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General Comment on SMART Program

The Hampshire, Franklin, Worcester district has hundreds of thousands of acres of natural and working lands, including farms that feed our Commonwealth, trees that breathe for our Commonwealth, and the Quabbin Reservoir which provides drinking water to our Commonwealth. Its residents are urgently concerned about climate change, deserve equal access to our green energy revolution and want to see solar installed throughout the district, smartly sited in a way that helps us meet our statutorily established emissions reduction limits and does not cost us the invaluable resources that our natural and working lands provide.

Since the establishment of the SMART program, the legislature has passed and the Governor has signed two significant omnibus climate laws. In addition to the passage of those climate laws, the Commonwealth has released deeply researched and comprehensive climate policies, including the [Clean Energy and Climate Plan for 2025 and 2030](#), DOER's [Technical Potential of Solar Report](#), the [Massachusetts Farmland Action Plan](#) and the [Resilient Lands Initiative](#).

The SMART Program should be updated to ensure its alignment with the Commonwealth's climate and natural and working lands policies and goals as outlined in those reports.

Finally, we know that we are not currently siting renewable energy infrastructure at a pace that is fast enough to meet those statutorily required emissions reduction limits. In addition to the legislature creating the Grid Modernization Advisory Council, the Governor established a Clean Energy Infrastructure Siting and Permitting Commission, and the legislature may pass additional legislation this session to facilitate the siting of renewable energy infrastructure. In this context, it is imperative that the SMART Program regulations get it right when it comes to incentivising the development of solar in a way that protects our natural and working lands.

Thank you for your work on this program and for considering my feedback.



Jo Comerford

State Senator

Hampshire, Franklin, Worcester district

1. The SMART program currently provides added incentives for certain project types, including building mounted, canopy mounted, landfill, brownfield, agricultural, floating, community solar, and projects serving low income or public entities, projects with energy storage, and axis tracking. DOER seeks additional feedback on changes or improvements that will advance achievement of the Commonwealth's 2050 GWSA mandates while balancing land use, equity, and economic considerations.

A. What project type incentive changes could improve program outcomes?

I am resubmitting, in part, a comment submitted by a constituent:

[MassAudubon's Growing Solar, Protecting Nature report](#) states that "A loophole in SMART provides state funding to ground-mount projects on high biodiversity lands as long as they are community solar." This explains why, despite preferences in the regulations, thousands of acres of forest have been or are being lost to SMART-subsidized solar. As the report documents, "From 2010-2020, nearly half of ground mount arrays (3,753 of 7,900 acres) were sited in forested areas." Similarly, SMART-subsidized solar has dramatically reduced active agricultural land, another priority for the Commonwealth. The Growing Solar, Protecting Nature report states that "To date, nearly 1,600 acres of Massachusetts prime farmland has been converted to host ground-mount solar arrays."

The community-solar loophole must be removed.

The Growing Solar, Protecting Nature report also makes several policy recommendations that SMART incentives should align with. These are:

- Eliminate state incentives for solar projects on valuable natural and working lands while increasing incentives for solar on rooftops and developed lands
- Invest in reducing the labor and permitting costs of rooftop and canopy solar projects [can be achieved through effective Adder rates]
- Support large-scale landowners in building solar on rooftops and near existing transmission infrastructure

Projects on disturbed land and the built environment must be prioritized consistent with 2023 Massachusetts Technical Potential of Solar Report, the Clean Energy and Climate Plan for 2050 and the Massachusetts Clean Energy and Climate Plan for 2025 and 2030. In particular, deployment on forested land and active agriculture, should not be incentivized or even, subsidized. Similarly, the higher costs of developing on rooftops and developed land including canopies must be addressed by incentivizing through SMART program Adders for these projects.

Subtractors

The level of the current subtractors are clearly insufficient to adequately disincentivize development in places that the SMART regulations and the Commonwealth's climate reports identify as bad siting. The subtractors need to outweigh the Adders. What seems to be happening is that a project can be sited on forested or agricultural land but claim an Adder, such as Low-Income, and still retain a competitive standing.

Greenfield Subtractors (g)

A Solar Tariff Generation Unit that is classified as Category 2 Land Use or Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)2. or 3., shall have value subtracted from its Base Compensation Rate as follows:

- 1. Category 2 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 2 Land Use, as prescribed in 225 CMR 20.05(5)(e)3. or that meets the exception established in 20.05(5)(e)1.c, shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0005/kWh per acre of land that the Solar Tariff Generation Unit occupies.*
- 2. Post Publication Date Category 2 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 2 Land Use, as prescribed in 225 CMR 20.05(5)(e)3 and 20.05(5)(e)7.b, after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.00125/kWh per acre of land that the Solar Tariff Generation Unit occupies.*
- 3. Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4., or that meets the exception established in 20.05(5)(e)1.c , shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.001/kWh per acre of land that the Solar Tariff Generation Unit occupies.*
- 4. Post Publication Date Category 3 Land Use Solar Tariff Generation Units. A Solar Tariff Generation Unit that is classified as a Category 3 Land Use, as prescribed in 225 CMR 20.05(5)(e)4 after the Publication Date shall have its Base Compensation Rate reduced by a Greenfield Subtractor of \$0.0025/kWh per acre of land that the Solar Tariff Generation Unit occupies.*

b. Should other project types also be prioritized?

