



MEETING NOTICE

There will be a meeting of the
BERKSHIRE REGIONAL PLANNING COMMISSION
on Thursday, March 21, 2024 at **7:00 p.m.**

This will be a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

To participate virtually join Zoom meeting at

<https://us02web.zoom.us/j/3926128831?omn=84461407009>

Meeting ID: 392 612 8831, Phone: 646.558.8656, 301.715.8592, 312.626.6799

Meeting Materials are posted at www.berkshireplanning.org. Click on the meeting in the Events Calendar to open them.

Agenda

(All times approximate)

- I. Opening (7:00-7:05)**
 - A. *Call to Order and Open Meeting Law Statement*
 - B. *Roll Call of Commission Members Attending the Meeting*
 - C. *Vote to Approve Minutes of the January 18, 2024 Full Commission Meeting*
- II. Suggestions from Berkshire Regional Planning Commission Delegates and Alternates about Items or Topics for Future Meetings (7:05-7:10)**

Delegates and Alternates may suggest agenda items or educational topics for the Chair's consideration for future meetings.
- III. Comments from the Public (7:10-7:15)**

Members of the public may offer comments regarding topics on the agenda or other matters they wish to bring to the Commission's attention. Comments are to be directed to the Commission. Commenters must state their names and the city or town they are from.
- IV. Presentation of Executive Committee Actions (7:15-7:20)**

Executive Committee actions taken on the Commission's behalf at its February 1 and March 7, 2024 meetings are presented for discussion.
- V. Vote to Appoint Two Members to the Berkshire County Regional Housing Authority (BCRHA) Board of Commissioners (7:20-7:25)**

The Berkshire County Regional Housing Authority (BCRHA) has requested that BRPC re-appoint two members, Jay Sacchetti and Lisa Sloane, to three year terms to the BCRHA Board of Commissioners.
- VI. Presentation on and Discussion of "Mass Leads: An Act Relative to Strengthening Massachusetts' Economic Leadership" also Referred to as the Economic Development Bond Bill (7:25-8:00)**

At the last meeting we learned about the state's economic development plan "Team Massachusetts: Leading Future Generations". The plan is then transformed into legislation needed to implement the plan. Rory O'Hanlon, the Executive Office of Economic Development will explain the proposed legislation. The bill and information about the bill can be accessed at [Economic Development Bill | Mass.gov](#).

VII. Presentation of Eversource’s Electric Sector Modernization Plan, “A Comprehensive Roadmap to Achieve Massachusetts’ Clean Energy Goals” (8:00–8:30)

Massachusetts has established the Clean Energy Climate Plan, with the goal to reduce regional greenhouse gas emissions to zero by 2050. The electric distribution system will play a crucial role in achieving this goal. Representatives from Eversource will present their electric Sector Modernization Plan that lays out the steps they will need to take to enable Massachusetts to achieve that goal. The plan can be accessed at [Electric Sector Modernization Plan \(eversource.com\)](https://www.eversource.com)

VIII. Executive Directors’ Report (8:30-8:35)

The Executive Director is available to discuss items in his report

IX. Adjournment (8:35)

Other interested citizens and officials are invited to attend.

All times listed are estimates of when specific agenda items may be discussed.

City and Town Clerks: Please post this notice



DRAFT FULL COMMISSION MEETING MINUTES **January 18, 2024**

This was a virtual meeting as allowed by Ch. 2 of the Acts of 2023 extending certain provisions of the Open Meeting Law, G.L. c.30 sec.20 until March 31, 2025.

I. Opening

A. The meeting was called to order at 7:01 pm.

Chair Malcolm Fick stated that per the open meeting law, BRPC was recording this meeting. Others may record the meeting after informing the meeting Chair. Documents presented must be provided to the Chair at the meeting.

B. Roll Call

The following Commission members were present:

Diana Mott – Becket Alternate (arrived late in the meeting, no audio)

Peter Traub – Cheshire Delegate

Caleb Darcy – Dalton Delegate

Pedro Pachano – Great Barrington Delegate

Malcolm Fick – Great Barrington Alternate

Keith Harrison – Hinsdale Delegate

Leanne Yinger – Lanesborough Delegate

Buck Donovan – Lee Delegate

Laura Mensi – Monterey Delegate

Sheila Irvin – Pittsfield, Delegate

Christine Rasmussen – Stockbridge Alternate

Amanda Hamilton – Tyringham Delegate

Roger Bolton – Williamstown Alternate

Doug McNally – Windsor Delegate

Towns with no Delegate or Alternate present:

Adams, Alford, Clarksburg, Egremont, Florida, Hancock, Lenox, Mount Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Richmond, Sandisfield, Savoy, Sheffield, Washington, West Stockbridge

Staff Present:

Thomas Matuszko, Marianne Sniezek, Kate Hill Tapia, Laura Brennan, Mark Maloy, Jocelyn Latvalla

Laura welcomed new staff member, Economic Development Program Associate Joceyln Latvalla.

