



The Commonwealth of Massachusetts  
MASSACHUSETTS SENATE

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INTERGOVERNMENTAL AFFAIRS

June 1, 2020

Honorable Kathleen A. Theoharides  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

**RE: SMART Emergency Rulemaking 225 CMR 20.00**

Dear Secretary Theoharides:

I am writing to express my concern regarding proposed changes to the Commonwealth's Solar Massachusetts Renewable Target (SMART) Program. As you know, this program is designed as an incentive to support the development of solar energy in Massachusetts. The regulations set forth to implement this program incorporate various land use and siting criteria, taking into account a variety of factors including, but not limited to, zoning, existing use, natural resources, and topography. The recent emergency rulemaking process initiated by the department, however, has the potential to unreasonably restrict currently proposed solar developments.

Specifically, the proposed changes to 225 CMR 20.00 would apply unreasonable restrictions on projects potentially impacting priority habitats. Without question, the Commonwealth must strive to protect these key environments. The changes outlined in these proposed rules, however, fail to provide the flexibility needed to balance habitat conservation with clean, renewable energy generation. These changes also fail to provide an appropriate remedy for projects currently underway that may have to cease further development. Overall, the net result of this proposed policy change could negatively effect conservation and clean, renewable energy goals.

I respectfully ask that the department halt these proposed changes for further review. At a minimum, the department must seek alternative avenues to assist landowners who have already expended significant resources to expand solar energy generation on their property. Thank you for your time and consideration in this matter. Please contact my office with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Montigny".

Mark Montigny  
**SENATOR**