To Whom it May Concern,

We are writing as private citizens, some of whom are involved in many of the Town of Chesterfield’s or other towns' committees; however, we are not writing on their behalf.

Having attended several virtual sessions on the proposed state legislation and having read the model bylaws we have the following comments.

We support solar and wind energies as strategies to reduce the impacts of climate change but only if it protects nature and wildlife which are coincidentally also fundamental to a clean and healthy environment for humans. A growing body of scientific work shows that even light pollution is disruptive to the reproductive cycles of insects, with a cascading effect on the populations and ‘food chains’ of other wildlife and human life reliant upon them ranging from pollination of plants on farmlands and wildlands, to reduction of amphibians and reptiles, birds and small and large animals. Eliminating the land itself will be vastly more impactful than light pollution.

One of the most important roles of the Commonwealth’s woodlands, agricultural and open lands, and wetlands is their vital role in sequestration of carbon which lowers greenhouse gas emissions and mitigates the effects of climate change. Massachusetts Audubon states that “25% of recent solar arrays in Massachusetts have been located on former forests or farmlands” and suggests that “this trend will continue and another 60,000 acres or more of high value natural and working lands could be lost to solar in Massachusetts over the next two decades” (see website and report with Harvard Forest://[www.massaudubon.org/our-work/publications-resources/growing-solar-protecting-nature](https://urldefense.com/v3/__http:/www.massaudubon.org/our-work/publications-resources/growing-solar-protecting-nature__;!!CPANwP4y!RWnv-2WOtd7-J2LE5InGQ3The8Asq4DkgXhFZZ14Oyce8IKATsHA-czx08fDaY6h9n1Z0V7XB6yjV8tiCUB9YAmcTFrSjwU$)). Other organizations such as The Nature Conservancy are funding scientific work on private forest lands to further measure the value of different stages of forests in the sequestration of carbon while owners defer cutting for 10 or more years.

The State’s wholesale fast tracking of new regulations and model bylaws to accelerate the permitting of private, or for profit solar and BESS facilities, which don’t explicitly exempt these lands is premature given the relatively new and developing science around measuring climate change and carbon sequestration, as evidenced by the examples given above. Neither the proposed regulations nor the proposed model bylaws explicitly address these issues --the value of these lands to the state’s achievement of vitally important and effective greenhouse gas emissions reduction and climate goals.

The state should not foster as of right designations of any size installation over 250 kw on land unless it is already industrially or commercially developed, contains large scale residential or institutional building complexes and parking lots, or is on already marginalized lands along highways, transfer stations, brownfields or the like. For example, in the model bylaws for towns for solar and BESS installations, sections 3.1, tables 1, the state proposes by right designations for building mounted and ground mounted installations not only in Commercial and Industrial districts but also in Residential and Agricultural Districts and in some very large size categories. Some size classifications further propose As of Right designation with Special Permit Review, others with additional Site Plan Review. Not mentioned in any detail are other kinds of zoning districts typical in towns, and very rural communities like Chesterfield.

For example, the majority of Chesterfield is located in mixed Residential-Agricultural zones; the balance of the town has overlay districts such as Water Supply, Westfield River Protection, Floodplain Districts. Page 8 of the model bylaws says in passing, “more often small or rural communities consist of a single zone, typically, “Residential-Agricultural” and “in such cases DOER encourages the community to develop one or more overlay zones that enable differentiated review of different classes of Solar Photovoltaic Installations, based on the areas most appropriate for Primary Use solar facilities”. Further caution is made about prohibiting such development to a small percentage of the municipality’s land.

We recommend that the State immediately exempt woodlands, wetlands, undeveloped open space and agricultural lands from solar and BESS development and delay the effective date for implementation of zoning and other regulations in towns classified as rural. Here’s why. The State should take a little more time and work with land protection organizations to enable the development of the science behind alternative zoning and incentives; to allow the education of cities and towns; and to develop zoning and permitting regulations that make sense to protect certain lands which are effective contributors to carbon sequestration. The state also needs to answer such questions as how new regs and bylaws will relate to towns which have existing solar and wind bylaws in place, such as Chesterfield--will our bylaws be grandfathered? Or, how will such wildlands and woodlands owned by State or other organizations be treated in the new regulations and model bylaws? And, how should towns proceed which have no commercial or industrial zones and primarily only mixed Residential/Agricultural Districts?

Given our limited capacity and staffing at the municipal level, where volunteers are almost exclusively relied upon to work on relevant boards and commissions such as Planning, Zoning, Conservation, Board of Health, Hazard Mitigation and others relevant to this topic, the state should automatically allow small towns to elect a one year to 18 month moratorium in order to prepare for “the community to develop one or more overlay zones that enable differentiated review of different classes of Solar Photovoltaic Installations, based on the areas most appropriate for Primary Use Facilities” (page 8, model Zoning Bylaw). After that time, if towns fail to act after an appropriate period, then deemed approval may be appropriate.

We also appreciate the proposed circuit rider approach to provide technical assistance throughout the state. To provide the level of assistance that will be required, circuit rider(s) will have to be available to be effective. We suggest that west of Worcester and in other rural areas of the state, demand for the circuit rider(s) will be huge. Small town boards cannot and should not be expected to be able to carry on their regular duties and responsibilities while also simultaneously processing applications for facilities about which they have no technical understanding, no zoning or permitting rules in place to adapt to these changes and limited legal and human resources with which to move forward. Many towns are engaged in updating Master Plans, creating Municipal Vulnerability Plans, and other actions that may be 20-30 years overdue. Even minor zoning changes now require a minimum of a year to review: several months of board review, followed by months of town counsel review, special or annual town meeting review and then the state Attorney General’s Office review.

Enabling solar and wind alternatives to develop through deliberate consideration of these issues in advance will go a long way towards their important and successful development in a state whose climate change commitments will rely on appropriately sited solar developments as well as a flourishing economy which is reliant on the success of working forests and farms and open lands, for production of food and wood products and tourism attracted to these lands.

Sincerely,

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