



# BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201  
Pittsfield, MA 01201  
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berkshireplanning.org

posted 10/18/2024, 1:45 pm, KHT

The next meeting of the Berkshire Regional Planning Commission  
**Regional Issues Committee**  
will be held via Zoom on:  
**Wednesday, October 23, 2024 at 3:30 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.

Please click the link below to join the webinar:  
<https://us02web.zoom.us/j/85640418983>

Meeting ID: 85640418983 Phone: 646.558.8656, 646 931 3860, 312.626.6799, 301 715 8592

**Meeting materials are on BRPC's website:** [www.berkshireplanning.org](http://www.berkshireplanning.org). Click the calendar of events, then the meeting name, and follow the link to materials.

### **AGENDA**

1. Call to Order and Open Meeting Law Statement
2. Approval of May 22, 2024 and August 28, 2024 meeting minutes
3. Update on Energy Siting Legislation
4. Updates on other pending legislation this session
5. Discussion of future legislative priorities
6. Identification of any other future discussion topics
7. Next Committee Meeting Date – November 27 is the fourth Wednesday (day before Thanksgiving)
8. Adjournment

BRPC has adopted the BRPC website [www.berkshireplanning.org](http://www.berkshireplanning.org) as its official posting method as allowed by 940 CMR29.00 section 29.03 (3) (b) since November 2010. The Meeting Notice, Agenda and meeting materials are on BRPC's website: [www.berkshireplanning.org](http://www.berkshireplanning.org). Click the calendar of events, then the meeting name, and follow the link to materials.

City and Town Clerks: Please post this notice pursuant to M.G.L. Chapter 39, Section 23B

#### **Please Note:**

For information regarding postponements or cancellations on the day of a scheduled meeting, please call Berkshire Regional Planning Commission at (413) 442-1521, x5



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## **REGIONAL ISSUES COMMITTEE – Meeting Minutes**

Wednesday, May 22, 2024, 3:30 p.m.  
via Zoom

### Committee Members Present

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

### Committee Members Not Present

Kyle Hanlon, Delegate from North Adams  
Eleanor Tillinghast, Mount Washington (non-Commission member)

### BPRC Staff Present

CJ Hoss, Community Planning Program Manager  
Tom Matuszko, Executive Director  
Bret Roberts, Senior Planner

## **I. Call to Order**

The meeting was called to order at 3:34 pm by Christine R. Roll call was taken and the meeting was recorded.

## **II. Approval of April 24, 2024 Meeting Minutes**

Kent L. proposed two corrections. Andrew Groff is referenced throughout the minutes, but his name is missing from the “Committee Members Present” heading. At the top of page 4, Christine R.’s name is missing a “t”. Christine R. made a motion to accept the corrections and approve the minutes. Kent L. seconded the motion. The motion passed unanimously.

## **III. Review of Affordable Homes Act and Priorities**

CJ H. said that in anticipation of this meeting, BRPC sent the Regional Issues Committee (RIC) members a primer on the Affordable Homes Act (the Act) and two letters that were submitted on behalf of the Western Mass Housing Coalition and the Rural Policy Advisory Commission. BRPC is interested in hearing comments on the Act and on the letters in order to shape future comments.

Tom M. said that there is likely to be legislative action on the Act very soon. It has already moved through various legislative committees without any changes, which is very unusual. It is now being considered by leadership, and this is where changes are likely to be made. Two key policy issues of concern are the transfer fee tax and the accessory dwelling units (ADUs) by right provisions.

Tom M. said that BRPC supports an opt-in transfer free for affordable housing. BRPC also believes that ADU by right should be adopted. BRPC does not support the inclusion of the seasonal communities designation in the Act. BRPC has expressed these priorities through

letters submitted by the Western Mass Housing Coalition, the Rural Policy Advisory Commission, Berkshire, and Berkshire Housing.

Christine R. asked Tom M. if the ADU by right provision would be opt-in. Tom M. said it is proposed as mandatory.

Kent L. asked how the proposed ADU by right provision would affect municipalities that already have ADU bylaws. Washington has a large variety of properties, including many nonconforming preexisting properties, and has thus tailored its ADU bylaw appropriately. It is likely that many other municipalities have similar idiosyncratic issues, and it would be best if the Act's ADU by right provision allowed municipalities to retain some local control.

