



July 25, 2025

Samantha Meserve, Director Renewable and Alternative Energy Division  
Massachusetts Department of Energy Resources (DOER)  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Via: Email [DOER.SMART@mass.gov](mailto:DOER.SMART@mass.gov)

Reference: SMART 3.0 Public Comment  
225 CMR 28.00

Dear Director Meserve:

Thank you for the opportunity to comment on the Department's Emergency Regulations (225 CMR 28.00) promulgated on June 20, 2025, for the new SMART Program (SMART 3.0).

Founded in 1984, Beals and Thomas, Inc. (B+T) is a multidisciplinary consulting firm providing professional services in support of the development and conservation of land and water resources throughout New England. We offer creative and solution-oriented land planning and design services that are balanced with an environmental ethic.

We have over a decade of experience with photovoltaic projects across the Commonwealth. We are currently addressing over 30 Massachusetts solar projects at various points of design, permitting and construction.

To date, we have assisted with over 100 megawatts of solar energy projects in the Commonwealth, including large-scale ground mounted facilities, dual-use agriculture/solar designed over cranberry bogs and other farmlands, floating arrays and canopy solar projects over canals and parking lots. We remain at the forefront of the consulting industry serving the renewable energy sector and continue to focus our efforts on advancing solar in Massachusetts.

We offer the following comments that pertain to changes that have design and permitting consequences for our clients and projects.

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225 CMR 28.08 Ineligible Land

225 CMR 28.08(1)(a) would deem as ineligible any project where the project footprint overlaps with any wetland resource area or buffer zone. The previous regulations (225 CMR 20.00) had a similar prohibition on development within a wetland resource area but importantly contained the following language: *"except as authorized by all necessary regulatory bodies."* The new regulations expand the ineligible land definition to include wetland resource area buffer zones, which extend 100 feet from wetlands, and do not include this exception language. The lack of this specific language would prohibit nearly all proposed agrivoltaics and ground-mounted solar projects.

Most projects that we consult on involve the development of land abutting wetland resource areas and as a result some portion of the project is located within jurisdictional buffer zones and at times, the 200-foot Riverfront Area, which is often located in upland areas. Typically, many projects do not entail impacts to wetlands. It is our understanding that this regulatory change would make solar projects the only type of project that would be prohibited from being permitted in wetland resource areas and buffer zones.

Consistent with state and local regulatory requirements, we have historically sought and received approval for the work from local Conservation Commissions and have employed design and construction practices that are meant to avoid and minimize wetland resource impacts. Accordingly, **we strongly urge you to include the previous exception language ("except as authorized by all necessary regulatory bodies") in the SMART 3.0 regulations.**

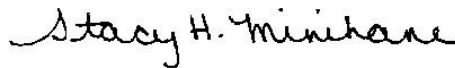
Thank you for the opportunity to comment.

Sincerely,

BEALS AND THOMAS, INC.



Sarah W. Stearns, PWS  
Principal



Stacy H. Minihane, PWS  
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Eric J. Las, PE  
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SWS/shm/ejl/cmv/SMART 3.0 Comments