



THE COMMONWEALTH OF MASSACHUSETTS  
House of Representatives  
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By Email at [DOER.SMART@mass.gov](mailto:DOER.SMART@mass.gov)  
Patrick Woodcock, Commissioner  
Massachusetts Department of Energy Resources  
100 Cambridge Street, #1020  
Boston, MA 02114  
June 1, 2020

Re: SMART Program Emergency Regulations Comments

Dear Commissioner Woodcock:

I am writing today regarding the SMART Emergency Regulations. I appreciate the opportunity to submit comments as well as the chance to speak at the public hearing on May 22, and thank you and your team for your work on this issue. I am particularly struck by the way DOER seems to be advancing and promoting solar power development in the state while proactively ensuring protections for a wide range of sensitive habitats. This is critical work and I am glad DOER has had the foresight to make this commitment.

I am particularly pleased to see the use of the online mapping tool. It not only shows which parcels are ineligible for SMART when they fall within the Priority Habitat, Core Habitat, Critical Natural Landscape, and BioMap2 polygons, but also the parcels that overlap Priority Habitat and BioMap2 polygons, which are also ineligible for SMART if 50% or more of the parcel is classified as PriHab or BioMap2. This interactive map allows applicants to zoom in and out throughout the Commonwealth of Massachusetts to identify whether specific parcels are subject to the prohibition. Projects located directly on these types of designated land, and projects located on a parcel where these types of designated land make up at least 50 percent of the area of the parcel, are not allowed to participate in the SMART program.

There are, however, a few issues that I would like to see altered or addressed more fully within the regulations.

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- The 2.5x Greenfield Subtractor is inadequate to prevent greenfield development and should be at least 5x greater than its current level. In addition, the subtractor should be applied to the entire footprint of the site, not just the square footage of the solar panels.
- The regulations do not apply to projects that have met certain development criteria, which may mean that they would not apply to 75 MW of development on the waitlist.
- There is no MW DC or acreage cap for Category 1 projects, which do not have any BioMap2 land use requirements. Potentially, this means that there could be a very large (DC) project with significant battery storage that feeds into the grid as a smaller (AC) system
- “Public” projects are not required to follow the new land use requirements, do not have a greenfield subtractor and get a \$0.04/kWH adder without defining whether public means public land, publicly-owned, or selling electricity to a public entity. While this could be beneficial for a town and environmentally prudent, without further clarification, this is subject to abuse. This puts additional pressure on small western and central Massachusetts towns. **DOER should work within its Green Communities program, and with statewide stakeholders, to develop an updated solar model bylaw that provides better protections to towns from greenfield solar development.**
- The combination of Eversource East and West also puts increased pressure on western and central Massachusetts as **all of the capacity for Eversource East can be sited in western and central Massachusetts.** There is already 372 MW from SMART I available in Eversource East that could be shifted to Eversource West. Meanwhile, Eversource West has a wait list of 56 MW.
- Solar overlay districts or any area in which the zoning mentions large-scale solar are Category 2 rather than Category 3 so they get a smaller subtractor. Previously, at least 60% of projects that were on greenfields were getting out of having a subtractor due to this exemption. **This is highly detrimental to towns since many are afraid of not including large-scale solar as a potential land use (for fear of being sued), and if they don’t mention it at all, they cannot guide what the application/permitting process should look like.**
- Looking at DOER’s numbers, a 5 MW DC project in Category 2 would still get 93.4% of the baseline incentive, and if it developed as “pollinator-friendly” it would get 95.6% of the incentive. A 5 MW DC project in Category 3 would get 87% of the incentive, or 89% with the pollinator adder. This means that the subtractor does not do much in terms of discouraging development of non-BioMap2 forests farmland, at least for Category 2 projects.
- The regulations allow projects to qualify for “low income” adders if they feed electricity to a resident in a “low income eligible area.” This means that someone could be making \$200,000 a year and still qualify as low income if they lived in an area with a low median income. Presumably, this will make SMART numbers look better, but this doesn’t really help low income residents.

- For any greenfield development, MassWildlife, MA DEP, and a Massachusetts Endangered Species Act (MESA) review should occur at the beginning of the permitting process, not at the end.
- DOER should increase adders or other incentives for rooftop solar development as well as for co-locating solar facilities on already developed and/or compromised lands such as 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 park lands.
- DOER should make data on the total acreage of solar development across the state including the location of all projects available to the public. 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 again for the opportunity to comment on the SMART Emergency Regulations. I look forward to working with DOER to help Massachusetts reach its emissions reduction goals through increased solar capacity while protecting our forests and natural systems.

Sincerely,



Lindsay N. Sabadosa  
State Representative, 1st Hampshire

Cc: Secretary Kathleen Theoharides, EOEEA  
Kurt Gaertner, Director of Land Policy and Planning, Executive Office of Energy and Environmental Affairs  
Eric Steltzer, Regional Energy Division Director, Department of Energy Resources  
Senator Mike Barrett, Senate Chair of the Joint Committee on Telecommunications, Utilities, and Energy  
Representative Thomas Golden, House Chair of the Joint Committee on Telecommunications, Utilities, and Energy  
Senate President Karen Spilka  
Speaker of the House Robert DeLeo