

BERKSHIRE REGIONAL PLANNING COMMISSION  
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Executive Director

MINUTES OF THE REGIONAL ISSUES COMMITTEE  
January 22, 2020  
*Office of Berkshire Regional Planning Commission*

**I. Call to Order**

The meeting was called to order at 4:03 by CJ Hoss, Committee chair.

Committee Members Present

CJ Hoss, Chair, Pittsfield  
Sara Hudson, Tyringham, Vice Chair  
Shelia Irvin, Pittsfield  
Kyle Hanlon, North Adams  
Andrew Groff, Williamstown  
Eleanor Tillinghast, Mount Washington (non-Commission member)  
Nina Ryan, Stockbridge Alternate (Arrived at 4:25)

Committee Members Absent

Gwen Miller, Lenox  
Chris Rembold, Great Barrington

BRPC Staff Present

Tom Matuzsko, Executive Director  
Laura Brennan, Senior Planner  
Alexander Valentini, Researcher

**II. Approval of November 20<sup>th</sup>, 2019 Meeting Minutes**

In the 3<sup>d</sup> paragraph of page 3, “763” should be corrected to “1763”.

In some places the acronym for “payment in lieu of taxes” is written as “pilot”, with the plural written as “pilots”. This should be corrected to “PILOT” and “PILOTS”.

Kyle H. moved to approve the minutes. Sheila I. seconded the motion. The motion was unanimously approved by the Committee.

### **III. Solar – S.1763 and Similar Legislation**

Considering the similarity of the of the four pieces of legislation and the comparative comprehensiveness of S.1763, the Committee decided to focus on that bill.

Section 1 of S.1763 amends section 5 of chapter 59 of the General Laws by striking out the forty-fifth clause and inserting in its place a clause which would allow municipalities to either tax or enter into a PILOT agreement with a solar or wind project that produces more than 125% of the energy consumption of the contiguous or non-continuous real property upon which it is located. Eleanor T. said that this will provide municipalities with more leverage when negotiating with solar developers.

Tom M. said that he felt the language used in S.1763 – “shall be taxable” – was more direct and desirable to that used in H.2558 – “shall not be exempt”. The Committee agreed.

Andrew G. asked if 125% is the optimal figure for the threshold. He said that as electricity continues to supplant fossil fuels, this figure may end up being too low.

Tom M. suggested that lines 24-27 in H.2558, which are absent from S.1763 and deal with annual reporting by project developers/owners to assessors should be included in S.1763. Eleanor T. said the provision would not be onerous for the owners and give assessors up-to-date information. The Committee agreed.

Section 2 of S.1763 amends section 38H of chapter 59 of the General Laws by excluding solar and wind projects from the tax exemptions in that section.

Section 3 of S.1763 states that DOR and DOER would produce guidance for municipalities on how to implement tax or PILOT agreements with solar and wind projects. This guidance will not be compulsory, and municipalities could still implement their own agreements.

Section 4 of S.1763 states that pre-existing PILOT agreements would not need to be renegotiated.

Eleanor T. said she believes this legislation is crucial to allowing municipalities benefit from solar development and should be supported by the Committee. Additionally, she thinks that the increased negotiating power of municipalities will increase local support for solar development.

Andrew G. and Tom M. said that it is important this sort of legislation is passed before the next round of the SMART program begins.

CJ H. said he is comfortable with Tom M. and the staff at BRPC drafting comments in support of S.1763 and suggesting the discussed amendments – namely the inclusion of lines 24-27 from H.2558. Tom M. said this needs to happen quickly as the bill is currently in the Revenue Committee but will be reported out on February 10.

Eleanor T. moved to have Tom M. and BRPC draft a letter of support for S.1763 and suggest discussed amendments. Kyle H. seconded the motion. The Committee unanimously approved the motion. Committee members are to provide further comments directly to Tom M.

#### **IV. Topics for Future Consideration**

##### *Outdoor Marijuana Cultivation*

CJ H. said that although the ramifications of outdoor marijuana cultivation is a discussion worth having, Massachusetts needs to experience a complete growing season with operational cultivators before the impact can be properly assessed.

CJ H. said that one of the issues surrounding cultivation is that the cultivators are the party in the best position to provide the public with accurate information regarding cultivation. However, the public does not trust the cultivators to do so. The Committee should consider locating and bringing in an outside expert to serve as a resource.

Tom M. suggested that the Committee should request a Cannabis Control Commission (CCC) meeting in Berkshire County as an opportunity to both educate themselves and provide feedback. The Committee looked favorably upon this. Eleanor T.'s sense is that the CCC is looking for feedback from municipalities in order to better tailor regulations regarding cultivation and processing.

Andrew G. said that it would be premature for the Committee to draft a bylaw but should instead draft a guide of best practices that municipalities can look to. The Committee looked favorably upon this.

##### *Transportation and Climate Initiative (TCI)*

Tom M. said he believes the Committee should provide feedback on how the funds collected through the TCI will be used. Comments are due by February 28, so the Committee should address this at their meeting. The Committee agreed to this.

#### **V. Next Committee Meeting Data – February 26<sup>th</sup>, 2020**

February 2020 meeting will occur on Wednesday, the 26<sup>th</sup>. The main topic will be the Transportation and Climate Initiative. Laura B. will send out the meeting notification early in order to confirm quorum.

March 2020 meeting will occur on Wednesday, the 25<sup>th</sup>. The proposed main topic is outdoor marijuana cultivation.

April 2020 meeting will occur on Wednesday, the 22<sup>nd</sup>.

May 2020 meeting will occur on Wednesday, the 27<sup>th</sup>.

#### **VI. Adjournment**

Sheila I. moved to adjourn the meeting. Kyle H. seconded the motion. The meeting was adjourned at 4:52.