



July 25, 2025

We ask DOER to address how it intends to treat projects that qualified for an exemption in SMART 2.0 land use and/or energy storage requirements but are not yet operational and still undergoing the permitting process due to unexpected circumstances.

Project ID: MA RPS Class I ID # SMAES 50130

Our team has worked on the Park Drive Project since 2021; it was approved in the SMART Program in 2022, and the Statement of Qualification expired in 2024. We allowed the SOQ to expire with the intent of reapplying to the SMART 2.0 program after obtaining the required permits. The project has undergone numerous delays due to extenuating circumstances.

Our initial delay was due to a title issue and the town allowing access via a road that was not, in fact, under their jurisdiction. Syncarpha was able to resolve this issue by securing an entirely new access road to the project site and undertaking another round of permitting with the town's boards (Planning Board and Conservation Commission). This additional permitting effort took over a year. During this time frame, the Massachusetts Biomap was updated designating this project's location as Core/Priority Habitat. While securing our permits for the new access road, we confirmed our grandfathering status with the DOER and SMART regarding the Biomap update to ensure that we could continue to develop the project despite this change. Since the fall of 2023, when we received final approval of our new access road, we have continued to work on the project with the understanding that it was grandfathered into the SMART program.

While awaiting final approval of our permit from the Planning Board, we filed for an extension with the Conservation Commission for our original Order of Conditions. The Conservation Commission unfortunately denied our extension request, which set into motion a settlement with the Town of Acushnet. Over the next year, Syncarpha spent extensive resources to work with the town, accruing additional permitting and legal fees. Since then, the settlement with the Town of Acushnet was resolved in early 2025, and our team has worked to revise our plans according to the town's guidance. Syncarpha was required to restart our permitting process for a third time with the Conservation Commission and Planning Board in order to address the minor modifications to the project; this is currently in process and we expect to receive approvals early fall.

This project is an example of unanticipated circumstances that arise in the development process regarding renewable energy projects. We ask that the DOER provide flexibility for projects under



the new SMART 3.0 Land Use and Siting guidelines, energy storage and additional adders, for projects in years long development circumstances such as our own. This allows developers to continue pursuing projects that have complied with all regulations and permitting requirements in the State of Massachusetts, and continue to pursue the development of renewable energy despite the hurdles encountered, which consequently add significant time and costs to project development. Providing the option to enter the SMART 3.0 program for grandfathered projects would help us navigate the process as developers continue to face obstacles at the federal level at this time.

DOER Should Clarify Discretionary Nature of Additional Documentation of Participation in Needs-Based Program Under Definition of Low-Income Customer

DOER has included language in the definition of "Low Income Customer" under the Emergency Regulations to reflect the definition that is currently under SMART 3.0 Regulations. While we appreciate DOER's expansion of the definition and expansion of access to benefits for low-income customers, we would ask DOER to clarify if the inclusion subsection "c)" under the definition of Low-Income Customer should be interpreted as a requirement for low-income customer verification or if the language should be interpreted as an optional pathway to verify a low-income customer. We are concerned that the inclusion of this language as a requirement may lead to more unnecessary paperwork and information collection.

DOER Should Provide Additional Guidance on The Use of Screening Tools Under the Definition of Federally Designated Environmental Justice Areas

DOER added language under the Emergency Regulations to the definition of "Federally Designated Environmental Justice Area" that included two federal geographical screening tools, which were recently removed by the White House and the US Environmental Protection Agency, respectively. We ask that DOER clarify how they intend to use the tools as part of SMART, since they have been removed from federal websites.