Others Present:

PCTV; Andrew Fitch, North Adams City Council; Marie Saucier, Savoy Select Board; Anne Gobi, MA Director of Rural Affairs; Lindsey (left early)

C. Approval of November 16, 2023 Minutes

Doug McNally moved to approve the November 16, 2023, draft meeting minutes; Sheila Irvin seconded the motion. There was no discussion. The minutes were approved with a roll call vote with Peter Traub, Caleb Darby, Pedro Pachano, Leanne Yinger, Buck Donovan, Laura Mensi, Sheila Irvin, Christine Rasmussen, Amanda Hamilton, Roger Bolton and Doug McNally voting to approve.

Abstained: Keith Harrison

II. Comments from and Discussion with Berkshire Regional Planning Commission Delegates and Alternates Issues

None

III. Comments from the Public

Andrew Fitch introduced himself as a North Adams City Councilor and the Community and Economic Development Advisory Council Chair. He will be at the MMA meeting tomorrow, January 19.

IV. Presentation of Executive Committee Actions

There were no questions or discussions about the Executive Committee actions taken on the Commission's behalf at its December 7, 2023, and January 4, 2024, meetings.

V. Vote to Amend the BRPC Bylaws

The Commission Development Committee recommended amending the BRPC Bylaws to allow Officers and Committee members to serve for two-year terms instead of one year. This amendment requires a two-thirds vote of the Delegates or Alternates attending the meeting.

Roger pointed out that municipalities will continue their annual elections and appointments to boards and commissions.

Doug McNally moved to amend the BRPC Bylaws to allow Officers and Committee members to serve for two-year terms instead of one-year. Roger Bolton seconded the motion. A roll call vote approved the bylaws amendment.

Peter Traub, Caleb Darby, Pedro Pachano, Leanne Yinger, Buck Donovan, Laura Mensi, Sheila Irvin, Christine Rasmussen, Amanda Hamilton, Roger Bolton and Doug McNally

VI. Commonwealth's Economic Development Plan

Director of Rural Affairs Anne Gobi reviewed the Healey administration's economic development plan, "[Team Massachusetts: Leading Future Generations](#)." The plan must convert to a proposed law and go through committee processes. A document about the plan was reviewed and will be emailed to Delegates and Alternate Delegates and posted on the website under this meeting's materials.

The Governor's priorities are greater affordability, competitiveness, and equity. The plan addresses affordable housing, transportation, infrastructure, tourism, and leading in climate technology, life sciences, and advanced manufacturing. It mentions encouraging third-party investors to create capital for businesses, recruiting immigrants for unfilled positions, keeping young people in the state, better support for small businesses, \$24 million for rural communities on top of Chapter 90 funding,

Accessory dwelling units by right, mills as housing, promoting Massachusetts as an affordable and desirable place to live and work, capitalizing on the USA's upcoming 250th anniversary, and child care were also mentioned.

Commission members emphasized to Director Gobi the need to address rural housing, transportation, and early childhood education and care as integral to economic development. Increasing PILOT payments was also mentioned. Director Gobi expects the Governor to recommend a PILOT increase, but not as much as inland rural communities want.

She urged members to identify what they want the bill to focus on and participate in the legislative process, including contacting state representatives to file amendments, etc.

VII. Educational/Informational Emphasis for Commission

The BRPC Commission Development Committee asked for input from Delegates and Alternates about the Commission's educational/information efforts and if people would participate in person.

There is interest in in-person gatherings on 5th Thursdays as done in the past, perhaps at the BRPC office with a light supper or drinks and appetizers at another location to keep costs down.

Topics could be pulled from the proposed Economic Development Plan to educate Commissioners. Suggested topics: regionalization, housing success stories, what actions invite people to live here, transportation such as a presentation on the on-demand project in southern Berkshire County, and pushing BRTA to offer micro-transit.

VIII. Presentation of the Berkshires Outside Website

GIS Data and IT Program Manager Mark Maloy presented the new Berkshires Outside website: <https://berkshiresoutside.org>, a nearly two-year project to establish this one-stop resource for all things outdoor recreation in the

Berkshires, such as hiking, boating, skiing, hunting, mountain biking, cycling, sports courts, and ice skating rinks.