CJ H. agreed and said that although there is wide interest in ADU by right, there are many situations in which municipalities want to retain the ability to require a special permit. He would support a provision that gives municipalities the option to require a special permit.

Malcom F. said that Great Barrington allows ADU by right, but nonconforming properties require a special permit. Another issue that may differ from municipality to municipality is the limit on the square footage of an ADU.

Tom M. said that the provision proposed in the Act allows municipalities to retain certain "reasonable regulations" such as provisions like site plan and setback requirements. However, ADUs must be allowed if the properties meet these provisions. Municipalities cannot require a discretionary permit.

CJ H. said it would be useful to get more clarity on what encompasses "reasonable regulations".

Kent L. asked if the transfer tax opt-in would require a supermajority or just a simple majority at town meeting. Tom M. said it would require a simple majority.

CJ H. said that even though the removal of regulatory barriers to ADUs is positive, the cost of constructing them and the difficulty of securing financing still remain major barriers.

Tom M. said that BRPC will include in its comments that there should be a program to help homeowners afford and finance ADUs.

Christine R. said she has an interest in making ADUs available to elderly people and people who live with disabilities and handicapping conditions. Often, such people cannot stay in their homes due to physical limitations but are not ready to live in a nursing home or retirement community. Having the option and capacity to build an ADU to house a family member or caretaker can provide a bridge to such people.

Kent L. said that in a small hill town like Washington, there isn't likely to be a lot of housing growth, and the focus should instead be one revitalizing older housing stock and bringing it to market. The ability for older homeowners to afford and construct ADUs could help with this. Additionally, a program that offers grants or subsidies for housing stock rehabilitation – especially for septic systems – would help in retaining existing housing stock and bringing it to market.

Tom M. suggested that RIC members reach out to their legislators as soon as possible if they have any additional comments they want to be heard.

#### **IV. Input on Statewide Housing Plan**

CJ H. introduced Bret Roberts to RIC.

Tom M. asked what RIC wants in the Statewide Housing Plan (the Plan) from the Berkshires' perspective. He thinks that the Berkshires need housing, dramatically and instantly, but not at the expense of destroying local communities.

Andrew G. said that housing utilities development, especially municipal sewer and water, should be focused in the already-dense areas of Berkshire County municipalities, and that an emphasis should be placed on infill development. The Plan should include financing for this sort of development.

Christine R. asked how additional housing development and population growth would affect school funding.

Andrew G. said that school enrollment is falling across Berkshire County and the priority should be to bring in new families.

Kent L. said that regional school district models can create tensions and funding mismatches due to the way funding is divided among municipalities.

Shelia I. said that some places like Pittsfield have a legacy of redlining that historically prevented people from investing in their homes. Therefore, there needs to be a justice consideration in the Plan. Additionally, places like Pittsfield currently see housing development for very poor people and wealthy people, but not much for middle-income people. There needs to be state and federal assistance for this sort of development.

Andrew G. said there are provisions in the coming building code that are going to make housing more expensive. For instance, changes to the plumbing code may require all drain lines to be replaced if some simple work is done. BPRC and RIC should exert pressure on legislators and the administration to review these codes and think about how such issues affect housing cost and supply.

Kent L. agreed and said there is a disconnect between energy efficiency priorities and how they take form in regulations and requirements. They often are at odds with the desire to increase housing stock and bring housing prices down.

Andrew G. said that impractical, expensive building, wiring, and plumbing codes are going to incentivize homeowners to do illegal work on their homes.

Tom M. said there needs to be better alignment between building code, fire code, board of health regulations, etc. All of these contribute to housing supply, and they seem to be pulling in different directions at times.

Malcom F. asked if the Plan still needs to be turned into legislation.

Tom M. said that the Plan is the framework for the administration to pursue future legislation and budgetary items. BRPC and Berkshire County municipalities should try to get their priorities included in the Plan, because it will be difficult to get them included in legislation after the Plan is finalized.

