



BRPC

Berkshire Regional Planning Commission

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REGIONAL ISSUES COMMITTEE – Meeting Minutes

Friday, January 19, 2024

via Zoom

Committee Members Present

Malcom Fick, BRPC Chair, ex-officio; Alternate from Great Barrington
Andrew Groff, Williamstown (non-Commission member)
Kyle Hanlon, Delegate from North Adams
Sheila Irvin, Delegate from Pittsfield
Kent Lew, Washington (non-Commission member)
Christine Rasmussen, Alternate from Stockbridge, RIC Chair
Eleanor Tillinghast, Mount Washington (non-Commission member)

BPRC Staff Present

CJ Hoss, Community Planning Program Manager

Other Persons Present

Massachusetts State Senator Paul Mark, Berkshire, Hampden, Franklin and Hampshire District
Casey Pease, Constituent Services Director, Office of Senator Paul Mark

I. Call to Order

The meeting was called to order at 1:30 pm by Christine R. Roll call was taken and the meeting was recorded.

II. Continued Discussion of Energy Development and Policy in Massachusetts

Senator Mark said that the House and Senate sides of the Joint Committee on Telecommunication, Utilities, and Energy (TUE) have been meeting separately and holding separate hearings. This is highly unusual, and a violation of the rules that govern joint committees. Senator Mark suspects that this is because the House and Senate committees have competing priorities and legislative proposals. House committee Chair Representative Jeffrey Roy filed House Bill H.3215 (which as proposed would “expedite” permitting for electric decarbonization infrastructure projects through the creation of a new state entity that would oversee the permitting of such projects, resulting in the loss of local control). There has been no discussion of this bill in the Senate Committee. Senator Mark believes that there is a shared appetite for grid modernization and development in both committees, however, and that it is on this topic that joint committee consensus will be reached. Senator Mark also said that it is important for the Regional Issues Committee (RIC) to submit comments on legislation in advance of the joint committee reporting deadline on February 7. Letters should be submitted to all members (House and Senate) of the TUE.

CJ H. said that the bills filed by Senator Mark (S.2148 and S.2150) are the exact type of legislation RIC wants to see move forward. They limit greenfield solar development and encourage development on built and disturbed land by protecting local zoning and permitting control and providing targeted financial incentives to developers.

Kent L. said that these bills need to move forward. However, he wants to ensure that new

legislation doesn't needlessly limit solar development opportunities for current landowners. For instance, Washington only recently received three-phase power throughout the municipality and there are landowners who are interested in installing ground-mounted solar on open plots that are neither forested nor agriculturally useful. It would be unjust if legislation precluded these landowners from taking advantage of the opportunities that were previously available.

CJ H. agreed and said that RIC is interested in reducing development on agricultural and forested land, but not necessarily open space that is otherwise useless. RIC is also interested in receiving better clarity on the rights and limitations of local control. Pittsfield adopted stringent zoning regulations with regard to solar because it felt it was unable to operate within the current framework. Andrew G. agreed that greater clarity is needed. Recently, the Massachusetts Attorney General determined Landsborough's solar zoning to be valid, but left the door open for the zoning to be challenged in court.

Christine R. said that the BRPC Executive Committee (the Committee) is unanimous in its support for enhancing local control over solar permitting and zoning.

Malcom F. said that his concerns lie with Representative Roy's H.3215. Supporting Senator Mark's S.2148 and S.2150 is important, but RIC also needs to express opposition to H.3215.

Kent L. said that a middle ground must be found. RIC is not fully opposed to H.3215 and supports priorities such as streamlining interconnections, but legislation needs to make sure that local communities and perspectives are not fully disregarded. At the same time, RIC must make compromises such that development and decarbonization can proceed and not be smothered by local control.

Christine R. asked CJ H. how quickly BRPC staff could get a letter to legislators. CJ H. said that BRPC staff could develop the letter, send it to RIC for review, and have the Committee approve it when it next meets on February 1. Senator Mark said that this would give legislators enough time to review comments.

Eleanor T. asked Senator Mark for information about the Governor's Commission on Energy Infrastructure and Siting (CEIS). This body is considered a "working group" and thus is subject to neither open meeting nor public records laws. Senator Mark said that Senate TUE chair Senator Barrett is a member of CEIS and he will ask him about it.

Senator Mark will attend an RIC meeting in early March and provide updates on legislation and information on CEIS.

Senator Mark and Casey P. left the meeting at 2:15 pm.

CJ H. said that he would add support of grid modernization and development to the comment letter.

Eleanor T. agreed but said that the letter should stress modernization and development within existing corridors. She has reviewed some grid development plans that involve clearcutting hundreds of acres. Christine R. said this concern should be connected with the carbon sequestration benefits of forested land.

Kent L. said that the letter should emphasize "clearer local control" over "greater local control", which would likely get shut down by state legislators. Eleanor T. disagreed and said that she felt "local control" language resonates with municipalities across the state. Additionally, consolidating permitting and control at the state level has traditionally not been effective for Western Massachusetts. She suggested that RIC refers to "protection of

local control” if “greater local control” is felt to be too strong.

Eleanor T. said that the letter should mention giving municipalities the option to choose between a PILOT agreement and taxes.

CJ H. said he would have the letter to RIC by end-of-business Thursday, January 25. RIC will have the weekend to review the letter and should send comments to CJ H. by Monday morning.

Eleanor T. asked CJ H. to follow up with Senator Mark regarding CEIS.

III. Future Discussion Topics

Andrew G. said RIC should check the status of H.3215, S.2148, and S.2150 at the next meeting.

CJ H. said that the next meeting would typically be on February 28. BRPC staff can check if there is anything worth discussing in the leadup to this meeting. It might be worth skipping this meeting and meeting in early March when Senator Mark can attend.

CJ H. said that Eleanor T. sent him an email about a survey distributed by the Department of Energy Resources regarding the SMART program. BRPC staff will likely handle it internally.

Kent L. said that the Governor announced the Municipality Empowerment Act and there is a webinar scheduled for Monday, January 22 to provide an overview of its elements.

Andrew G. said there are several housing proposals being considered in the legislature. RIC should keep an eye on them.

Christine R. said RIC should also seek to include the new Director of Rural Affairs, Anne Gobi.

IV. Approval of December 13, 2023 Meeting Minutes

Christine R. made a motion to approve the minutes from the December 13, 2023 meeting. Eleanor T. seconded the motion. The motion passed unanimously. Kyle H. abstained.

V. Next Committee Meeting Date

CJ H. explained the next regular day of the Committee is February 28, 2024. Depending on whether there is a need for any substantive work before March, the Committee may not need to meet in February. He will follow up with the Committee as the date gets closer.

VI. Adjournment

Kent L. made a motion to adjourn. Eleanor T. seconded the motion. The motion passed unanimously. The meeting was adjourned 2:39.