The site was welcomed enthusiastically, and BRPC staff were encouraged to promote it, including as an example of what the Planning Commission can accomplish. Partner 1Berkshire is handling the promotion which includes New York city. The state's director of outdoor recreation is very impressed with the site.

IX. Executive Director's Report

A. District Local Technical Assistance 24 (DLTA)

The DLTA applications are due on Friday, January 26, 2024. Submitting an application approved by the Select Board or Mayor makes a community eligible for technical assistance from BRPC staff at no cost for eligible projects. Solicitation [HERE](#). Fillable application [HERE](#). Contact CJ Hoss, Community Planning Program Manager, choss@berkshireplanning.org, for more information.

B. 9C Cut

The Berkshire Funding Focus's (BFF) state legislative earmark BRPC was subject to a so-called 9C cut by the Governor. Section 9C of Chapter 29 of the Massachusetts General Laws requires that when projected revenue is less than projected spending, the Governor must act to balance the budget. BFF aims to help communities, non-profits, and businesses get grants, especially federal ones.

C. Transportation Improvement Program (TIP)

The Transportation staff have begun developing the next TIP for Berkshire County, a prioritized list of transportation projects for the next several years. This document is a prerequisite to receiving federal funding for eligible highway, bridge, and transit projects. Contact Principal Transportation Planner Anuja Koirala, akoirala@berkshireplanning.org for more information.

X. Adjournment

Sheila Irvin motioned to adjourn, seconded by Pedro Pachano and approved by roll call vote. The meeting adjourned at 8:38 pm.

Peter Traub, Caleb Darby, Pedro Pachano, Leanne Yinger, Buck Donovan, Laura Mensi, Sheila Irvin, Christine Rasmussen, Amanda Hamilton, Roger Bolton and Doug McNally



BRPC

Berkshire Regional Planning Commission

MALCOLM FICK, Chair
JOHN DUVAL, Vice-Chair
SHEILA IRVIN, Clerk
BUCK DONOVAN, Treasurer
THOMAS MATUSZKO, A.I.C.P.
Executive Director

MEMORANDUM

TO: Delegates and Alternates, Berkshire Regional Planning Commission
FROM: Thomas Matuszko, Executive Director
DATE: March 15, 2024
SUBJ: Executive Committee Actions for February 1 and March 7, 2024

Per the bylaws, actions taken by the Executive Committee on the Commission's behalf are reported and presented for discussion at the next Commission meeting. The Executive Committee took the following actions at the February 1, 2024 and March 7, 2024 Executive Committee meetings.

Executive Committee Actions on February 1, 2024

Approved the minutes of the January 4, 2024, BRPC Executive Committee meeting

Approved the December 28, 2023, to January 23, 2024, Expenditures Report

Authorize (after the fact) the Executive Director to sign any contracts and agreements with Berkshire Community College related to the BERK12 Mohawk Trail Regional School District Project

The Executive Committee (after the fact) authorized the Executive Director to sign any contracts and agreements with Berkshire Community College related to the BERK12 Mohawk Trail Regional School District project grant application. BRPC would work with BERK12 to provide data and analysis on the district, including enrollment and projections.

Approved the Submission of a Grant Application to the Substance Abuse and Mental Health Services Administration (SAMHSA) Strategic Prevention Framework-Partnerships for Success (SPF-PFS) Program in the U.S. Department of Health and Human Services

The Executive Committee authorized the Executive Director to submit a grant application to the SAMHSA Strategic Prevention Framework-Partnerships for Success (SPF-PFS) program and to sign any resulting contracts and agreements. The project would build community resilience to address the loneliness epidemic identified by the Surgeon General through community-led strategies to increase social connectedness, ease navigation of peer and clinical mental health supports, and reduce the use and misuse of alcohol and other substances.

Approved Submission of a Grant Application to the US Department of Transportation (DOT) – RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Program

The Executive Committee authorized the Executive Director to submit a grant application and sign any resulting contracts and agreements to the US DOT RAISE program for the "Adventure Trail to Ashuwillticook: Active Transportation Connecting Berkshire County" application. This application seeks funds to complete planning, design, and permitting for the Adventure Trail through Williamstown and North Adams, Ashuwillticook Rail Trail Extension Lime Street in Adams to Hodges Cross Road in North Adams, and the connection between the Adventure Trail and Ashuwillticook Rail Trail Extension to the completed Ashuwillticook Rail Trail to Pittsfield, creating a 25-mile, entirely off-road network of accessible paths for pedestrians and cyclists.