Tom M. listed items to include in comments in the Plan:

- Program to advance senior housing development in communities
- Financial assistance for ADU adaption, possibly specifically for elderly homeowners
- Expansion and upgrading of municipal water and sewer for infill development and to encourage greater density

- A new receivership program with less onerous requirements for existing housing stock rehabilitation and retention

## **V. Update on Municipal Sustainability Discussions**

CJ H. said that last year BRPC received a grant for strengthening the ranks on local governments. Some of the funding was set aside to help communities hire a staff person to create some depth. Other funding was set aside to provide training.

Tom M. said that the grant funds were originally meant to hire an assistant town manager. However, there was no interest from the municipalities. The funds are now being used to help the Town of Lee hire their first town planner. This role will also include some of the tasks of an assistant town manager. The funds have also been used to subsidize several people to attend Suffolk Law School's MMA certification program.

## **VI. Future Discussion Topics**

Christine R. said that there was an editorial in the Berkshire Eagle regarding the Affordable Housing Act. She asked if BRPC and RIC should be engaging more with local media, both on this issue and others, in order to help shape opinions and build constituencies.

Tom M. asked Christine R. if she received responses to the editorial she published in the Berkshire Eagle several months ago.

Christine R. said that several people had reached out and thanked her for making them aware of the issue.

Tom M. suggested that RIC could engage with local media regarding the seasonal communities designation once a state committee is established.

Kent L. agreed and said that outreach through local media could highlight the overlap between the Cape/Islands and Berkshire County and how they share issues reflected in the seasonal communities designation.

Tom M. said that BRPC will discuss the possibility of a legislative affairs committee at the upcoming Commission Development Committee Meeting.

## **VII. Next Committee Meeting Date – June 26, 2024, 3:30 pm**

## **VIII. Adjournment**

Christine R. made a motion to adjourn the meeting. Kent L. seconded the motion. This motion passed unanimously. The meeting adjourned at 4:50 pm.



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## **REGIONAL ISSUES COMMITTEE – Meeting Minutes**

Wednesday, August 28, 2024, 3:30 p.m.  
via Zoom

### Committee Members Present

Malcom Fick, BRPC Chair, ex-officio; Alternate from Great Barrington  
Andrew Groff, Williamstown (non-Commission member)  
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)

### Committee Members Not Present

Kyle Hanlon, Delegate from North Adams

### BPRC Staff Present

CJ Hoss, Community Planning and Development Program Manager

### Other Attendees

Marybeth Mitts, Lenox Selectboard  
Marya Kozik, North Adams Administrative Officer  
Kate McNulty-Vaughan, Lenox Planning Board

## **I. Call to Order**

Christine R. called the meeting to order at 3:33 p.m. Roll call was taken and the meeting was recorded.

## **II. Approval of May 22, 2024 Minutes**

Christine R. ruled that review and approval of the May 22 minutes would be delayed until the next meeting due to the Regional Issues Committee (the Committee) members receiving said minutes shortly before the current meeting.

## **III. Update on Affordable Homes Act passage**

Before the meeting, CJ H. sent Committee members slides produced by the Citizens' Housing and Planning Association (CHAPA).

Christine R. provided an overview of the Affordable Homes Act (the Act). It is a \$5.2 billion borrowing bill for programs that can take place over the next five years. It was passed by the legislature on the last day of the session, and the Governor signed the bill into law on August 6.

CJ H. said that the Act approved the Berkshire County Home Modification Loan program at level funding from 2018. BRPC is the Berkshires designee for this program. This program provides 50-year 0%-interest loans with deferred payments to homeowners to address accessibility issues such as entrance ramps, accessible bathrooms, and air filtration. Unlike the CDBG program, this program has fairly generous income requirements, providing

funding to homeowners up to the middle/upper-middle income level. This program is available to every municipality in Berkshire County, and BRPC is making a push to raise awareness of the program among Berkshire County residents.

CJ H. said that the Act's provisions on accessory dwelling units (ADUs) are vague. For instance, the Act says that ADUs by right apply to single-family residential districts. It is unclear whether this refers to districts that are zoned exclusively for single-family residential housing or mixed-use districts that are zoned to include single-family residential housing as well as other structure types/land uses. BRPC is hesitant to provide advice to constituents and municipalities in case it has misinterpreted these provisions. These provisions go into force in February 2025, and the Executive Office of Housing and Livable Communities (EOHLC) has indicated that it will provide further guidance on how to interpret these provisions. Additionally, communities that are concerned can place a legal ad for a public hearing around that date that could potentially lock-in some zoning mechanism to deal with ADUs. Many Berkshire County communities already allow ADUs by right, and there have not been a surge of ADUs over the past several years, nor is the economic climate ripe for ADU development, so it is unlikely that this will cause major issues.

