

Barry C, Cosgrove
49 Blackmore Pond Circle
West Wareham, Ma 02576
Bcosgrove02@gmail.com

To: Attorney General Maura Healey

Re: S2596/H4331 - An Act Allowing Municipalities to Reasonably Regulate Solar Siting

Dear Attorney General Healey,

I am writing to ask you to speak out in support of a legislative bill that is critical for us here in Wareham Massachusetts. Massachusetts zoning laws generally enable municipalities to regulate the siting and design of large industrial projects. However, state law, MGL Ch40A, Sec. 3, has been weaponized in such a way as to limit the ability of municipalities to regulate solar projects properly.

Established in 1985, the law was intended to assist residential and small-scale solar. The statute is worded prohibitively towards municipalities, limiting their ability to regulate solar. When the law was created in 1985, large-scale industrial photovoltaic installations were not envisioned.

S2596 will give back to our local communities the autonomy and flexibility needed to regulate the siting of large-scale solar installations to protect our aquifers, as well as our mature forests that draw down CO2 from the atmosphere. It will also restore the legal balance between residents and developers that is part of the legal system for most industrial projects.

S2596 is also urgent now because the Massachusetts SJC has – on its own volition - decided to hear a solar bylaw case involving Waltham, which had been in the Appeals Court. This is an unusual and proactive action by the SJC which points to the pressing need for clarity in this area. The oral arguments before the SJC are set for March 7, 2022, with a decision likely soon afterward. While the outcome cannot be known, advocates on both sides - for the solar industry and solar regulation advocates - expect the ruling to codify a narrow reading of the law – essentially limiting municipalities from regulating solar, including large-scale industrial solar. Such a determination would be highly detrimental to the small communities like Wareham, who do not have the financial resources to take on the multi-national companies moving in to reap the generous subsidies offered by Massachusetts.

In Wareham we are entirely dependent on a sole source aquifer for our water. And most of the large scale solar facilities in this area are located directly on top of this crucial aquifer. What is especially troubling is that some of these sites may have been deliberately selected for solar as a ruse for sand mining – with solar as an ancillary purpose. As a result, the massive industrial-scale sand mining has striped protective layers of sand and earth - which serve as filtration to preserve and protect the aquifer below. These same solar panels could have easily been placed on hills and on land or buildings without the intentional strip mining.

This mining-apart from being the gimmick of all gimmicks—financially encourages agricultural owners to shift from real farming to becoming (slum) solar landlords, indifferent to the aquifer below. All this is thanks to the weaponization of Chapter 40A, Sec. 3, and our local officials being handcuffed. Should not Wareham have the autonomy to protect our watershed?

The TUE Committee hearing for this bill was held on January 11. They need to report it out favorably by February 2 for the bill to move forward.

It is time to allow for a balance of power between small communities and large developers so that we can protect our vital resources. We hope you can speak out to support Wareham, Massachusetts!

I sincerely appreciate your consideration.

Barry C Cosgrove