

Hello,

Please see below. We think the guidelines should be clearer regarding if a project is on Prime Agricultural Land in Oscar or in the 61a program if it can only be Category 1 land, or if it can elect to be Category 3 land by paying the land use detractor. We are unclear if our project can be applied as Category 3, even though it meets some of the requirements for Category 1 (Prime Agricultural Land in Oscar and in 61a program).

Regards,

-Anthony

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**From:** Anthony Fotopoulos [mailto:[anthony@keystoneph.com](mailto:anthony@keystoneph.com)]  
**Sent:** Monday, February 12, 2018 1:04 PM  
**To:** 'doer.smart@state.ma.us' <[doer.smart@state.ma.us](mailto:doer.smart@state.ma.us)>  
**Cc:** Pam Gougeon <[pam@keystoneph.com](mailto:pam@keystoneph.com)>  
**Subject:** RE: Land Use Categories

Hello,

I was wondering if someone could help me understand the rules and guidelines related to Land Use. We have read everything posted, but are unclear on the wording related to Category 1 vs. Category 3.

We have a site in Dighton Massachusetts that is on Prime Agricultural Land (per Oliver database). We also believe it is in the 61a program. This seems that to be categorized as Category 1, we would need to do one of the special agricultural solar systems.

But read differently, we are hoping it means that as long as we pay the land use detractor (and follow the guidelines on how to design the system to preserve topsoil, etc, etc), even though it is Prime Agricultural Land and/or 61a registered, it can still be Category 3 if we accept the land use detractor?

The question is how to read the regulations/rules/guidelines... If you “fit” into Category 1, can you pay the detractor and call a site Category 3 even if it is on Prime Agricultural Land and/or 61a, or if you “fit” into Category 1, you have to stay within Category 1?

Any help would be GREATLY appreciated. My mobile is 303 859 1645 if it is easier to discuss via phone.

Regards,

-Anthony

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**From:** Anthony Fotopoulos [<mailto:anthony@keystoneph.com>]

**Sent:** Tuesday, February 6, 2018 11:42 AM

**To:** 'doer.smart@state.ma.us' <[doer.smart@state.ma.us](mailto:doer.smart@state.ma.us)>

**Cc:** Pam Gougeon <[pam@keystoneph.com](mailto:pam@keystoneph.com)>

**Subject:** Land Use Categories

Hello,

I had a question on the new land use categories that were recently released on the link below:  
<https://www.mass.gov/service-details/development-of-the-solar-massachusetts-renewable-target-smart-program>

My colleagues are having a debate on the interpretation of the 3 categories... Rough summary of the guideline:

Category 1 – Agricultural question:

    If yes – only certain types of solar are permitted

    If no – small systems and a certain other types are permitted

Category 2 – >500 kW AC Commercial/Industrial not previously developed

Category 3 – >500 kW AC and does not meet criteria for Category 1 or 2

If we have a project >500 kW AC on Prime Agricultural Land or that is in Chapter 61a, is it not eligible for SMART? Or because it is >500 kW AC and isn't allowed in Category 1, you can apply for it in Category 3?

Said another way – can you pay the Land Use detractor and use a site on Prime Agricultural Land and/or that is in Chapter 61a as long as it is >500 kW AC?

Sorry about this, but we are confused when we read it... we don't know if our project on an agricultural site is ineligible for SMART or if we just are going to get the land use detractor. Any clarification would be very helpful.

Regards,

-Anthony

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