Andrew G. agreed with CJ H. that the provisions contain unclear language – such as the definition of “transit stop” – and that BRPC should wait for further guidance from EOHLC.

Kent L. asked if Section 10 of the Act obviated the merger doctrine.

CJ H. said that he did not know.

Christine R. said that it is good that the provisions do not come into effect until February because it gives municipalities time to adapt and get additional guidance from EOHLC. She asked CJ H. if he knew what sort of program BRPC would integrate with the Commonwealth.

CJ H. said that he is hopeful that part of the guidance provided by EOHLC is a model bylaw. If they do not provide that, BRPC could potentially create one itself. BRPC does not have the resources to work with each Berkshire County community on a one-by-one basis drafting bylaws, but it could potentially create several options for communities to adopt or use as templates. Most communities have volunteer zoning boards and do not have the resources to draft a bylaw from scratch by themselves.

Malcolm F. asked if the Act requires municipalities that do not currently have an ADU bylaw to adopt one.

CJ H. said that municipalities do not necessarily need one, and if they are unconcerned about ADUs, they technically do not need to do anything. However, it is in their best interest to adopt one. Just because ADUs are by right, this does not mean that municipalities cannot attach certain provisions to help shape what that by right use looks like.

Kent L. said that if municipalities do not have any objections to the broad structure of the provision, they do not need to do anything. They only need a bylaw if they want to exercise the option to attach other “not unreasonable” restrictions and provisions to by right use.

Malcolm F. suggested that BRPC provides separate summaries of the Act's ADU provisions and recommendations for municipalities that currently have an ADU bylaw and for municipalities that currently do not have an ADU bylaw, respectively.

CJ H. said he will reach out to the Massachusetts Attorney General to see if that office will be providing guidance.

Marybeth M. asked if it is typical that EOHLC promulgates any type of rulemaking, or does rulemaking typically originate from the Attorney General's office.

CJ H. said that he expects EOHLC to provide rulemaking guidance.

Kate M. said that Lenox residents have raised concerns about the ambiguity of the ADU provisions and was hoping that BPRC could provide some guidance in the future.

#### **IV. Update on Seasonal Communities and including of the Berkshires**

CJ H. said that under the Act, Berkshire County municipalities in which seasonal housing units comprise more than 40% of the total housing stock are eligible to be designated Seasonal Communities. EOHLC will work in consultation with BRPC to determine which municipalities meet this threshold. CJ did not know that BRPC would be involved in this capacity but is pleased that BRPC will have a voice in the matter. The difficulty will be in sourcing data to make these determinations. The American Community Survey data provided by the U.S. Census Bureau has a very wide margin of error for small, rural municipalities, so it will be difficult to rely on such figures as reliable indicators. Additionally, the funding opportunities for seasonal communities were removed from the Act, so what benefit the designation confers on municipalities is uncertain. In the long run, there may be some financial benefit for qualifying communities. In the short run, it is possible that qualifying communities receive extra points when applying for grant programs.

Marybeth M. said that the Lenox assessor is conducting an analysis of all the housing units in that municipality and will determine the proportion of seasonal housing units by distinguishing between those units on which taxes are collected in the form of personal property taxes and those units on which taxes are collected in the form of real estate taxes.

Kent L. said that the Act contains a carve out that allows EOLHC to designate municipalities as Seasonal Communities if they meet certain arbitrary thresholds, even if they do not meet the 40% threshold. What this designation means in the long run is uncertain, but it is good that Berkshire County was recognized as having unique circumstances in the Act. Furthermore, the Act states that municipalities designated as Seasonal Communities "shall accept or deny the designation by vote of its legislative body." This means that it will be voted on in town meetings. It would be helpful for BRPC to provide municipalities with a summary of the benefits of the designation as well as what obligations might come along with it.

