



BRPC

Berkshire Regional Planning Commission

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THOMAS MATUSZKO,
Executive Director

November 14, 2025

Joanne Bissetta, Department of Energy Resources
100 Cambridge Street, 9th Floor,
Boston, MA 02114

RE: Model Bylaw Comments

Dear Ms. Bissetta,

The Berkshire Regional Planning Commission (BRPC) hereby submits general comments with regard to the *Model Zoning Bylaw: Allowing Use of Solar Photovoltaic Installations* and the *Model Zoning Bylaw: Allowing Use of Battery Energy Storage Systems*. BRPC appreciates the efforts of the Department of Energy Resources in preparing these model bylaws to help support communities within the Commonwealth. BRPC offers the following comments for your consideration.

The preamble of both model bylaws states that “municipalities should independently verify compliance with the applicable DOER regulations and Guidelines.” BRPC has previously raised the concern that communities are mandated to follow Guidelines that may be changed through a very informal, internal process without public input. Once finalized, the Guidelines should be incorporated into the Regulations if they are to be binding documents that communities must adhere to.

In addition, there is a notation within *the Model Zoning Bylaw: Allowing Use of Solar Photovoltaic Installations* regarding “Qualifying as a Green Community”. The notation appears to address communities that have not already qualified as a Green Community and states:

To satisfy the Green Communities Act As-of-Right zoning requirement, codified at M.G.L. c. 25A, § 10(c), a municipality may adopt by-right zoning for Solar Photovoltaic Installations in at least one Designated Location, which permits a Primary Use Solar Photovoltaic Installation with a name plate capacity of 250 kW (DC) or more. Municipalities should reference guidance from the Department of Energy Resources (DOER) Green Communities Division on meeting zoning criteria for Designated Locations to qualify as a Green Community.

It is important to address communities that have already met this criteria and provide guidance to ensure that changes to their bylaws do not result in the loss of their qualification. Additional guidance is needed and, at a minimum, it should be flagged and noted where the model bylaw would not meet the Green Communities requirements and would need to be amended.

Lastly, since many communities already have solar bylaws it would be helpful to specifically call out which elements are required in order to amend an existing bylaw or provide other guidance for amending an existing bylaw. We acknowledge that this type of guidance may be planned to be addressed separately; however, it would be helpful to provide a commitment to providing such guidance in the near future.

Sincerely,

Thomas Matuszko, Executive Director