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Massachusetts Finalizes Distributed Solar Rules With Fewer Restrictions on Land Use

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4-5 minutes

The Massachusetts Department of Energy Resources (DOER) on Tuesday announced final rules that will govern the state's cornerstone distributed solar program, increasing its size but leaving in place some guidelines on land use that concern the solar industry.

In addition to increasing the Solar Massachusetts Renewable Target Program

(SMART) from 1.6 gigawatts to 3.2 gigawatts, the final regulations pull back some restrictions on land use that the solar industry had [criticized](#) as overly restrictive. Those limitations were introduced in emergency revisions issued in April that went into effect immediately, catching the state's industry participants by surprise.

Those included restrictions on three categories of land — critical natural landscape, core habitat and priority habitat — that cover a significant portion of the state, according to analysis from developer Borrego Solar and trade group the Coalition for Community Solar Access.* Marking that land off-limits would make many projects ineligible for program benefits, solar industry groups say.

This week's final rule lifts restrictions on critical natural landscape for solar projects that have already qualified under the first 1.6 gigawatts of the newly expanded program.

That eliminates uncertainty for some projects

already underway.

“We’re pleased that DOER took industry comments into account and responded to several of our major concerns,” said David Gahl, senior director of Northeast state affairs at the Solar Energy Industries Association.

“Although the updated SMART program makes a considerable amount of land ineligible for solar development in the Commonwealth, the updated regulations will protect investments made by companies to date.”

The department said the final regulations strike “a balance between protecting key endangered species habitat and continuing clean energy development.”

Conflict between cost of solar and protecting land

In adopting the new regulations, Massachusetts seeks to spur further distributed solar

development while encouraging projects on already-developed land and parking structures or buildings with large rooftops. But it's cheaper to develop solar projects on greenfields, making them preferable for many developers.

Those dynamics led to a [conflict over land use](#) in recent months, with solar companies promising that the new guidelines would upend solar development in the state and environmentalists asking the state to go further to conserve vulnerable land.

In public comments submitted on the changes, farmers, solar developers and some state lawmakers asked DOER to approach land-use guidance with a lighter hand. In contrast, several environmental groups urged the department to multiply its greenfield subtractor, a sum subtracted from incentives for projects on undeveloped land.

The final guidelines struck a balance by keeping most land-use restrictions in place, which will

“allow for Massachusetts to maintain its national leadership role in the solar industry while protecting the Commonwealth’s natural resources,” according to DOER Commissioner Patrick Woodcock. But it also gives some developers more wiggle room by allowing builders with projects underway to follow previous regulations if they submit a completed interconnection agreement within six months of the rules’ April publication or if they had submitted an interconnection application six months prior.

Prior to Tuesday's changes, the Solar Energy Industries Association expected the proposed rules to halt 477 megawatts of solar development in Massachusetts. The organization did not immediately respond to request for comment on how the changes will affect cancellations.

Erika Niedowski, the Coalition for Community Solar Access' Northeast director, said the group

"remained concerned about the impact that land-use provisions will have on the growth of local, distributed solar energy throughout the Commonwealth."

Correction: this sentence originally stated these areas cover 90 percent of the state. They cover about 40 percent of the state.