

To: Attorney General Maura Healey

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

Dear Attorney General Healey,

I am resending this message from January 19, 2022, this time with additional supporters. Note from the signatures below that there is overwhelming support for S2596/H4331.

Massachusetts zoning laws generally enable municipalities to regulate the siting and design of large industrial projects. However, state law, MGL Ch40A, Sec. 3, specifically limits their ability to regulate solar projects. Established in 1985, the law was intended to assist residential and small scale solar. The statute is worded in a prohibitive manner towards municipalities, limiting their ability to regulate solar. When the law was created in 1985, large-scale industrial photovoltaic installations were not yet envisioned.

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

S2596 is urgently needed now because the Massachusetts SJC has taken over a solar bylaw case involving Waltham from the Appeals Court, an unusual, proactive action by the SJC. The oral arguments 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 for 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 extremely detrimental to the small communities in Western MA, who do not have the financial resources to take on the multi-national companies moving in to reap the generous subsidies offered by Massachusetts.

Western MA protects the water supply for Boston (Quabbin watershed).
Shouldn't we have the autonomy to protect our own watersheds?

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

It's time to restore the balance of power between small communities and large developers, so that we can protect our vital resources. Western Massachusetts is the land bank for the Commonwealth. Please support us!

Thank you,

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