



**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

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February 23, 2018

Ms. Judith Judson
Commissioner
Massachusetts Department of Energy Resources
100 Cambridge Street, 10th Floor
Boston, MA 02116

Dear Commissioner Judson,

On behalf of the cities and towns of the Commonwealth, the Massachusetts Municipal Association is writing to offer comments on the Department of Energy Resources' Solar Massachusetts Renewable Target (SMART) program proposed guidelines. Clean and renewable energy is very important to cities and towns in Massachusetts. Nearly every city and town in Massachusetts now has a solar development, 210 municipalities have been designated as Green Communities, and over 68% of Massachusetts residents live in a Green Community. Cities and towns have helped the Commonwealth exceed its solar goal of 1600 megawatts, far ahead of the 2020 schedule. We look forward to working with DOER to continue this leadership in solar development, and to ensure that solar is feasible for our cities and towns.

The SMART program regulations would require solar projects built on certain types of land to use a subtractor circuit, making the project less economically viable for the customer and for a municipality that wants to participate in a solar project. The SMART program regulations specify that a project sited within a solar overlay district, or that complies with established local zoning that explicitly addresses solar or power generation, meets the criteria for the "Category 1 Non-Agricultural" designation and therefore is exempt from the subtractor requirement. However, the proposed land use and siting guidelines for the SMART program contain an interpretation that differs from what many municipalities expected.

The proposed guidelines would categorize projects located in a solar overlay district, or sited by as-of-right siting, to be under the "Category 1 Non-Agricultural" designation, but if a project needs a variance, special permit, waiver or other discretionary approval, it would not qualify under this categorization, meaning the project would be subject to the subtractor requirement. The MMA asks that DOER reconsider this section of the guidelines, and amend the language to make sure that projects that receive a variance, special permit, waiver, or other discretionary approval, qualify as well. For large solar projects, it is common for municipalities use these types of approval processes. A more in-depth local-approval process indicates due diligence and special consideration by a community, and the community shouldn't be penalized for taking this more robust approach to ensure that solar is compatible with local land uses. The way the guidelines are currently drafted would disadvantage solar projects that go through a more robust siting process at the local level, even though in many cases the community may be actively supportive of solar development.

Thank you very much for your consideration. If you have any questions, please do not hesitate to have your staff contact me or MMA Legislative Analyst Victoria Scalfani at any time at 617-426-7272, ext. 161.

Sincerely,

Geoffrey C. Beckwith
Executive Director & CEO