

Ms. Kaitlin Kelly  
Department of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

May 7, 2016

Dear Ms. Kelly,

Please accept these comments regarding **225 CMR 14. RENEWABLE ENERGY PORTFOLIO STANDARD - CLASS I REGULATIONS** as they pertain to **Solar Carve-Out II emergency regulations**.

I submit these comments as a resident of the town of Shutesbury, MA where we have been dealing with a 30 acre commercial, ground-mounted solar installation. While I am a strong supporter of solar development, I am very cognizant of the important role of forests in carbon sequestration and the understanding of this role by DOER. My testimony is intended to bring the SREC Market Sector Factors (Sector A and Managed Growth Market Sector) in alignment with DOER's 2014 guidance for solar development in the Commonwealth. The Shutesbury development currently under permit review is an example of how solar developments can take advantage of a current loophole in the Solar Carve-out II guidelines to undermine the integrity of DOER policy. I would ask that this loophole be closed in the emergency regulations.

#### Background

The December 2014 DOER Model solar bylaw states that *"DOER strongly discourages locations that result in significant loss of land and natural resources, including farm and **forest land**, and encourages rooftop siting, as well as locations in industrial and commercial districts, or on vacant, disturbed land. Significant tree cutting is problematic because of the important water management, cooling, and climate benefits trees provide."* Despite this, the current rating system for Solar Carve-out II (see chart below) allows for the highest ratings (1.0) if an installation provides generation to low or moderate income housing, even if it is sited on farm or forest land. There is also no prohibition in Solar Carve-out II regarding significant tree cutting. This inconsistency has allowed the project in Shutesbury to be financially viable and therefore proceed despite DOER preferences to the contrary.

These suggested changes are important since much of the open land in the Commonwealth is either on farm or forest land. If this loophole is not closed, development will continue to undermine DOER preferences by allowing developers to make vague promises of supporting low and moderate income housing with no acknowledgement of the actual siting of these developments.

## Excerpted Market Sector Chart from Solar Carve-Out II Program

Projects under the RPS Solar Carve-Out II Program are each assigned to a particular Market Sector as follows:

Market Sector	Generation Unit Type	SREC Factor
A	1. Generation Units with a capacity of <=25 kW DC 2. Solar Canopy Generation Units 3. Emergency Power Generation Units 4. Community Shared Solar Generation Units 5. Low or Moderate Income Housing Generation Units	1.0
B	1. Building Mounted Generation Units 2. Ground mounted Generation Units with a capacity > 25 kW DC with 67% or more of the electric output on an annual basis used by an on-site load	0.9
C	1. Generation Units sited on Eligible Landfills 2. Generation Units sited on Brownfields 3. Ground mounted Generation Units with a capacity of <= 650 kW with less than 67% of the electrical output on an annual basis used by an on-site load.	0.8
Managed Growth	Unit that does not meet the criteria of Market Sector A, B, or C.	0.7

### **My requested changes to the emergency regulations for Solar Carve-out II**

I would ask that changes be made to Section (9) Special Provisions for a Solar Carve-out II Renewable Generation Unit, Section (1) SREC Factor, Item 2 which defines the various Market Sectors (see page 33 of the online document).

#### **1. Requested Change: Section a., defining Market Sector A**

In the Shutesbury situation, the vague promise of providing generation for an un-named municipal housing authority enables the project to be considered Market Sector A (preferred status) even though it will be cutting 30 acres of forest land, contrary to DOER guidance.

Preferred Change: Eliminate reference to “Low or moderate income housing generation unit” from the Market Sector A category.

Fallback Change: If the low or moderate income category must remain, I would ask that the housing generation units be required to be located in the municipality where the project is based. This requirement would not only help direct generated power to an in-town municipal affordable housing thereby bringing actual benefit to the municipality but it will eliminate questionable projects that promise vague future generation for unnamed affordable housing only to receive the highest rating and despite any damage to farm or forest land.

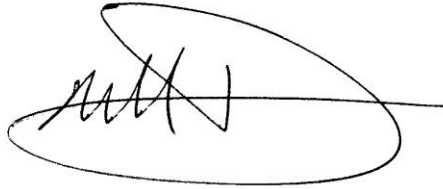
#### **2. Requested Change: Section d., defining Managed Growth Market Sector**

This will codify DOER preferences to protect farm and forest land.

Preferred Change: Explicitly add to the Managed Growth Market Sector a statement that identifies non-supported siting practices to include “Generation units sited on active/potential farm land or forest land that changes the primary state (or use) of more than 10 acres of the land”

Thank you for your consideration of these changes. I can be reached at mdechiara@gmail.com or home phone 413-259-1059. My residence is 56 Pratt Corner Road, Shutesbury, MA 01072.

Thank you for attention to this matter.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, enclosed within a large, horizontal oval shape.

Michael DeChiara  
Shutesbury, MA