

# Solway Development LLC

February 1, 2024

Massachusetts Department of Energy Resources  
100 Cambridge Street  
Boston, MA

Re: SMART Review Comments

To Whom It May Concern:

We would like to provide DOER with feedback to the SMART Program, specifically to Section 20.02 Definitions, and, more specifically, the definition concerning what constitutes a canopy. The statute currently reads:

*Canopy Solar Tariff Generation Unit. A Solar Tariff Generation Unit with 100% of the nameplate capacity of the solar photovoltaic modules used for generating power installed on top of a parking surface, pedestrian walkway, or canal in a manner that maintains the function of the area beneath the canopy.*

As it currently reads, it would prohibit canopies on government land that is not being used for parking, such as a highway median, or any other excess government land where it would be useful to have solar but a ground mount array would not be appropriate. We would suggest the following change:

*Canopy Solar Tariff Generation Unit. A Solar Tariff Generation Unit with 100% of the nameplate capacity of the solar photovoltaic modules used for generating power installed on top of a parking surface, pedestrian walkway, canal, **or any government land**, in a manner that maintains the function of the area beneath the canopy.*

This change would, we believe, open up more land in urban areas to solar. And because solar canopy projects are traditionally more expensive than ground-mount projects, in some instances 40% or more, the risk that such a change would be abused seems low, especially if it is restricted to government land. Overall, we think this change will a significant plus to the SMART Program.

Sincerely,



James McAuliffe  
Partner

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