CJ H. said that the carve out mentioned by Kent L. is important because the municipalities that meet the 40% threshold may not be the municipalities that could most benefit from the Seasonal Communities designation. This is especially true if the designation provides funding for housing development. These communities likely lack the utilities and infrastructure for significant housing development. Furthermore, much of the workforce that supports seasonal industries tends to live in communities like Great Barrington, Pittsfield, Adams, and North Adams – municipalities that likely will not meet the 40% threshold.

Kent L. noted that of the five factors that would be considered for any community that does not meet the 40% threshold, the third one was an "excessive disparity between area median income and the income required to purchase a municipality's median price home". This condition likely exists in some of the municipalities that do not meet the 40% threshold, but that would benefit from the designation



Christine R. asked if it is possible that the designation could be divided within municipalities, such that it applied to some zoning districts and not to others.

CJ H. said that he would be in favor of this as it would discourage housing development in areas that do not have the utilities, transportation, infrastructure, and other resources to handle residential development, especially for lower-income households.

Eleanor T. asked CJ H. if he had spoken with Representative Pignatelli on this topic.

CJ H. said that he had not had any conversation. He will check to see if Tom Matuszko or Laura Brennan have spoken with him.

Eleanor T. said it would be useful for BPRC to assemble a fact sheet summarizing the benefits and potential problems associated with the designation.

Andrew G. said that according to the data provided by Berkshire Benchmarks, only seven Berkshire County municipalities would qualify under the 40% threshold, and these are largely not the communities where housing development is needed or possible.

## **V. Review of previously submitted comments from BRPC on the 2024 SMART Straw Proposal**

CJ H. said that BRPC had already submitted comments on the 2024 proposal. These comments were largely the same as the ones that BRPC submitted in response to the 2019 proposal. Some of the main points made were as follows:

- The adders and subtractors offered by the current proposal seem inadequate to serve as either effective deterrents or incentives to building solar in priority areas. This is of particular concern for the greenfield subtractor, which should automatically make projects ineligible for the community benefits adder.
- BRPC supports the expansion of agrivoltaics but feels that their current definition is overly broad and offers insufficient protection for agricultural lands.
- The current environmental protections are a significant improvement, but the greenfield subtractor is not sufficient enough to offset the cost of building on developed plots over undeveloped plots.
- BRPC supports solar development, but the Commonwealth must level the playing field to cut down on the amount of greenfield solar development in the Berkshires.

Eleanor T. asked when the department expects to release their decision.

CJ H. said that he did not know and would follow up.

## **VI. Update on previously discussed clean energy legislation**

CJ H. said that Senator Mark told him that the Legislature is in session through December 31<sup>st</sup> and that the Senate and the House are still negotiating a final version of the Clean Energy Bill (the Bill). Additionally, Sen. Mark said that there is still a strong chance that it will happen this session and that there could be a special formal session.

Eleanor T. said that the conflict between Senator Mike Barrett and Representative Jeffrey Roy continues. They are in agreement on the siting language, but they have other disagreements on topics including natural gas hookups that got them hung up at the end of the last formal session. The House and the Senate are now in informal session. This means that any piece of legislation can be brought to the floor, but if a legislator calls for a quorum, it gets tabled. The Republicans are ensuring that they always have a legislator in

the chamber to call for a quorum in case the Bill is brought to the floor. Eleanor also heard a report from Sen. Mark that it will be difficult for the Bill to be brought on the floor this year. BRPC should weigh in against the siting provisions that eliminate local control and exert pressure on the House and Senate Joint Committees on Telecommunication, utilities, and Energy (TUEs). Also, local residents should ask their selectboards to tell their local representatives that they are concerned about this particular issue.

Ken L. asked if there would be value in inviting Sen. Mark and Rep. Barrett to attend the next Committee meeting to give an update on the Bill's status.

Eleanor T. said that they are not involved now because the Bill is in conference.

Christine R. asked if CJ H. could provide municipalities with a draft law that could be presented at selectboard and planning board meetings. This could then be sent to the TUEs, Sen. Barrett, Rep. Mark, and Berkshire County's legislators.

Eleanor T. said that Sen. Barrett is more sensitive to the effect that the siting language will have on Western municipalities than Rep. Roy. The big issue is that the language gives municipalities no opportunity to appeal a decision for projects larger than 25MW. The appeals process for smaller projects is also limited. Only project proprietors can appeal in the case that a municipality denies the project. If the municipality approves the project, no one else can appeal.