Approved Submission of Comments in Response to the Massachusetts Department of Energy Resources (DOER) Request for Comments on the Solar Massachusetts Renewable Target (SMART) Review and Stakeholder Questions

The Executive Committee authorized the Executive Director to submit comments to DOER on the SMART program, established to support solar development in Massachusetts as defined in 225 CMR 20.00. (Comments included with the material.)

Approved Submission of Comments to the Joint Committee on Telecommunications, Utilities and Energy of the Massachusetts General Court regarding Several Legislative Bills Related to Solar Development and Regulation

The Executive Committee authorized the Executive Director to submit comments to the Joint Committee on Telecommunications, Utilities and Energy regarding legislative bills related to solar development and regulation as the Regional Issues Committee recommended. (Comments included with the material.)

Executive Committee Actions on March 7, 2024

Approved the minutes of the February 1, 2024, BRPC Executive Committee meeting

Approved the January 24 – February 29, 2024, Expenditures Report

Approved the Submission of a Grant Application to the Health Resources in Action (HRiA) Massachusetts Community Health and Healthy Aging Funds (MACHHAF) Healthy Aging Program

The Executive Committee authorized the Executive Director to submit a grant application to Health Resources in Action (HRiA) Massachusetts Community Health and Healthy Aging Funds, Healthy Aging Program, and to sign any resulting contracts and agreements. The funding would be utilized to plan and implement the development of adult exercise parks throughout Berkshire County. This project is

part of revitalizing the Age Friendly Berkshires project.

Approved the Submission of a Grant Application to the Health Resources in Action (HRiA) Massachusetts Community Health and Healthy Aging Funds (MACHHAF) Policy, Systems, and Environmental Change (PSE) Program

The Executive Committee authorized the Executive Director to submit a grant application to the Massachusetts Community Health and Healthy Aging Funds PSE Funding Stream and to sign any resulting contracts and agreements. The funding for this project will be used to continue the successful work of BRPC's Public Health program, "Gray to Green," and expand the model beyond Pittsfield and into North Adams.

Approved the Submission of a Grant Application to the Health Resources in Action (HRiA) Massachusetts Community Health and Healthy Aging Funds (MACHHAF) Community Health Improvement Planning (CHIP) Program

The Executive Committee authorized the Executive Director to submit a grant application to the Massachusetts Community Health and Healthy Aging Funds Community Health Improvement Planning Program and to sign any resulting contracts and agreements. A Community Health Improvement Plan (CHIP) is a long-term effort to improve the health of a community. A CHIP was previously developed for Berkshire County. This funding will be used to continue the CHIP process by implementing key items, assessing health trends, and establishing new priorities.

Vote to Approve Submission of Comments to the Commission on Energy Infrastructure Siting and Permitting on questions related to the siting of clean energy infrastructure.

The Executive Committee was requested to authorize the Executive Director to submit comments, prepared by the Regional Issues Committee, to the Commission on Energy Infrastructure Siting and Permitting on questions related to the siting of clean energy infrastructure. There is concern about maintaining local control over permitting. (Comments included with the material.)



January 31, 2024

Department of Energy Resources
100 Cambridge Street, 9th Floor
Boston, MA 02114
Attn: Samantha Meserve

RE: Comments in Response to the Department of Energy Resources (DOER) Request for Comments on the Solar Massachusetts Renewable Target (SMART) Review and Stakeholder Questions

Dear Ms. Meserve, et al:

The Berkshire Regional Planning Commission (BRPC) is pleased to submit comments in response to the Department of Energy Resources (DOER) request for comments on the Solar Massachusetts Renewable Target (SMART) Review and Stakeholder Questions. BRPC appreciates the efforts of DOER to seek input and make improvements to the SMART Program. While we are supportive of solar development in general, we do have concerns regarding the types of projects developed. Our priorities are solar on rooftops, landfills, and disturbed land¹ (including canopy solar and Brownfields). In 2019, we raised concerns that greater than 50% of the largest solar installations within Berkshire County are being developed on forested land. We remain concerned that the economics favor forested land, greenspace and agricultural land and that this trend will continue. BRPC offers the following comments in response to stakeholder questions.

The SMART program currently provides added incentives for certain project types, including building mounted, canopy mounted, landfill, brownfield, agricultural, floating, community solar, and projects serving low income or public entities, projects with energy storage, and axis tracking. DOER seeks additional feedback on changes or improvements that will advance achievement of the Commonwealth's 2050 GWSA mandates while balancing land use, equity, and economic considerations.

