

Environment Watch of Massachusetts

June 30, 2016

Judith Judson
Commissioner
Massachusetts Department of Energy Resources

Comments sent by email to: DOER.SREC@state.ma.us

Re: Comments on DOER's "Development of the Next Solar Incentive"

Dear Commissioner Judson,

We are submitting this letter on behalf of the Massachusetts residents and the groups listed below.

We are writing in response to the Department of Energy Resources (DOER) request for comments on the "Development of the Next Solar Incentive" which it is undertaking pursuant to Chapter 75 of the Acts of 2016. See, DOER's website at: <http://www.mass.gov/eea/energy-utilities-clean-tech/renewable-energy/rps-aps/development-of-the-next-solar-incentive.html>

We urge DOER to design a solar incentive program that discourages destruction of forests, agricultural lands and cultural resources.

The state's current policies and subsidies for industrial scale solar have resulted and continue to result in damage to the environment including loss of habitat and destruction of unique and globally significant ecosystems. In addition, industrial solar projects are being proposed throughout the state that threaten Native American archeological sites and other historic and cultural aspects of Massachusetts' heritage. So far, hundreds of acres have been lost to industrial solar facilities. We are conducting an inventory in order to obtain a precise estimate. We provide below examples below of some of the most egregious projects of which we are aware. Some are already built, others are in the process, and some are proposed. All of these projects are made possible by the state's subsidies and policies.

We urge your office to restructure the state's solar policies and subsidies in a manner that ends the negative impacts of this so-called "green" energy. Destroying the environment, Native American archeological sites, and culturally significant resources in order to allow corporate utilities to profit from renewable energy credits is a false solution to climate change and undermines the state's efforts to comply with the Global Warming Solutions Act. Moreover, Massachusetts ratepayers and taxpayers should not be expected to subsidize a false solution to climate change that causes massive destruction of carbon sequestering forests and soils.

This letter focuses on the ongoing destruction of the Coastal Pine Barrens of Southeastern Massachusetts but our concern is statewide. In particular, Southeastern Massachusetts appears to be the region that has experienced the most extreme negative impacts of the state's current policies and regulations. Southeastern Massachusetts landscape is federally recognized as the second largest of the world's three remaining Atlantic Coastal Pine Barrens ecoregions. Conserving habitat in this ecoregion is critical to preserving biodiversity related to Coastal Pine Barrens. Yet, Southeastern Massachusetts has seen hundreds of acres of upland forest habitat destroyed in the rush to take advantage of the Solar Net Metering Credits and the Solar Renewable Energy Credits. DOER bears direct responsibility in for the Net Metering "gold rush" that led speculators to purchase relatively inexpensive forested land that has been or will be clear cut, possibly mined for sand and gravel, then stripped of vegetation and topsoil for industrial scale solar installations.

DOER's Net Metering Credit program is tied to the destruction of globally rare habitat, in part because of the loosely framed document, *Model Zoning for the Regulation of Solar Energy Systems*, that has misled municipal planning boards across the Commonwealth into the wrongful impression that solar facilities are exempt from local zoning and the bylaws that govern industrial use. This misconception has led to a significant loss of forest habitat that put State-Listed plant and animal species at greater risk, may result in changes in water dynamics and may increase the potential for water well and aquifer contamination.

At a minimum, we ask that the new solar incentive program tie all solar incentives to the DOER's previously stated intention to "encourage" or "discourage" placement of large-scale ground mounted facilities according to DOER's *Guidelines for Ground-Mounted Systems*:

DOER strongly discourages locations that result in significant loss of land and natural resources, including farm and forest land, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide.

In regard to farm properties, rooftops are preferable. If roof space is inadequate non-productive, non-arable agricultural land is the second choice. Should this also prove infeasible or inadequate a dual use of land design concept could preserve productive farmland by continuing crop production underneath high-mounted and well-spaced panels. Finally, if none of these are feasible or they are inadequate the least productive land should be used first to minimize the loss of productive food/crop land.

The new solar incentive program needs to clarify for all citizens, developers, town managers and planning boards that "The siting authority for solar PV projects resides at the local—not the state—level, as is currently found in the *Guidelines for Ground-Mounted Systems*. Incentives for sustainable solar projects need to follow the current guidelines for sites that the DOER currently encourages: rooftops, industrial and commercial districts, and on vacant, disturbed lands. The DOER should not provide incentives to projects that involve the destruction of forested or agricultural lands.