CJ H. said he could send a brief message to the selectboards and planning boards alerting them of these provisions and what they could mean for the Berkshires. He could also draft and send them a form letter for them to send to the legislators.

Christine R. said that another issue is the timeline allowed for siting approval. Many smaller municipalities do not have the resources to conduct extensive reviews and approvals.

Eleanor T. said that she could draft a fact sheet summarizing the effects of the provisions over the coming weekend.

Christine R. suggested that BRPC could also publish a notice in local newspapers.

CJ H. said that he would draft a letter based on Eleanor's fact sheet and send these to the selectboards and planning boards.

## **VII. Future discussion topics**

Christine R. said that there is a lot of discussion regarding a new transportation bonding. This is not something that needs to be handled immediately but should be on the Committee's radar.

CJ H. said that there are some new sources of funding in the housing bond bill and the overall amount of funding has been increased. He would like to discuss how BRPC could play a larger role in connecting local municipalities and housing authorities to these funding sources.

Malcom F. said he would like to discuss in more detail the 18 items that are included in the housing bond programs, how the funding is made available, and how they impact municipalities

Christine R. said that she would like to discuss the loss of farmland and forested land due to the sitting decisions. There have been some developments in New York State that may be pertinent to Berkshire County.

#### **VIII. Next Committee Meeting Date**

The Committee agreed on a tentative next meeting date of Wednesday, October 2<sup>nd</sup>, 2024 at 3:30 p.m. CJ H. said he would send out a poll to Committee members to lock-in the date.

#### **IX. Adjournment**

Ken L. made a motion to adjourn and enjoy Labor Day Weekend. Eleanor T. seconded to the motion. The motion passed unanimously. The meeting adjourned at 4.45 p.m.



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October 10, 2024

Representative John Barrett III, 1<sup>st</sup> Berkshire District  
Representative Tricia Farley-Bouvier, 2<sup>nd</sup> Berkshire District  
Representative Smitty Pignatelli, 3<sup>rd</sup> Berkshire District  
24 Beacon Street  
Boston, MA 02133

Re: Governor's supplemental budget and renewable energy generation and infrastructure siting legislation

Dear Representatives Barrett, Farley-Bouvier, and Pignatelli,

With over 900 square miles of land, Berkshire Regional Planning Commission (BRPC) understands the role of the region in addressing the state's initiatives for a greener future. The residents of the Berkshires want cleaner air and affordable energy, and they salute the administration and legislature for being national leaders in creating a pathway to a greener future that will improve the lives of Massachusetts residents. As actions appear imminent on the climate bill, BRPC, representing 32 communities that border Vermont, New York, and Connecticut, is alarmed by siting proposals that will drastically impact our environment and economy, especially the removal of local control from permitting and the potential disregard of local input in decision making.

Based on data presented by the Department of Energy Resources through its "Technical Potential of Solar Study". Berkshire County contains a significant amount of potential land for solar development (see attached table). The region also contains the greatest concentration of non-protected parcels of greater than 125 acres in the Commonwealth. This threshold of 125 acres is calculated as the minimum acreage needed for large-scale solar development of 25 mW or more, which under current proposals would be exempt from local permitting processes. Berkshire County is a region very different than eastern Massachusetts as our economic drivers are small businesses, farms, and a heavy dependence on the tourism industry, leading us to respectfully request that in the proposed siting legislation that is being negotiated, you include pathways that will allow our area to be part of the solution while also addressing the unique concerns of western Massachusetts.

The following are concepts that we urge your consideration for incorporation into any final legislation:

- Focus legislative changes to streamlined permitting for renewable development over developed lands. DOER's data illustrates siting potential over developed lands that would meet the state's renewable energy targets.
- Develop corresponding changes to the state's SMART program that provide much greater adders for solar on developed lands and much greater subtractors to protect greenfield sites.
- Limit the number of consolidated permits the Energy Facilities Siting Board can issue to determine the effectiveness of this new system.
- Create thresholds like those developed for affordable housing under MGL Chapter 40B that provide communities with greater discretionary approval authority once certain targets are met for development of renewable energy in their municipality.
- Remove Article 97 lands from consideration for renewable energy development.
- Provide communities that house renewable energy development with direct benefits, ensuring local access to electricity generated by projects.