We appreciate DOER's recognition that added incentives are needed for solar projects on buildings and disturbed lands of different types. To the extent possible solar development should not come at the expense of irreplaceable forests and natural lands, which provide carbon sequestration, clean water, flood and erosion control and a good quality of life for Massachusetts residents. Currently, the economies of scale and deployment costs favor solar development on large greenfield sites over small and medium size projects on roofs and disturbed land. Revised incentives are needed to make medium and small size solar projects on commercial buildings and disturbed land able to obtain financing and become economically viable.

Changes to the SMART program are essential for achieving the Massachusetts solar goals for 2030 and 2050 by siting solar projects where they have the least environmental impact (on buildings and disturbed lands) and to foster a stable solar industry in Massachusetts working to achieve our climate goals. To this end, BRPC is supportive of changes to SMART as proposed by the Massachusetts Sierra Club and summarized in the bullets below:

- The declining incentive block structure and any aggregate caps which are less than the Commonwealth's solar GW ambition for 2050 should be eliminated for solar projects on buildings and disturbed land. The

¹ "Disturbed land" refers to parking lots over which a solar canopy can be installed, structures, brownfields, landfills, roadway cuts, land containing pavement, compacted urban soils, gravel pits, and other land that is barren of native plant growth due to human activity prior to January 1, 2023 and land that is part of a parcel containing a building and is not and has not been forest or tree covered or used for agriculture or zoned for agriculture since January 1, 2012.

Commonwealth needs to maximize solar in locations with the least detrimental side effects. Increasing aggregate deployment will never eliminate the cost differential with large greenfield solar projects. Declining incentives and caps are contrary to developing a stable solar workforce and meeting our solar goals in a responsible fashion.

- Incentive rates for projects on buildings and disturbed land should be adequate for developers to obtain financing and be set high enough such that these projects have the same or better financial appeal to developers as projects on greenfield sites. A major strength of SMART is its framework that can be used to achieve this goal by taking into account the various building and disturbed land project types, locations, and sizes.
- The incentive rates should be reviewed and revised on an annual basis to reflect changes in the economic factors that affect the cost of solar projects. There needs to be a balance between providing solar developers with a stable set of incentives and the need to respond to market conditions. To achieve this the revised SMART policy should limit the permissible annual change of an incentive to a fixed, small percentage.
- If possible, a disincentive should be created for solar projects on large greenfield sites. Currently there is a subtractor for such projects, but only if a STGU has applied for a Statement of Qualification. Large greenfield projects may never apply to SMART. A mechanism that may be available to DOER to achieve cost parity or cost preference for solar on buildings and disturbed land is an increased subtractor and imposition of fees if there is no application to SMART.
- Create new incentives for building and disturbed land projects on roadway cuts or where there are no interconnection issues, e.g. which don't require a substation upgrade. Many of the building and disturbed land potential sites are close to load, in or close to urban settings where there is a more robust electrical infrastructure than in rural sites. The goal of 10GW of solar by 2030 requires a large ramp up in the next 6 years. We need to encourage building and disturbed land solar projects which are not tied up in interconnection or substation issues.

What project type incentive changes could improve program outcomes?

Today there is an on-going residential solar industry in Massachusetts because there is 100% net metering credit and because there is no aggregate cap or phase-out of the net metering as the residential solar market expands. (The federal 30% credit also helps.) SMART has essentially no role in the residential market. There is very little solar development on commercial roofs or on small or medium size disturbed land sites (other than landfills) because the incentives required to make such projects economically possible or attractive do not exist. Other than residential rooftops, the only other solar projects of any significance are large greenfield projects. We need a much broader participation of solar project types, specifically those that do not impact our natural and working lands.

The incentive rates for commercial rooftops (e.g. greater than 25kW) and all types of disturbed land projects need to be increased, and these incentives must not be subject to phase out or aggregate caps. In particular we call attention to the following:

- The parking lot canopy adder needs to be at least twice what it is today.
- The current battery storage adder is too low to provide any meaningful incentive. Solar plus storage plays a huge role in our transition to renewable energy and deserves to be incented so that storage is a natural choice for solar projects on buildings and disturbed land.

Should other project types also be prioritized?

All types of disturbed land projects should be prioritized. In particular we call attention to:

- Community solar projects on disturbed land and buildings where the off-takers are low income or environmental justice ratepayers. Please note that this is not a recommendation for a special incentive for all community solar, only for projects on buildings and disturbed land serving local load (if any) and low income or EJ populations.
- Roadway cuts should be encouraged with an incentive that makes them economically viable and no more expensive than greenfield projects.

- Solar projects on buildings that require roof repair or replacement should receive a “re-roofing” adder. Combined with the standard roof adder this might double the total incentive.
- Similarly, solar projects on buildings that require structural enhancement should receive a special adder.
- Uncapped landfills should be prioritized by an additional incentive to cover the additional cost of capping the landfill.
- More generally, different incentive levels may be needed for other types of disturbed land, potentially with different constraints. The goal is to have the cost of a disturbed land project to have the same or better financial appeal to developers as projects on greenfield sites and be adequate to obtain financing.

