

Hello,

I want to start by stating my knowledge and experience on this topic comes from my three-year review of a proposed large scale, ground mounted, dual-use solar and battery energy storage project in my town, that I am currently disputing in Land Court.

Commercial solar energy systems have exploded across our commonwealth. By the end of 2020, Massachusetts ranked eighth in the nation in combined utility-scale and small-scale solar photo voltaic generating capacity with about 2,700 megawatts installed.

The current language of Chapter 40A, section 3, paragraph 9, has provided solar companies with an unfair advantage over municipalities, which has ultimately negatively impacted the residents of Massachusetts. The existing chapter 40A section 3 language is a violation of historic zoning for use by allowing industrial projects in non-industrial zoned areas. It does not protect the residents of this state, nor protect the types of land use that should always be shielded from industrial development. Therefore, I thank Senator Comerford for filing this important bill.

Let me be clear, this bill is not perfect, but it is a good foundation for the steps that need to be taken. I am asking for this bill to be reported favorably out of committee so that it can receive the amendments it needs, to truly and fairly protect our commonwealth.

I'd like to go ahead now and explain a few examples of amendments that should occur with this bill as there is currently room for improvement.

First, the bill's language, with its amendment, should remove "structures that facilitate the collection of solar energy", as this language may include battery energy storage systems. Throughout the past three years, I have gained quite the education regarding the incredible risks with these systems, which includes deposition testimony by top experts. The decisions on whether these battery systems are allowed or not should be left to local municipalities through their democratic processes. Since battery energy storage systems for large-scale solar are a recent use in Massachusetts, most municipalities have not amended their bylaws to allow these systems, nor determined under what conditions they may be utilized. The people should decide if they want to accept the risks of allowing these systems in their communities, not the state. It is the local residents that suffer the impacts of improper state-level decision making.

Second, while I support the bill's intention to protect certain categories of land, it leaves out other types of areas that need to be protected as well. Solar projects and battery storage systems are at risk of explosions and fires, which can then contaminate the soil and nearby water supplies with toxic chemicals, as well as contaminate the air with lethal gases.

I urge you to amend the language in this bill, to prohibit solar energy and battery storage systems in environmentally sensitive areas including well protection zones, flood plains, aquifers, and lands designated by the state as Areas of Critical Environmental Concern. There is simply no reason to put these sensitive resource areas at risk for industrial projects.

There is no doubt Massachusetts has a strong desire to increase its renewable energy portfolio, but we need to ensure this is done in a responsible way. The amendments I spoke of will help us do just that. Thank you.

*Kelly Gallagher*

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