

The Honorable Jeffrey N. Roy  
House Chair, Joint Committee on  
Telecommunications, Utilities, and Energy  
State House Room 42  
Boston, MA 02133

The Honorable Michael J. Barrett  
Senate Chair, Joint Committee on  
Telecommunications, Utilities, and Energy  
State House Room 109D  
Boston, MA 02133

The Honorable Tackey Chan  
House Chair, Joint Committee on Consumer  
Protection and Professional Licensure  
State House Room 43  
Boston, MA 02133

The Honorable Cynthia S. Creem  
Senate Majority Leader  
State House Room 312A  
Boston, MA 02133

The Honorable Bradley H. Jones, Jr.  
House Minority Leader  
State House Room 124  
Boston, MA 02133

The Honorable Bruce E. Tarr  
Senate Minority Leader  
State House Room 308  
Boston, MA 02133

May 26, 2022

Via Email

**Re: Rapid, Responsible Deployment of Solar Energy Systems**

Dear Members of the Conference Committee:

Thank you for your leadership and hard work on clean energy legislation to address the climate crisis and continue Massachusetts' national leadership role.

We are writing on behalf of the Nature Conservancy, Mass Audubon, Appalachian Mountain Club, the Massachusetts Association of Conservation Commissions, The Trustees, the Massachusetts Land Trust Coalition, and the Wareham Land Trust.

We appreciate the opportunity to provide comments and respectfully offer the following recommendations to the Conference Committee on H.4524 *An Act advancing offshore wind and clean energy*, and S.2842 *An Act driving climate policy forward*.

As organizations focused on climate change and land and water conservation, we support clean energy legislation that includes provisions for the rapid, responsible deployment of solar power generation systems in a manner that minimizes impacts to natural and working lands and the many important functions these lands support. Massachusetts has over 1 million acres of already developed land, including extensive areas of rooftop, parking lots, turfed landscaped areas, brownfields, and disturbed or

degraded lands. We ask the Committee to seek every opportunity in its deliberations to accelerate deployment on the built environment for the best and most efficient use of land. Integrating solar and conservation goals is essential for transitioning away from fossil fuels and advancing the decarbonization of our electricity generation and energy supply systems, while also relying on natural and working lands to meet our Net Zero climate emissions goals, as required by the Next-Generation Roadmap for Massachusetts Climate Policy law. We are pleased that the Department of Energy Resources (DOER) is undertaking a *Technical Potential of Solar Study*, and we support the Legislature acting to further advance optimal solar energy deployment.

### **Beyond SMART - Setting the Stage for Next Solar Incentives**

We respectfully request that the Conference Committee **support and adopt section 61 of S.2842, *An Act driving climate policy forward.***

This section would require the DOER to make recommendations for the successor to the Solar Massachusetts Renewable Target (SMART) Program, including:

- Integrating and aligning the state’s climate, energy, and environmental goals.
- Refining the SMART Program for clarity and focus, including:
  - Establishing clear and predictable eligibility requirements to determine which projects qualify for incentives;
  - Removing barriers to siting projects in the built environment and underserved communities; and,
  - Avoiding or minimizing impacts to natural and working lands and waters.
- Aligning the process and timing of the successor program recommendations with the DOER study currently being conducted which provides stakeholdering to ensure energy and environmental experts and stakeholders help guide the recommendations.
- Offering technical assistance and support for overburdened municipalities that may lack the capacity and expertise to update local land use regulations for solar projects.

We note that section 73 of S.2842 also would require the DOER to review and make recommendations on the solar incentive program for additional parameters, including potential adjustments in response to increased costs and the allocation of incentive blocks. The two sections appear to be complementary, and we are open to merging language from section 73 into section 61 while retaining the intent of section 61 and retaining its review time frame to stay in alignment with the existing DOER Solar Technical Potential Study process.

### **Solar on Chapter 61A farmlands:**

We respectfully request that the Conference Committee **omit sections 35, 36 and 63 of S.2842, *An Act driving climate policy forward.***

We recommend that the final bill require further study of dual use solar/agriculture projects (Agrivoltaic systems) and ensure that lands receiving M.G.L. Chapter 61A property tax benefits remain primarily in agricultural production. Agrivoltaic systems are relatively new in this region, and care is needed in crafting any incentives to avoid unintended adverse impacts to farm viability, food production, and farm soils.

Natural and working lands, including farmlands, play an important role in meeting the state's Net Zero goals and provide many other essential services, including food production. Massachusetts and other New England states have food security policy goals to produce more food locally and sustainably, reducing energy required to produce and transport food. Massachusetts has less than 500,000 acres in farms and continues to lose productive farmland to development[1]. Between 1997 and 2017, Massachusetts farmland decreased by almost 86,000 acres, and 7,000 acres of New England agricultural land are lost or threatened annually[2].

We support programs that enable farms and horticultural businesses to incorporate appropriately sized and sited solar arrays as an ancillary use, to provide clean energy for farm operations and to supplement income. However, it is essential that the primary uses of the land continue to be agriculture and/or horticulture.

Chapter 61A reduces local property tax burdens on farming operations in exchange for keeping the land primarily in agricultural use. If the scale of solar power production on a farm is allowed to become the main source of income, the business model is no longer based on food or horticultural products – which is not consistent with the purpose of Ch. 61A. It also is not in the Commonwealth's interest to incentivize conversion of high productivity soils that are presently producing fruits and vegetables to other, lower value crops, or to reduce the availability of farmland to farmers who lease land.

Section 35 of S.2842 would allow solar arrays of unlimited size to be constructed on lands in farm or horticultural use, with those lands continuing to receive the property tax reduction benefits of Ch. 61A. Section 36 would extend the applicability of Ch. 61A to 10 years for these projects, and Section 63 requires promulgation of implementing regulations within 6 months. We recommend that the Committee not adopt these provisions in the final conference bill, and instead require further study of Agrivoltaic systems.

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[1] <https://ag.umass.edu/resources/massachusetts-agricultural-data/acres-land-in-farms>

[2] <https://farmland.org/american-farmland-trust-to-release-report-detailing-threats-to-new-englands-farmland-and-food-production/>

Thank you for your time and consideration. Please feel free to contact Steve Long at [slong@tnc.org](mailto:slong@tnc.org) (cell: 617-312-5932) or Heidi Ricci at [hricci@massaudubon.org](mailto:hricci@massaudubon.org) (cell: 781-622-8911).

Sincerely,

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