The current SMART program structure includes a declining block model. Is a structure with fewer blocks and a greater decline between blocks preferable to a greater number of blocks with a smaller decline between blocks? Are there any other modifications to the declining block model structure that could more effectively support solar development?

The declining block model for solar projects on buildings and disturbed land should be removed and is contrary to the Commonwealth’s solar goals on several levels:

- The declining block model hurts our ability to meet aggregate 10GW by 2030 and GWSA mandated goals by 2050. Effective and stable incentives are needed for the next several decades.
- The goal of achieving our aggregate solar deployment without unnecessary harm to our natural and working lands is a related and important goal. If a future declining model should once again disincentivize solar projects on roofs and disturbed land then SMART would be encouraging development on greenfield sites where the economics are better. This must be avoided.
- Workforce development is harmed by a declining block model. Over the years the state has seen several cycles of solar industry ramp up followed by solar industry decline. Efforts to train a renewable energy workforce will fall flat if potential participants see unstable employment opportunities after training. There will always be a workforce differential (and thus cost differential) for roofs and disturbed land projects.
- A declining block model for greenfields may be an effective means to shift our solar development from large greenfield projects to buildings and disturbed land by phasing out incentives for the large greenfield projects. On the other hand, these large projects may not need or rely on SMART incentives and so may be unaffected by declining blocks.

These comments were approved by the BRPC Executive Committee at its meeting on February 1, 2024.

Sincerely,



Thomas Matuszko, AICP
Executive Director



February 2, 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.

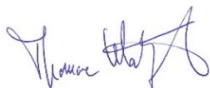
Utilize existing utility corridors for upgrading grid infrastructure and capacity, wherever practical. New utility corridors can result in a significant loss of vegetative cover, which reduces regional capacity for carbon sequestration, and can have major negative impacts on sensitive natural resources 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 linemen 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



March 8, 2024

Mike Judge, Chair, Commission on Energy Infrastructure Siting and Permitting
100 Cambridge Street, 9th Floor
Boston, MA 02114
Via Email: CEISP@mass.gov

Dear Mr. Judge,

The Berkshire Regional Planning Commission (BRPC) submits this letter to the Commission on Energy Infrastructure Siting and Permitting in response to questions for public comment. These responses were also submitted to the anonymous electronic survey on March 1, 2024.

BRPC supports the development and distribution of renewable energy. However, we cannot support that development and distribution if it occurs on greenspace, forested land, or agricultural land. As we have commented through numerous other venues, our priorities are that solar development should occur on rooftops, landfills, and other disturbed land (i.e. parking lots, structures, brownfields, roadway cuts, land containing pavement, gravel pits.) We are concerned that economics favor the development of renewable energy sources on greenspace, forested land, or agricultural land, especially in Berkshire County, where land is less expensive than in eastern Massachusetts. Renewable energy development should occur through a program of strong incentives for development on rooftops, landfills, and other disturbed land, strong disincentives for development on greenspace, forested land and agricultural land, and technical support, where the Commonwealth works in partnership with municipalities. Removing local permitting control is antithetical to that approach and cannot be supported by BRPC.

ANSWERS TO QUESTIONS

Q1: How should Massachusetts balance the need to accelerate deployment of clean energy, ensure communities have input into the siting and permitting process, and ensure the benefits of the clean energy transition are shared equitably?

Ensuring that communities have input into the siting and permitting process is done by preserving local control over the siting and permitting of clean energy facilities. Municipalities must continue to have control over these facilities. Regional planning agencies (RPAs) are well positioned to provide technical support and resources to assist municipalities in their review of projects. State funding should be provided to RPAs specifically for this purpose.

Ensuring that the benefits of the clean energy transition are shared equitably can be achieved in two key ways. First, provide increased access to funding for Environmental Justice (EJ) communities and census tracts so that they can navigate the complexities of project development and can benefit financially from those projects. Again, with funding from the state, RPAs can be helpful here. Second, protect rural communities by incentivizing the construction of renewable energy facilities on already developed properties and brownfield lands to prevent loss of greenfields. Furthermore, protect those rural areas by prioritizing the development of clean energy projects where the energy is to be used. Communities in the eastern parts of the Commonwealth should host their fair share of renewable energy facilities, commensurate with their population sizes and energy consumption.

Q2: How should we accomplish the above while also protecting health, safety, and community livability, particularly for vulnerable or under-resourced populations?

