁰

Upon review of the Request and additional information, and pursuant to Section 6)i. of the Guideline, the Department hereby grants the ASTGU a Waiver for Decreased Yield based on delays in municipal approvals and the exit of the original farmer from agriculture. The Department requests that the Applicant provide an update on the establishment of agricultural activities for 2025 by no later than July 15, 2025, and informs the Department of any ongoing challenges or delays to agricultural production.

The Department notes that to retain future eligibility as an ASTGU, the Applicant must demonstrate ongoing compliance with the Special Provisions for Agricultural Solar Tariff Generation Units per 225 CMR 20.06(1)(d).

¹ ASTGU Annual Report and Waiver Request at 4 (Nov. 27, 2024).

² *Id.* at 3.

³ *Id.* at 4.

⁴ Supplemental narrative at 2 (Feb. 6, 2025).

⁵ Email from Jim Cabral (Jan. 17, 2025).

⁶ Applicant email (Apr. 4, 2025).

⁷ Dighton WPA Form 8B – Certificate of Compliance (Oct. 30, 2024).

⁸ Applicant email (Apr. 8, 2025).

⁹ *Id.*

¹⁰ Town of Dighton Stormwater Committee Minutes (Nov. 20, 2024).

If you have any questions regarding this determination, please contact Grace Fletcher at grace.fletcher@mass.gov.

Sincerely,

A handwritten signature in dark ink, reading "Samantha Meserve". The signature is written in a cursive, flowing style.

Samantha Meserve
Director, Renewable and Alternative Energy Division