Section 63 of [Chapter 179 of the Acts of 2022](#) stipulated:

Department of energy resources shall promulgate regulations to include in the solar incentive program established in section and in any successor solar incentive program **requirements for pollinator-friendly solar installations for ground mounted solar**

installations that remove vegetation as part of such installations. The department of energy resources shall develop criteria for such installations and require that pollinator-friendly solar installations be certified by a recognized pollinator-friendly solar photovoltaic certification program at a higher education institution in the commonwealth or that have obtained another equivalent certification as determined by said department.

Additionally [S.2089](#), which I filed stipulates:

The department of energy resources, shall establish a program to **encourage the construction and operation of solar power generating canopies over large parking lots**. The program shall include:

(i) incentives to encourage the construction and operation of solar power generating canopies and co-located energy storage facilities, which may include construction requirements, incentive payments, tax reductions or deferrals, expedited interconnection requirements, zoning or other regulatory preferences, which may include increasing the amount of the incentive through the state's current or future solar incentive program for solar panels mounted on parking lot canopies; or other financial or regulatory incentives;

I believe solar canopies over built and disturbed land, like parking lots, are particularly important as we also site ground mounted solar. Commonwealth residents must see that this is an all fronts approach. When considering whether solar canopies are cost effective, it is worth considering the value of demonstrating to Commonwealth residents that our state is committed to building the full amount of solar we need to meet our emissions reduction limits, along the timeline that we need it, and pursuing innovative solutions, while also pursuing ground mounted solar where necessary.

2. The current SMART program structure includes a declining block model. Is a structure with fewer blocks and a greater decline between blocks preferable to a greater number of blocks with a smaller decline between blocks? Are there any other modifications to the declining block model structure that could more effectively support solar development?

I am re-submitting a comment submitted by a constituent:

DOER should focus on the desired outcome rather than that process. I would suggest that the desired outcome is incentivizing the projects that best align with the Commonwealth's siting priorities using data from the Technical Potential of Solar report. Specifically, siting solar in a way that is complementary to carbon sequestration/storage, true environmental resilience and protection with focus on building on disturbed land and via canopies.

The current approach of declining blocks encourages a wild west approach – developers trying to get their foot in the door early to secure their project and maximize revenue by getting a higher rate of subsidy. High quality developments likely take more time to

develop since siting should be thoughtful to ensure minimal environmental impact and increased safety, as well as meaningful community engagement. The current process that pushes quick application discourages community engagement, thoughtful siting, etc.

Approval of blocks should be based on an assessment of quality using a variety of criteria (including community engagement, preservation of carbon sequestration/storage, safety, environmental impact, as well as energy output).

8. Are there solar canopy project types that currently fall outside the SMART program's definition of Solar Canopy that you believe should be eligible for the Canopy adder? Please provide example project types and describe their benefits.

All solar canopy projects should be eligible for the Canopy adder, and the Canopy adder should be increased so that Solar Canopies are very price competitive.

13. Are there any Commonwealth policies (e.g., renewable energy goals, land use priorities, housing policy) that you believe the SMART program inadvertently conflicts with? Please describe any potential modifications to SMART that would alleviate these conflicts.

I am re-submitting, in part, a comment submitted by a constituent:

YES! In **practice**, the SMART program conflicts with:

- The Massachusetts Technical Potential of Solar Report which, as of 2023, documents that there is 15-18 times the available land for the Commonwealth to meet its climate goals and creates a system based on suitability for where siting of solar should occur. The SMART regs should align with this approach.
- The Massachusetts Clean Energy and Climate Plan for 2025 and 2030. For example, on page 91, the report states that "Natural and working lands' ability to sequester emissions will be a critical component of achieving net zero GHG emissions in Massachusetts". Further, it states that "To retain NWL [Natural Working Lands] carbon sequestration capacity for 2050 and prevent further emissions, the Commonwealth is committing, through state conservation efforts, to the goal of increasing permanent conservation of undeveloped land and water (including wetlands) in Massachusetts to at least 28% and 30% by 2025 and 2030, respectively."
- The Massachusetts Clean Energy and Climate Plan for 2050. In terms of protection of forests and agriculture, the Plan states that "climate-intensified ecological disturbances, the conversion of forests to other land uses, and a

slowdown in the growth of Massachusetts' aging forests present considerable risks and challenges to maintaining current levels of carbon sequestration through 2050. In terms of community engagement, the Plan states that "EEA will increase engagement with cities and towns across the Commonwealth to help communities build and implement town-specific climate mitigation plans while ensuring that available data and implementation approaches are consistent across the Commonwealth."

- The BioMap program. This longstanding program, established by MassWildlife and The Nature Conservancy with support from the Executive Office of Energy & Environmental Affairs needs further protection from SMART projects. While current regulations ostensibly protect BioMap land, in practice, this does not happen and loophole exist, created by 1) the various Categories of eligibility and related exemptions and 2) the Adder/Subtractor system, whereby land on BioMap can occur with the claiming of Adders.