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March 7, 2024

Mike Judge, Chair, Commission on Energy Infrastructure Siting and Permitting  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
**Via Email:** [CEISP@mass.gov](mailto: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 submitted to the anonymous electronic survey on March 1, 2024 as well.

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 seems 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, 3<sup>rd</sup> Berkshire  
Representative Tricia Farley-Bouvier, 2<sup>nd</sup> Berkshire  
Representative John Barrett, 1<sup>st</sup> Berkshire