

## SMART PUBLIC COMMENT

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

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Dear Commissioner:

I, and my family, would like to express our strong opposition to the removal of lands identified as priority habitat from qualification for the SMART program. We know you have received significant opposition to this change, and the Bio Maps and rationale being used for the change, so I will leave it to the lawyers to make the legal case, and those more talented than I to argue the business case. We are simply small landowners, families who have been concerned about the land, threatened/endangered species, climate and the environment, throughout our lives. Members of our family have worked in public service roles for decades and have preserved hundreds of acres of family lands for generations.

I listened to the Public Hearing and the many speakers. I heard comments that made good sense, and others that were less cogent. Having originally written my comments before the Public Hearing, I am glad I waited to send, rather than duplicate others' presentations.

The Public Hearing solidified our concerns about the **false dichotomy** being advanced. It is not a case of ***"allow the use in the SMART program and trees will be cut" or "disqualify the use of these lands for solar in the SMART program and the land will stay preserved as is."*** The argument I would bring to you is that there are significant additional variables in the considerations. Disqualifying the use of land labeled as "priority habitat" from participation in the SMART program does not guarantee its retention as forested or even undeveloped land. Indeed, in many cases, it is likely to increase the pressure on the land for greater development, not conservation, as landowners face growing tax burdens on land that does not produce or contribute an income. Priority habitat may be developed for many other purposes, subject to the same restrictions which, prior to your emergency regulations, were applicable to the development of solar projects on these lands. Disqualifying these lands from the solar program takes away a viable revenue option for continuing conservation-compatible activities and stewardship, both by landowners and local towns.

The emergency rule penalizes landowners, like our family, who have kept faith and provided nearly 200 years of public benefit by conserving our lands from aggressive development and protecting many acres in perpetuity for future generations. Now, however, just as we have sought to secure a viable pro-environment, limited impact mechanism to provide financial support from the land for our family and our town, you have eviscerated those goals with this action. You have undone and made obsolete multiple years of research and preparation to support renewable energy goals while protecting threatened species, and you have made local families and landowners fear they will not be able to afford to keep their lands, so they might as well develop them heavily now, before they lose all their property rights and the lands become simply a black hole of tax expenses. This scenario is bad not only for the landowners, but also land conservation and the people of Massachusetts. It is likely to result in more development, not less! Do you really want to incentivize more intensive development in priority habitat areas, rather than less? What does this also bring then? It brings the need for more roads and other Town services, so higher property taxes for the lands that have lost an environmentally friendly revenue option and more pressure for less conservation friendly development. That is what results from policy decisions that fail to consider the bigger picture. Again, this is not good policy.

Increasing the financial gain to already developed properties by incentivizing and limiting the SMART program to those sites only encourages greater development and concentrates the benefits of the state-subsidized program to businesses and developers and away from families, small landowners and towns. In addition, increasing the return for more industrial parks, subdivisions, or landfills, simply means that you will get more of them.

While it is a fine idea to use currently developed property for solar, **this does not negate the need for encouraging environmentally friendly, revenue producing uses for land with minimal development.** Disqualifying this SMART solar use of the land simply means instead of a nice meadow for 20-30 years, and associated undisturbed land, you are increasingly pressuring that additional land be 'developed' for less preservative use by removing other options – so you have a lose-lose scenario: no trees, no meadows for wildlife movement and no soil for carbon sinks, no land for new trees to grow at the

end of the solar project term, which will be even more valuable to the climate in 20+years,(as the research literature indicates), no renewable energy and, in the meantime, more development and less land conserved because expenses for keeping the land continue to increase.

With 200 years of family history and careful stewardship of our lands, my mother would turn the air blue expressing her disdain for developers who turned rural lands into subdivisions and industrial parks. As many who grew up on the land, she and her siblings learned to respect appropriate use of its bounty, while preserving its productivity and continued well-being. From trees for the family sawmill to pastures for the work horses, to cornfields and gardens for the cellar stores, the people supported the health of the land and the land supported the needs of the people. Today the costs of preserving land have increased exponentially, but the family's dedication to the land has remained the same. It is a symbiotic relationship which benefits all – the family, the community, and ultimately the State. We believe this change in the rules is a bad decision which will hurt our towns, our renewable energy opportunities which provide climate resources, revenue, and benefits throughout, and our conservation goals.

I echo the concerns of working farmers as well, if they can gain benefits from adding solar to buildings and other impervious surfaces on their lands, they may be able to increase the amount of land that may be kept natural, rather than having to continually produce larger and larger crops to survive. Why would you want to exacerbate their financial burdens; it simply means they have less flexibility in land use and conservation. It hurts everyone when our small farmers are unable to keep their farms. Continuing environmentally friendly revenue opportunities for such landowners is an important component of healthy land preservation. Removing opportunities for low income landowners to use their property for financial gain without intense development increases inequity and pressures. Landowners come in all economic strata, though constantly increasing taxes puts those who are low income, and their fellow taxpayers in low income communities, at continuing disadvantage. By removing significant revenue opportunities and jobs from towns, you will increase tax burdens on all, especially those who have land, thereby requiring more revenue for the landowners in order to pay their taxes, which increases the pressure to develop the lands. It becomes a vicious circle. I note this is ever-more the case in our present circumstances of social and economic upheaval; when the State and towns are left with decreasing revenue from business and increasing cost for health and services, to whom do they turn to make up the shortfall – the landowners.

We ask that you please rescind this disqualification of priority habitat and return the requirements to the original rules. We believe the false dichotomy put forth in support of such action to have been in error and not in the best interests of the program, the people, our towns, or the Commonwealth. Thank you for your consideration and action.

Sincerely,

Leslie F. P. Boness

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