- Increase funding for communities that wish to participate in the consolidated permitting process as intervenors to ensure adequate review, especially considering the severe capacity limitations of rural communities.
- Clarify reasonable regulations for commercial scale solar development under Chapter 40 A, Section 3.

Without these changes, BRPC is concerned about the proliferation of renewable energy projects on greenfield sites. As stated in past testimony, lower land values than other region's in the Commonwealth combined with the amount of potentially available land make Berkshire County attractive to large scale commercial renewable energy development.

By enacting our recommendations, you are allowing us to be part of the solution to the climate crisis without losing our heritage, industries, and environment that provides for, among many other values, carbon sequestration necessary for meeting the climate goals you have set by introducing an amendment for more opportunities for the development of solar on greenfield and brownfield sites.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas Matuszko".

Thomas Matuszko  
Executive Director

Cc: Senator Paul W. Mark, Berkshire, Hampden, Franklin, and Hampshire District

<b>Solar Generation Potential by kW</b>					
<b>County</b>	<b>Total Parcels</b>	<b>Building Mount KW</b>	<b>Canopy KW</b>	<b>Ground Mount KW</b>	<b>Total KW</b>
<b>Barnstable Total</b>	149773	2,539,756.08	627,799.25	10,462,178.11	13,629,733.44
<b>Berkshire Total</b>	68289	1,284,778.40	476,618.42	67,457,991.34	69,219,388.16
<b>Bristol Total</b>	177955	3,627,950.34	1,471,273.63	26,852,790.16	31,952,014.13
<b>Dukes Total</b>	18695	290,241.87	63,923.21	5,135,084.99	5,489,250.07
<b>Essex Total</b>	211604	4,146,253.85	1,296,615.79	19,678,484.90	25,121,354.54
<b>Franklin Total</b>	38309	726,999.34	259,189.51	59,146,663.18	60,132,852.03
<b>Hampden Total</b>	147603	3,151,376.16	1,223,741.28	41,911,186.67	46,286,304.11
<b>Hampshire Total</b>	57272	1,177,945.57	389,308.00	38,984,453.54	40,551,707.11
<b>MiddlesexCty Total</b>	389992	8,205,345.08	2,930,984.87	30,174,757.03	41,311,086.98
<b>Nantucket Total</b>	11066	187,399.66	56,382.61	1,283,326.51	1,527,108.78
<b>Norfolk Total</b>	194261	4,092,266.91	1,499,840.33	13,153,138.12	18,745,245.36
<b>Plymouth Total</b>	182838	3,403,904.21	1,399,344.37	30,862,603.23	35,665,851.81
<b>Suffolk Total</b>	101072	1,953,275.49	463,370.89	392,154.72	2,808,801.10
<b>Worcester Total</b>	273664	5,512,104.16	2,026,085.71	100,133,906.92	107,672,096.79
<b>Grand Total</b>	2022393	40,299,597.12	14,184,477.87	445,628,719.42	500,112,794.41

Source: Massachusetts Technical Potential of Solar <https://technicalpotentialofsolar-ma-synapse.hub.arcgis.com/pages/main-map>

# LEGISLATIVE PRIORITIES – RURAL POLICY ADVISORY COMMISSION – 193<sup>RD</sup> SESSION (2023-2024)

(DRAFT – LEGISLATIVE ACTIONS (RED) HAVE NOT BEEN VERIFIED)

## RURAL ADVOCACY

- **H.403/S.233 - An Act Relative to the Rural Policy Advisory Commission** - Creates and Office of Rural Policy and includes administrative fixes to include SRPEDD on the Rural Policy Advisory Commission (RPAC) *Referred to the committee on [Rules of the two branches, acting concurrently](#)*

## RURAL ECONOMIC DEVELOPMENT

- **H404/S232 - An Act to support rural job creation and business expansion (Transformative Development Initiatives in Rural Communities)** - This Bill creates a rural equivalent to the very successful Gateway City Transformational Development initiative program and focuses on creating sustainable rural village center economic strategies. *Referred to study.*
- **H228/S130 - An Act to Promote Downtown Vitality** - Would allocate 5% of receipts from online sales originating in MA to support business improvement districts, main street associations, cultural districts, and parking benefit districts in Gateway Cities and other low-income communities. Currently weighted to Gateway Cities. *New Draft, H 4677, Referred to [House Ways and Means](#)*

