

Bellato, Gina (ENE)

From: Heidi Ricci <hricci@massaudubon.org>
Sent: Wednesday, October 13, 2021 3:42 PM
To: DOER SMART (ENE)
Subject: SMART Guidelines
Attachments: Solar Siting Joint Statement final.pdf; 476 Leicester Street ANR Plan w highlights 10-25-17.pdf

Categories: Yellow category

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear DOER SMART Program:

Thank you for the opportunity to comment on updates to two of the guidelines under the Solar Massachusetts Renewable Target (SMART) program pursuant to 225 CMR 20.00, the *Statement of Qualification Reservation Period Guideline*, and the *Land Use, Siting, and Project Segmentation Guideline*. While we appreciate the efforts to clarify the guidelines, further clarifications should be considered as well as broader review of the program. Attached is a joint statement from Mass Audubon and nine other organizations on a recommended framework for solar siting.

A review of the program should be conducted, including a technical geospatial siting study and a review of associated policy and regulatory issues. Mass Audubon and others recently provided recommendations for a scope of study, and hope that DOER will be moving forward with a planning process with broad stakeholder input soon.

Specific comments on the guidelines currently under review:

Statement of Qualification Reservation Period Guideline

- Extended deadlines for projects already in the planning pipeline that are waiting for interconnect approval seems reasonable. However the guideline is somewhat vague in that it does not define what “good cause” might be for further extension on projects involving a storage addendum.

Statement of Qualification Reservation Period Guideline

- We reiterate previously expressed concerns about the provisions in the regulations allowing public entity and dual use solar agricultural projects to qualify as Category 1 and be sited on sensitive lands including Priority Habitat for state-listed rare species and BioMap2 Core Habitat or Critical Natural Landscapes. These exceptions create conflict with other important state and local land use goals and programs. These concerns need to be addressed through the technical planning study and regulatory revisions.
- The anti-segmentation provision in the guidelines needs further clarification. The guideline is intended to prevent project proponents or affiliated entities from circumventing size limitations by dividing a large project up into several smaller units. As written, the guideline defines contiguous as sharing a property boundary or separated only by a public way. We are aware of at least one instance where a property was divided by the creation of separate lots consisting of narrow strips of land (10' wide) between parcels all formerly part of a single property (see attachment, I do not know if this project moved forward). These types of redrawing property lines to eliminate contiguity should not be allowed. The guideline does include other language stating

that parties separated only by corporate tax entities, such as LLC, may still be considered affiliated, which is helpful but possibly not sufficient.

I plan to submit comments on the *Guideline Regarding the Definition of Agricultural Solar Tariff Generation Units* by the October 27th deadline.

Regards,

Heidi

E. Heidi Ricci

Director of Policy and Advocacy

Mass Audubon

208 South Great Road

Lincoln, MA 01773

c 781-622-8911

o 781-259-2172

hricci@massaudubon.org

Pronouns: she/her(s)

Visit www.massaudubon.org to learn more about our conservation, education, and advocacy work.

