



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

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The Honorable Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
100 Cambridge St #900
Boston, MA 02114

The Honorable Commissioner Patrick Woodcock
Department of Energy Resources
100 Cambridge St #1020
Boston, MA 02114

Re: SMART Emergency Regulations

Dear Secretary Theoharides and Commissioner Woodcock,

Warmest congratulations to Commissioner Woodcock on your appointment as DOER Commissioner. DOER's work is so important at this time, and so important to my district, and I look forward to a productive relationship.

I write also to thank you for your work on the SMART program's emergency regulations – I know this has been a painstaking process.

As I have noted in previous comments on this solar subsidy program, the Commonwealth must balance the protection of natural resources with the need for rapid development and deployment of renewable energy infrastructure. The SMART program *must* align with the Commonwealth's commitment to land conservation and its recognition of the important functions and values that natural lands and farmlands provide, including carbon sequestration and resilience to the unavoidable impacts of climate change.

With this in mind, the following are recommendations that would ensure a solar development program that both recognizes the value of natural working lands, and gives towns and the public the tools needed to ensure the program is carried out effectively:

- All projects, including public projects on public land or projects on private land providing energy to public entities, should be prohibited from developing in BioMap2 areas. Category 1 solar development should be prohibited on Core Habitat, Priority Habitat and Critical Natural Landscape lands. This public project 'loophole,' that includes a 4 cent per kWh adder, would continue to leave communities vulnerable to greenfield development and to lawsuits for attempting to pass bylaws to restrict greenfield development
- The 2.5x Greenfield Subtractor remains inadequate to prevent greenfield development and should be significantly higher. In addition, the subtractor should be applied to the entire footprint of the site, not just the square footage of the solar panels.

- MassWildlife and the Department of Environmental Protection should review any greenfield development, and a Massachusetts Endangered Species Act (MESA) review should occur at the outset of the permitting process, not towards the end.
- Increase adders or provide other incentives for rooftop solar development as well as for co-locating solar facilities on already developed and/or compromised lands including but not limited to landfills, brownfield sites, abandoned mine sites, highway cloverleaf interchanges, gravel pits, sewage treatment plants and other similarly developed municipal lands, above parking lots, on large commercial building roofs, and on business and industrial parklands. The National Renewable Energy Lab estimates that over 40,000 acres of rooftops are suitable for solar development in Massachusetts.
- Develop an updated solar model bylaw and associated guidance regarding “reasonable” regulation of solar development. Provide support to local communities, regional planning agencies, Green Communities programs, and other statewide stakeholders for municipal solar bylaw issues. This current question of what restrictions are allowable for solar opens towns up to costly lawsuits, which cannot be supported through small town budgets. DOER should explicitly solicit and incorporate feedback from municipal boards in rural western and central Massachusetts, and work with regional planning authorities to ensure municipalities have adequate time and support to implement appropriate, updated solar bylaws.
- Provide a fund and technical support, and/or an arbitration mechanism, to assist municipalities in dealing with solar-related litigation.
- Make available to the public data on the total acreage of solar development across the state including the location of all projects. This will enable more effective monitoring of the impact of these developments on land types, the effectiveness of the new rules in preventing greenfield solar development and instead incentivizing development on brownfields, developed lands, rooftops, parking canopies, and other appropriate, previously disturbed locations.

Thank you for your consideration of these points. This SMART program is so critical to the Hampshire, Franklin, Worcester district, which is both filled with beautiful forested land and farmland that should be preserved, and residents who have a strong desire to see our Commonwealth transition to solar as fast as possible. Our climate emergency demands that we do both.

Warmly,



Jo Comerford
State Senator
Hampshire, Franklin, Worcester district