

## Smart Regulations

MICHAEL BRILLO <mbrillo12@comcast.net>

Sat 5/30/2020 12:53 PM

To: SMART, DOER (ENE) <doer.smart@mass.gov>

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Dept. of Energy Resources,

I understand the DOER has released Emergency SMART REGULATIONS. I am a landowner in Freetown MA working on a solar project on my families land. We have been working on this project since 2019.

The new landuse regulations will make my property ineligible for Solar effective immediately. This would be a big loss for me and my family and we urge you to revisit and revise the regulations.

I have two issues I would like you to address in changes for the program:

### LAND USE RESTRICTIONS:

1. BioMap2 what not designed or intended to be used as on a parcel level. It is merely a conservation planning tool with *no regulatory function* “
2. BioMap2 has not accurate to individual parcels, or partial parcels because it was primarily created using desktop computer modeling. Biologists acknowledge that some land areas are incorrectly categorized by the modeling. Only a biologist in the field can provide a specific parcel level determination. In the case of the BioMap2, there is no provision for a landowner to challenge the model if in incorrectly falls onto their property.
3. DOER is stepping outside of its delegated authority.

**This language is unfair to me and my property since we have been working on this project for so long. Is there no due process for me to have a parcel specific review? Solar development does not turn forests to concrete like other development. In 20 years these projects will revert back to nature. Why are no other types of development subject to this scrutiny.**

**Conclusion: DOER should delete BioMap2 and any link to “Priority Habitat,” “Core Habitat” or “Critical Natural Landscape” provisions from SMART Regulations**

## 2. GREENFIELD SUBTRACTOR

I understand the emergency regulations also increase the “Greenfield Subtractor” by 2.5 times it’s the original level, and eliminating the provision that creates an exception based on local laws. The Greenfield Subtractor will not achieve a policy goal of encouraging solar development on previously disturbed sites – it will effectively reduce my lease price.

**Conclusion: DOER should eliminate the “Greenfield Subtractor” back to the original language or developing solar on my property is not practical or worth it. The subtractor could impact my lease price, and there for my livelihood/retirement.**

Sincerely,

Michael Brillo