

BERKSHIRE REGIONAL PLANNING COMMISSION  
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SHEILA IRVIN, Clerk  
MALCOLM FICK, Treasurer

THOMAS MATUSZKO, A.I.C.P.  
Executive Director

MINUTES OF THE REGIONAL ISSUES COMMITTEE  
May 20, 2020  
*Meeting Held Via Zoom Video Communications*

**I. Call to Order**

The meeting to called to order at 4:04 by CJ Hoss, Committee Chair.

Committee Members Present

CJ Hoss, Chair, Pittsfield  
Shelia Irvin, Pittsfield  
Kyle Hanlon, North Adams  
Andrew Groff, North Adams  
Chris Rembold, Great Barrington  
Eleanor Tillinghast, Mount Washington (non-Commission member)

Committee Members Absent

Sarah Hudson, Vice Chair, Tyringham  
Gwen Miller, Lenox

BRPC Staff Present

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

**II. Approval of January 22<sup>nd</sup>, 2020 Meeting Minutes**

Eleanor T. moved to approve the minutes of the January 22<sup>nd</sup>, 2020 meeting. The motion was seconded by Sheila I. The Committee voted to approve the minutes. The results of the roll call vote were as follows:

- Andrew G. – Yes
- Chris R. – Abstain
- CJ Hoss – Yes
- Eleanor T. – Yes
- Kyle H. – Yes
- Sheila I. – Yes

### III. SMART Program Draft Comments Review

Melissa P. presented the key changes in the SMART Program Emergency Regulations and how BRPC's comments addressed them.

- The previous 800MW expansion has been increased to 1,600MW. This is surprising and does not seem to have been highlighted by DOER.
- New set-asides have been added for low-income and medium-sized projects. BRPC supports these set-asides. Previous comments from BRPC also advocated for priority habitat protections. The Emergency Regulations prohibit siting of Solar Generation Tariff Units on parcels composed of 50% or more priority habitat.
- The greenfield and forested land subtractors have been decreased. This is contrary to BRPC's request that they be increased to balance adders.
- BRPC's concerns regarding behind-the-meter systems have been clarified and addressed.
- The public off-taker incentives have been modified to include projects on private land which are either owned and operated by public entities or which direct 100% of their output to public entities. BRPC is supportive of these changes.
- No change has been made to dual-use agriculture adders. BRPC request that these are broadened.

Eleanor T. asked for clarification regarding the language addressing dual-use agriculture adders. Melissa P. explained that BRPC feels that the current criteria of prime agricultural soil and lands of agricultural importance are too limited and would not capture parcels which would be candidates for dual-use systems. BRPC suggests that the criteria be based upon agricultural yield and viability. Tom M. added that Berkshire County is home to viable agricultural operations which are not on prime agricultural soil – these operations should have access to the dual-use adder. Melissa P. explained that one of the benefits of yield- and viability-based criteria is that parcels can be required to continue to meet these criteria. This would guard against farmland being converted to exclusively solar production after the dual-use adder is applied. Eleanor T. agreed that this protection is important.

Melissa P. said that there is a public hearing on the Emergency Regulations on May 22<sup>nd</sup> and comments are due on June 1<sup>st</sup>. Guidelines have also been issued in addition to the Emergency Regulations. Comments on these are due June 18<sup>th</sup>.

Eleanor T. expressed her concern that Priority Habitat protections could be skirted if parcels were subdivided such that less than 50% of the resulting parcels contained Priority Habitat. CJ H. mentioned that a previous project in Pittsfield had to meet the criterion that the parcel upon which it was located had remained un-subdivided for a period before the project was proposed. A similar criterion would strengthen Priority Habitat protections. Melissa P. agreed that this was a good option. Chris R. suggested that the time threshold could be based on date of first publication. Eleanor T. suggested as a threshold one year before the date of publication. The Committee looked favorably upon this criterion.

Eleanor T. corrected a grammatical mistake in the first sentence of the *Increase Low Income Benefits and Participation* paragraph on page 2.

Eleanor T. moved that the "staff of BRPC amend the language to take into account [the Committee's] discussion on the prime agricultural soil and on the priority habitat [regulations]". Chris R. seconded this motion. The Committee unanimously approved the motion with a roll call vote.

Chris R. moved to recommend the comments to the Commission for approval. Kyle H. seconded the motion. The Committee unanimously approved the motion with a roll call vote.

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

Eleanor T. asked if there have been any developments regarding the solar PILOT/tax agreement legislation for which the Committee had previously expressed its support. Tom M. said that legislation has largely frozen in-place because of COVID-19, but that he would check with Berkshire County's legislators.

Tom M. said that the Transportation Climate Initiative is moving forward but has been delayed until the Fall.

CJ H. mentioned the Committee's previous discussion on hosting an informational meeting regarding outdoor marijuana cultivation. He said he cannot see how such a meeting would proceed under current circumstances. Andrew G. said that all action on development and regulation is paused, so it is not a pressing matter. The Committee agreed with this assessment.

Tom M. said that if anything pressing arose, BRPC staff would notify the Committee. One potential topic is the upcoming overhaul of RGGI standards. Eleanor T. said that this is going to be important and should be monitored.

Eleanor T. asked Melissa P. to send out the link for the DOER public hearing on May 22<sup>nd</sup>.

Melissa P. asked if the Committee would like BRPC to draft comments on the guidelines issued by DOER. Eleanor T. asked Melissa P. to look over guidelines and let the Committee know if they warrant comments. Melissa P. obliged.

#### **V. Next Committee Meeting Date – June 24<sup>th</sup>, 2020**

CJ H. suggested that the Committee have no regular meeting until September and continue remote meetings for the foreseeable future. The Committee agreed, provided that open meeting law permits.

#### **VI. Adjournment**

CJ H. adjourned the meeting at 4:50.