

SMART Public Comment

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

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Public Comments on SMART Emergency Rule Making

To: DOER

From: Eric R. Smith

Director of Planning and Development

Town of Athol

Sent via email via planning@townofathol.org

I have reviewed the Emergency rule making for the SMART program and can only say how disappointed I was in the rules and the apparent lack of recognition of the many, many public comments about protecting forests within the State.

I provided comments to MA DOER last fall noting that as Director of Planning and Development for the Town of Athol, I am in the front line in the community in regards to the planning and permitting of large ground-mounted solar arrays. When I first learned about the proposed SMART program in the summer of 2017 during a time period when Borrego Solar Systems, Inc. was undertaking a site plan review for a proposed 5+/- mW array on a former gravel pit site. Eventually, I got the chance to review the draft SMART program regulations and was really excited to see that this solar credit program being designed to incentive re-use of Brownfield and previously disturbed sites and dis-incentivizing greenfield (e.g. existing undeveloped and, especially, forested sites).

However, as 2018 moved forward and eventually into 2019 I learned that the actual implementation of the SMART program didn't have very strong incentives fostering the re-use of brownfield and previously disturbed sites and dis-incentivizing greenfield. Even worse, I felt like it was a slap in the fact to see that the Town of Athol was being penalized for adopting a solar zoning bylaw. Mere presence of our bylaw allowed solar developers to avoid the little greenfield subtractor that was put in place in the adopted SMART Program Regulations. Through this 2018-19 period most of the projects that were coming before the Planning Board or just speculated, either through developers or property owners contact me, were almost all greenfield sites. The Town of Athol has been trying to work on landfill project, but due to the State procurement laws and the vetting of a solar developer, by the time that process ended, the SMART program was prescribed and that project sits on hold, especially with the National Grid infrastructure-capacity issues.

Based on my experiences and wishes to see solar array developments truly prioritized for previously developed areas and closer to where the actual power usage is being generated, I have completed a reviewed of the SMART Emergency Rule Making and applaud DOER for some of its proposed changes, but also challenge that some still have not gone far enough.

I offer my specific comments on the SMART Emergency Rule Making as follows

LAND USE CATEGORIES:

The modifications to the land use siting criteria after the publication date have not gone far enough to change the major impact on forests to come from this program. Specifically, Category 2 now includes any installation located in a solar overlay zone or that comply with established local zoning that explicitly addresses solar or power generation. Below are reasons why the inclusion of any land covered by local zoning that addresses solar is a poor policy:

1. Most Massachusetts towns adopted solar zoning in the 2010 to 2012 time period in the rush to be considered a green community. This was the case with Athol when they established their first bylaws allowing solar as of right. The adoption of solar bylaws during this time period preceded the creation of the SMART program; therefore towns could not know how this might work against their efforts to control their own future development. Many towns are now revising their earlier solar bylaws to become much more restrictive including in many cases the prohibition of solar in all or in some residential zones. Many towns have resorted to moratoriums to stop new applications while they investigate needed changes to protect their natural resources. The forestlands that citizens want to protect are naturally located in the residential zones. Towns are now making changes with more insight into the negative impacts of solar installations in greenfields that have resulted from the incentives in the SMART program.
2. The use of any zoning category within the Category of land use is in fact undermining the decisions of local officials. All references to zoning should either be deleted or be modified to reference commercial and industrial zones as Category 2 and residential zones as Category 3.
3. As a case in point, since Athol has local zoning that "explicitly addresses solar or power generation", the new regulations have made ALL land within Athol Category 2 land.
4. Does DOER know of any town that does not have solar bylaws? While investigating the solar bylaws of more than 35 towns in central and western Massachusetts, all were found to have solar bylaws. Therefore, the proposed changes included within the emergency rulemaking are still in fact undermining local zoning. Perhaps the definition of Category 3 "not otherwise designated Category 1 or Category 2" is a paper definition only without any physical land that matches the definition. DOER should quantify the amount of land that falls under Category 3 before adopting this as a final definition.

As an alternative to including zoning as a part of the definition, DOER should consider definitions that directly relate to physical land conditions or current land use. Category 1 already does this with references to agricultural use, brownfields and landfills as examples.

Category 2 could be defined as land with previously disturbed areas which could include gravel pits, abandoned properties, developed properties that could be re-purposed to solar, or any land that has had the soil layer removed or altered with past development.

Category 3 could be defined as any other land or as greenfields. Greenfields could have a broad definition of undisturbed land such as forestland, meadows, fields, etc.

The creation of land use categories along the lines of the above alternative would then fit better with the intended use of the greenfield subtractor.

GREENFIELD SUBTRACTOR;

The increase in the Greenfield subtractor by a factor of 2.5 (versus the proposed factor of 5.0) may appear significant to some but it is in fact negligible. Here is an example:

From a FAQ document from DOER, a Category 2 unit for a 5 MW installation based upon the panel efficiency and size would have a Greenfield subtractor of \$0.00736. With a base compensation rate for National Grid of \$0.11227, THE GREENFIELD SUBTRACTOR IS JUST A 6.55% REDUCTION FOR THE LARGEST UNIT ALLOWED. If the unit is decreased to a 2 MW installation, the reduction is only 2.62%. Several solar companies commented in the fall that this would stymie the industry. Yet there were limited comments to the 4% declining compensation rates that in less than 2 blocks would exceed the Greenfield subtractor.

Within the last month I understand that there were comments from two solar installers in webinars that the adder for rooftop and canopy installations is still not sufficient to make the projects cost-effective. With adders for building mounted at \$0.01920 and canopies at \$0.06, these are far greater than the Greenfield subtractor by a factor of 6.5 times for building mounted and 20 times for canopies assuming a 2MW unit. The conclusion should be that the subtractor is still not large enough to change where the solar installers will look to construct units. DOER should reassess the actual magnitude of both the adders and subtractors to determine what it would take to at least put rooftops/canopies/brownfields on the same interest level as greenfields.

MEANS OF CALCULATING GREENFIELD SUBTRACTOR:

The use of area of the solar panels only as the means of calculating the greenfield subtractor ignores the true impact of the installation. It ignores the fact that land is necessary for space between the panels and for all the other necessary facilities. DOER should revise the formula to include all the acreage within the facility, a true measure of the impact to the greenfields.

DELETION OF PREFERRED INTERCONNECTION ADDER/SUBTRACTOR: There was no discussion in any DOER documents as to why this proposal was scrapped. This is disappointing as it would have made a real difference in where installations were to be located and would have reflected non-SMART costs which will continue to be ignored. How unfortunate this is. DOER is encouraged to explain their decision and to reconsider this.

I concluded my comment letter last fall with these statements: "In conclusion, my 2 priorities areas that should be given the proper adders to foster additional ground-mounted solar array (with subtractors finally dis-incentivizing the greenfield clear cut sites) development would be:

- a. areas closest to where the power is being generated (which then would not force our utility infrastructure to be upgraded as much I would suspect); and
- b. previously developed lands in our area (from parking lot and building siting of arrays to on gravel pits/brownfield sites)."

This still applies today.

Respectfully submitted by Eric R. Smith, AICP, Director of Planning and Development, Town of Athol

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