## RURAL ROADS, BRIDGES & CULVERTS

- **S2270 - An Act to review the municipal Chapter 90 transportation funding program.** Creates a Chapter 90 Commission to evaluate the municipal infrastructure reimbursement program known as “Chapter 90. *Referred to study.*
- **H3273 - An Act to Invest in Local Roads.** Provides road improvement grants based on road mileage. *Referred to study.*
- **H3409 - An Act promoting equitable distribution of Chapter 90 funds.** Changes the Chapter 90 formula to emphasize road mileage. *Referred to study.*
- **H3270/S2337 - An Act Relative to Unpaved Roads** - Convenes a working group to identify and evaluate how to maintain and improve dirt, gravel and low volume roads. *Referred to [House Ways and Means.](#)*

## RURAL SCHOOLS

- **H3567/S2388 - An Act to provide a sustainable future for rural schools** - Implementation of recommendations in Rural Schools Report: \$60m for rural and small schools, SPED; transportation health insurance; etc. *New draft, H4425, Referred to [House Ways and Means](#)*

## HOUSING

- **S.1771 - An Act granting a local option for a real estate transfer fee to fund affordable housing.** - Enables a transfer fee on the sale of housing for affordable housing purposes. Referred to [House Committee on Rules](#)
- **H2788 - An Act empowering cities and towns to impose a mansion fee to support affordable housing.** - Enables a transfer fee on the sale of housing exceeding \$1,000,000 for affordable housing purposes. Referred to study.
- **S.1799/H.2894 - An Act providing for climate change adaptation infrastructure and affordable housing investments in the Commonwealth.** Provides funding to implement recommendations related to housing and Clean energy. Referred to study.

## MUNICIPAL OPERATIONS

- **H.2714/S.2831 - An Act to Reform Payments in Lieu of Taxes for State-Owned Land -** Implementation of new, more equitable distribution formula. Referred to [House Ways and Means](#)
- **H.3040/S.2024 - An Act to modernize participation in public meetings** (Extends remote meetings past 3/31). *New Draft, H4771, Referred to [House Ways and Means](#)*
- **H.2998 - An Act to modernize participation in public meetings** (Extends remote meetings past 3/31) *New Draft, H4771*

## AGRICULTURE

- **H3269 - An Act to enhance agricultural operations** - Allows farm vehicles, specifically ATVs, to travel on public ways. Referred to [House Ways and Means](#)
- **S2570 (formerly S42) (H88/S42) - An Act Strengthening Local Food Systems (Formerly An Act support the Commonwealth's farmers)** - Agricultural Omnibus bill that allows MDAR to buy, protect, and sell land; provide circuit rider TA to famers; and provided next generation and microbusiness support. Referred to [Senate Ways and Means](#)
- **S2241 - An Act to ensure financial viability in the transportation of farm goods.** Allows for a single fee for a farm plate. Referred to [Senate Ways and Means](#)
- **H753/S490 (H4228) - An Act relative to agricultural disaster relief** - Establishes a Massachusetts Agricultural Disaster Relief Fund to assist farmers whose farms have suffered serious losses from unforeseen circumstances such as natural disasters. . Referred to [House Ways and Means](#)

## MUNICIPAL BUILDING NEEDS

- **H3802 - An Act Creating a Municipal and Public Safety Building Authority** - Creates an authority to provide capacity and TA, standard design plans, and funding assistance. Referred to [House Ways and Means](#)

## PUBLIC HEALTH

- **H4101/S1334 - An Act relative to accelerating improvements to the local and regional public health system to address disparities in the delivery of public health services**



**(SAPHE 2.0)** - SAPHE 2.0. Standardizes local PH delivery; adds credentialing requirements.  
*Referred to House Ways and Means*

## CLIMATE

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- **S675 - An Act creating a climate bank in Massachusetts** - Would codify a Green Bank to raise funds and invest in efforts to reduce greenhouse gas (GHG) emissions, and leverage federal funding opportunities. *Referred to study.*

DRAFT - LEGISLATIVE ACTION HAS NOT BEEN VERIFIED