The buildout of clean energy technologies will require a large trained workforce. Developers of clean energy facilities will need skilled workers. Homeowners and businesses will need installers and contractors who can provide reliable, high-quality services.

Improved consumer protections are also needed to prevent rampant misinformation regarding clean energy providers, and to help people to navigate incentive programs.

Q3: How should we accomplish the above while also protecting the natural environment?

Financial incentives through the state's SMART program must be increased to better encourage developers to build renewable energy projects on already developed, degraded, and brownfield properties. Solar PV panels should be put first on buildings, parking lots, and similar structures. The priority should always be to site projects consistent with the permitting requirements of the host municipality.

Q4: Who should have a seat at the table when decisions are made about where to put clean energy infrastructure and what restrictions apply?

RPAs across the state must be included in decision-making, regardless of the population size they serve.

Local municipalities must also have a seat at the table. It cannot be left up to a single state agency to approve siting and permitting as a replacement for the authority of the municipalities.

Q5: Are these three categories appropriate? Should the categories be modified? Should other technologies be included or specified?

We recommend removing utility distribution systems from the list of categories. These should continue to be subject to existing review procedures by local boards and city agencies.

Q7: Do you support the creation of a consolidated state permitting structure? Please explain.

We do not support a consolidated state permitting structure that supersedes local control over siting and permitting. At the state level, it might be appropriate for utility transmission infrastructure, which crosses town lines, to be permitted through a consolidated state permitting structure to expedite construction.

To assist municipalities in their reviews of renewable energy projects, we recommend that RPAs be provided the funding they need to provide technical assistance and resources to local boards. This is especially important for RPAs serving small rural communities that lack the staff or financial resources to review complex proposals in a timely fashion. A structure similar to the Municipal Vulnerability Preparedness program with a regional coordinator would be an appropriate model.

Q9: Do you support establishing a strict timeline for agency action on a consolidated permit application?

No. We are concerned that strict approval timelines backed by a default Constructive Approval would encourage bad faith dealings with the intent to stall the process until a default Constructive Approval was awarded. Default Constructive Approvals may also lead to overloading state, regional, and local permitting and siting bodies with the sole purpose of achieving a default Constructive approval.

Q11: Are there other topics or proposals the Commission should consider as it formulates its recommendations or reforms to state-level permitting processes?

We recommend that MEPA continue to be a primary state agency for the review of energy facility proposals since its staff has the expertise to evaluate environmental impacts. Priority for siting and permitting should first be given to sites that are degraded, such as brownfields or developed lands,

and to impermeable surfaces including rooftops and parking lots. Our primary concern is the further loss of undeveloped and agricultural lands, otherwise known as greenfield spaces. Greater incentives to prioritize those sites are necessary.

To aid municipalities faced with renewable energy proposals, we strongly recommend the creation of a state-funded regional coordinator position within the RPAs which could be modeled after the Municipal Vulnerability Preparedness program, to provide technical support and resources to communities.

Q12: Which of the overarching frameworks referenced above relative to local-level permitting reforms should the Commission pursue? Please explain your response(s).

Yes, we support retention of the current local permitting framework with little or no changes. Town governments know best the local needs, appropriate locations, and permitting procedures that best protect public health and safety while also fostering the development of renewable energy facilities. Home rule has been the backbone of local government in our state, and that should not be eliminated or weakened.

Prescriptive timelines that create the potential for the granting of de facto Constructive Approvals seem imprudent given the complex nature of many of the siting needs. Timelines at the local level should not be subject to a defined term after which summary approval is applied. However, a process that allows for greater coordination, and thus efficiency, between local and state approvals could speed up the overall permitting process.

If better support for prioritized development of degraded lands, brownfields, and impermeable surfaces were adopted by the state, we might support a tiered permitting approach that removed certain barriers to approval for those types of projects.

Q14: Which, if any, of the other reforms discussed do you support? Please explain.

Retaining local control for municipalities is important to ensure communities can protect local public health and safety, community character, and livability. However, providing resources for municipalities to draw upon in order to assist with the development of efficient and timely local processes would reduce friction while providing a tangible benefit to municipal leaders who look to the state for guidance on developing complex ordinances, bylaws, and siting guidelines.

Q16: Do you support this proposal to establish site suitability zones?

We are not in favor of establishing site suitability zones. We believe it is imperative that clean energy development is steered away from forested lands and agricultural lands in order to protect biodiversity, carbon sequestration, and climate resilience. Permitting and siting should focus on using degraded lands and impermeable surfaces for renewable energy facilities. Brownfield sites, parking lots, and rooftops should be the focus for solar PV. Given the desires and concerns related to timely development, we might support mechanisms that encourage a localized expedited process for those particular types of sites.

