



February 1, 2024

Joint Committee on Telecommunications, Utilities and Energy
Senator Michael J. Barrett, Chair
24 Beacon Street, Room 109-D
Boston, MA 02133

Representative Jeffrey N. Roy, Chair
24 Beacon Street, Room 43
Boston, MA 02133

Re: Overarching comments regarding legislation tied to renewable energy and grid modernization

Dear Senator Barrett, Representative Roy, and members of the Joint Committee on Telecommunications, Utilities and Energy,

Over the past several months, the Regional Issues Committee of the Berkshire Regional Planning Commission has reviewed certain legislation pending before the Joint Committee on Telecommunications, Utilities and Energy and other committees regarding electric grid modernization and renewable energy development. It has also followed the proceedings of the Clean Energy Transmission Working Group. On behalf of our 32 member municipalities, we are pleased to submit the following comments for your consideration.

Protect current levels of local control over permitting electric decarbonization infrastructure projects. House Bill H.3215 proposes to consolidate the review and permitting of qualifying projects in a single state office. It explicitly removes any role of local government in authorizing the siting, construction, upgrades, and operation of grid modernization projects. While we recognize the need to modernize the electric grid within our Commonwealth, we do not believe this should be done at the expense of authority at the local level. Eliminating established rights sets an alarming precedent and risks losing the benefits of local input. As just one example, municipally-sponsored public hearings for utility pole placement often identify common-sense solutions that might not have been apparent to the utility companies but can benefit both them and the property owners. We do not support any language that would eliminate the rights of municipalities related to the review, permitting, operation, and maintenance of grid modernization projects. **We cannot support H.3215 as it is currently drafted.**

Protect and enhance local control over the permitting of renewable energy projects. We want to be clear that our interpretation of H.3215 is that its definitions of “electric decarbonization infrastructure project” and “qualifying project” do not include generation facilities. **We do not support any interpretation that would apply H.3215 to renewable energy projects.**

In our region, commercial solar projects, in particular, have entailed large-scale land clearing, adverse stormwater impacts, and the removal of prime agricultural soils from use as farmland. The large-scale land clearing has resulted in significant losses of forested/farmland and valuable carbon sequestration capacity. The governments of our local communities have been constrained in regulating the development of these projects under M.G.L. Chapter 40A, Section 3. Therefore, **we support Senate Bill S.1319 / House Bill H.2082, “An Act Regarding Municipal Zoning Powers,”** currently before the Joint Committee on Municipalities and Regional Government.

Shift renewable energy development from greenfield sites to built environments. We applaud attempts by the Healey Administration through its SMART regulations to direct renewable energy projects

away from forests and farmland to already developed sites. However, because land in the western part of the state remains significantly cheaper than land elsewhere, and because much more open space is available here, we remain concerned that the current disincentives are not sufficient deterrents. We support legislation that provides greater protections for forested and agricultural lands (“greenfield” sites.) We want to see better incentives for solar development on brownfields, buildings, parking lots, and other impervious surfaces. Legislation should stipulate that new construction must be built to standards that can support rooftop solar, and programs should be offered to encourage the reinforcement of existing walls and rooftops. For these and other reasons, **BRPC supports Senate Bill S.2150, An Act to Encourage Solar Development on Built and Disturbed Land.**

Ensure an equitable distribution of commercial solar facilities throughout Massachusetts. As noted, land in the west is cheaper and more available than in the more densely developed central and eastern parts of the state. We believe amendments to pending legislation should stipulate that state financial incentives for renewable energy projects must be used to direct a more equitable distribution of construction across Massachusetts. It is important to protect environmental justice areas and rural areas of the state, like the Berkshires, that have fewer residents and fewer representatives on Beacon Hill to advocate on our behalf.

Utilize existing utility corridors for upgrading grid infrastructure and capacity, wherever practical. New utility corridors can result in a significant loss of vegetative cover, which reduces regional capacity for carbon sequestration, and can have major negative impacts on sensitive natural resources and habitats. In addition, the region is known internationally for natural beauty that attracts millions of tourists and supports the local economy, and those assets must be protected. Expanding existing corridors is a better option, but can also result in detrimental environmental and other local impacts. Again, preserving reviews by MEPA and local conservation commissions and other boards is vital to ensuring the best protection of local resources, whether in existing or new utility corridors, while modernizing the electric grid.

Build capacity of educational institutions within the Commonwealth for training and educating the workforce required for modernization of the electrical grid. BRPC wishes to highlight that modernizing the grid will require linesmen and other trades that our technical high schools, trade schools, and community colleges are well-positioned to support. Any legislation to upgrade the grid should logically also provide commensurate funding for curricula and educators at the institutions that will properly train the workforce.

Allow municipalities to offer either a tax package or a payment in lieu of tax agreements (PILOTs) for permitted renewable energy facilities. Communities are required to host commercial solar facilities under M.G.L. Chapter 40A, Section 3, but they are hamstrung in terms of receiving a fair revenue in return. They can only sign PILOTs and cannot tax the facilities. The Commonwealth has adopted climate bills that depend upon not only massive increases in solar and other renewable-energy development, but also broad support by its residents. This situation is unfair and it limits community support for widespread expansion of solar and other renewable-energy development.

These comments were approved by the BRPC Executive Committee at its meeting on February 1, 2024. These comments were approved by the Regional Issues Committee at their meeting on January 19, 2024.

Sincerely,

Thomas Matuszko, AICP
Executive Director

Cc: Senator Paul W. Mark, Berkshire, Hampden, Franklin, and Hampshire District
Representative Smitty Pignatelli, 3rd Berkshire District
Representative Tricia Farley Bouvier, 2nd Berkshire District
Representative John Barrett, 1st Berkshire District