Here are examples of ongoing or completed industrial scale solar projects that have caused or will cause damage to the environment and/or cultural and historic resources:

County Woodlot, Long Pond Road, Plymouth MA. Citizens filed legal action, December 2015
Land owned by the Inhabitants of Plymouth County; Plymouth County Commissioners exercise control

50 acres of solar proposed

Blue Wave Capital expressed interest

Abuts significant conservation lands, on the edge of the proposed Great Thicket National Wildlife Refuge

Town permits granted for sand and gravel mining in order to accommodate end use of industrial solar facility; permit under appeal

No ecological survey done to assess MESA-protected species and habitat

Site zoned rural residential, industrial uses prohibited

Shirley, MA – several solar projects totaling more than 120 acres of clearcut forest, including c. 52 clearcut acres of “protected” water supply land adjacent to town wells. See, Exhibit A

Includes Solar City/National Grid Project. Citizens filed legal action, January 2015

About 13 acres clear cut and graded, vegetation and topsoil removed

State procurement laws likely violated

Portion built on Article 97 land owned by the Town of Shirley for “purposes of protection of water resources and other compatible purposes including conservation and recreation”

Land now surround by a chain link fence and is gated, public excluded

Portion built on land owned by the Shirley Water District for water supply well protection

Portion of the site zoned rural residential, industrial uses prohibited

Entire Solar City project plus two adjacent projects are in:

In DEP-designated Zone II water supply protection district, Wellhead Protection Overlay

District under Section 4 of the Shirley Bylaw, Saquannassitt Area of Critical

Environmental Concern (ACEC), rare species habitat designated by the Massachusetts

Natural Heritage and Endangered Species Program (NHESP)

Renewable Energy Development Partners, LLC, off Janebar Circle and Herring Pond Road, Plymouth. Photo, Exhibit B

Town failed to follow zoning bylaw, purported to approve 25-acre industrial solar facility in a rural residential zone

Entire site zoned rural residential, industrial uses prohibited

Possible legal action

Site has been clear-cut, coastal plain pine barrens ecosystem and habitat destroyed

Blue Wave Capital/Plymouth Sand and Gravel site Off Raffaele Road, Plymouth MA, Exhibit C
25-acre facility built in 2015 on rural residential land that prohibits industrial uses

Town violated zoning bylaw

Abutting ecologically significant Pine Barrens land

Rocky Pond Road Project, Plymouth MA

Approximately 10 acres built on Pine Barrens habitat adjacent to Myles Standish State Forest

Sun Edison Project on land of Annawon Boy Scouts of America, 59 Kristin Road, Plymouth MA

About 25 acres

In residential area

No environmental assessment

Town violated zoning by issuing "Site Plan Review" on Feb. 2, 2016

Project not started

Shutesbury, MA Chicago investment firm on private woodlands owned by W.D. Cowls Co.

Concerns raised by Narragansett Indian Tribal Historic Preservation Office

30 acre forested site on Wheelock Tract of Pratt Corner Road

Large wetlands area

Threatens indigenous cultural resources

Possibility of Native American Ceremonial Landscapes

More information: <https://sites.google.com/site/allianceappropriatedevelopment/>

Freetown, MA

Within 50 feet of Native American cultural site: King Phillip's Cave in Rocky Woods

Site is historically valuable site part of Freetown's heritage

Hearing scheduled July, 2016

We request the opportunity to meet with you to further discuss the facts outlined here. We urge you to carefully consider all aspects of this issue before proposing any new solar incentives for our state.

We look forward to your response to these comments. Please respond to P.O. Bo 3848, Plymouth MA 02361.

Very truly yours,

Groups

Environment Watch of Massachusetts

Goldenrod Foundation, Plymouth

Eel River Watershed Association, Ltd. Plymouth

Herring Pond Watershed Association, Plymouth

Southeastern Massachusetts Pine Barrens Alliance, Plymouth

Individuals

Gerald Bryant McCollor, 167 Hapgood St., Athol

John Oelfke, 37 Hazen Road, Shirley

Charline Oelfke, 37 Hazen Road, Shirley

Raejean C. Price, Shirley

Marie Elywn, Shirley

Peter Elywn, Shirley
Barbara Yocum, Shirley
Jim Yocum, Shirley
Dina Samfield, 130B Groton St., Shirley
Miriam DeFant, Shutesbury
L. Renee Cook, 35 Hazen Rd. A-3, Shirley
Barbara Howland, 1019 North Rd., Carlisle
Alden D. Booth, Gill
Carol F. Rabe, 30 Oakland St., Natick
Paul Pryzbyla, 173 Center Hill Road, Shirley
Patricia A. Garrigan, 84 Hazen Road, Shirley
Gene LaFond, Janebar Circle, Plymouth
Janet Tice, Shirley
Glen Ayers, 254 Davis Street, Greenfield
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Cc: Sen. James Eldridge
Sen. Benjamin Downing
Sen. Vinny deMacedo
Rep. Matthew Muratore