Q17: If the commission were to move forward with a recommendation to create such a framework, which agencies should be tasked, together with municipal stakeholders, with establishing such zoning criteria? EEA? Specific EEA agencies working together? Other?

Although we do not support site suitability zones, if the state were to establish those, then RPAs, municipalities, the state's Division of Fish and Wildlife, the Natural Resources Conservation Service, and MEPA should all be involved in establishing criteria.

Q27: Are there models for how CBAs and HCAs should be established that the Commission should consider?

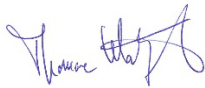
Directed or restricted CBAs offer little value to communities unless CBA payments are considered General Fund revenue. With the recent experience of HCAs and the cannabis industry in our local communities, this is not viewed as a palatable solution.

Q35: What should MEPA's role be in the siting and permitting process of clean energy infrastructure, so as to eliminate the duplicative aspects of the current process?

MEPA should continue to be the primary reviewer of environmental impacts for permitting and siting decisions at the state level. MEPA has proven to be an effective and efficient oversight body, and has the staffing, expertise, and experience to continue in that capacity.

These comments were approved by the Executive Committee of the Berkshire Regional Planning Commission at its meeting on March 7, 2024.

Sincerely,



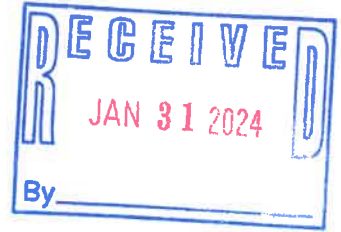
Thomas Matuszko, Executive Director

Cc. Governor Maura Healy
Lt. Governor, Kim Driscoll
Rebecca Tepper, Secretary, Executive Office of Energy and Environmental Affairs
Melissa Hoffer, Climate Chief
Anne Gobi, Director of Rural Affairs
Senator Michael J. Barrett, Chair, Joint Committee on Telecommunications, Utilities and Energy
Representative Jeffrey N. Roy, Chair, Joint Committee on Telecommunications, Utilities and Energy
Senator Paul Mark, Berkshire, Hampden, Franklin and Hampshire
Representative Smitty Pignatelli, 3rd Berkshire
Representative Tricia Farley-Bouvier, 2nd Berkshire
Representative John Barrett, 1st Berkshire

BERKSHIRE COUNTY REGIONAL HOUSING AUTHORITY

1 FENN STREET, 4th Floor - PITTSFIELD, MASSACHUSETTS 01201
(413) 443-7138 FAX (413) 443-8137
www.bcrha.com

January 22, 2024



Thomas Matuszko
Berkshire Regional Planning Commission
One Fenn Street, 3rd Floor
Pittsfield, MA 01201

RE: Board Appointment

Dear Mr. Matuszko,

As you already know, BCRHA drafted new enabling legislations in 2002, which allowed BCRHA's Board of Commissioners to remain viable after the elimination of county government. Pursuant to said enabling legislation, the Berkshire Regional Planning Commission was granted the power to appoint two members to BCRHA's Board of Commissioners.

On behalf of BCRHA, I respectfully request that you re-appoint Jay Sacchetti, a resident of Pittsfield, MA to a 3 year term. Mr. Sacchetti has served on the BCRHA Board of Commissioners for over a year, and several years in the past, and is a very effective member. With this re-appointment, BCRHA will continue to remain a vital community service organization meeting the diverse housing needs of Berkshire County.

Please do not hesitate to contact me, if you should have any questions regarding this request or other issues related to this agency.

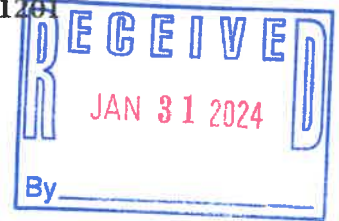
Very Truly Yours,

Brad Gordon

Brad Gordon
Executive Director

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On behalf of BCRHA, I would respectfully request that you re-appoint Lisa Sloane, a resident of Lee, MA to a three year term. Ms. Sloane has served on the BCRHA Board of Commissioners for almost twenty years. She has also served as our board chair for the last 3 years. Ms. Sloane continues to serve as an important member of the Board. Her consistent support as a Board member has allowed this organization to not only remain viable, but to also meet the diverse housing services needs of Berkshire County.

Please do not hesitate to contact me, if you should have any questions regarding this request or other issues related to this agency.

Very Truly Yours,

Brad Gordon

Brad Gordon
Executive Director