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PRESS RELEASE  
May 2, 2022

#### **Massachusetts solar and battery subsidies galvanize opposition to protect forests, water and heritage**

*Town meeting voters pass zoning changes on solar, battery storage, judge rejects solar developers challenge to lawsuit*

- [Carver voters](#) overwhelmingly pass zoning moratoriums on battery storage and new large ground mounted solar
- [Wareham voters pass](#) tougher solar zoning bylaw; solar moratorium loses by only 4 votes
- [Judge rejects solar company motion dismiss](#) lawsuit to stop 76-acre solar project on prime agricultural land in Northfield
- [State legislation to empower municipalities](#) to further regulate solar pending

Citing protection of drinking water, forests and community character, a wide range of groups and individuals are increasing their efforts to prevent harm from the state's solar subsidy programs. Annual town meetings in the Southeastern Massachusetts towns of Carver and Wareham saw voters overwhelmingly pass moratoriums and a tougher bylaw on siting large ground mounted solar. [Carver has 20 and Wareham has 19 large ground mounted projects](#) that have clear-cut 570 acres while the remaining are sited in [wetland cranberry bogs](#). Over [4,000 acres of solar have been lost to solar in Massachusetts already](#). The state's [climate plan calls for 158,000 acres](#) of forested land to be converted to ground mounted solar by 2030. Groups and municipalities see the problems ahead and are acting.

#### **In Carver, solar article propelled high turnout**

On April 12, after three hours of debate, [Carver voters passed Article 38](#) by an 80% margin, imposing a 11 ½ month moratorium on the new use of land for battery storage. A proposal by PowerPlus of Texas to site a [150 megawatt industrial battery storage facility](#) in a residential neighborhood in Carver galvanized voters. The moratorium was endorsed unanimously by the Planning Board. According to Mary Dormer, spokesperson for Carver Concerned Citizens, "The residents voices were heard loud and clear that these predatory projects are unwelcome in Carver. We have a long fight ahead to stop PowerPlus' Cranberry Point, but will must protect our drinking water and ensure residents' safety."

Carver also passed a one-year moratorium on new or enlarged ground mounted solar projects. The Selectboard proposed the moratorium to provide time to assess the impact of more large ground mounted solar projects, on top of the nineteen large projects already sited in the town. Dual use solar in Carver is controversial. [PineGate Renewable's installation of 3,500 copper chromated arsenic-treated wood poles](#) to mount solar panels in cranberry bogs has raised concerns. A lawsuit is challenging one of the projects under the Wetlands Protection Act claiming the Carver Conservation Commission violated the law. "We want more information. How much arsenic from the poles is leaching into the groundwater and soil? Are the cranberries grown in the bogs being sold to [Ocean Spray](#)? Are they safe to eat? Large multinational corporations like PineGate are installing big solar projects and leaving us with big problems," Dormer said.

Voters also defeated Article 18, [Carver's Town's Redevelopment Authority's proposal](#) to weaken laws regulating sand and gravel extraction. In Southeastern Massachusetts, deposits of valuable silica sand are being mined extensively, often under the ruse of "preparing" land for solar. [This denudes the land](#), removing vegetation and topsoil, levels topography and makes the deforestation and water impacts of large solar worse.

#### **Wareham passes solar bylaw after months of work by volunteer committee**

On April 25, 2022, Wareham voters overwhelmingly [approved a solar bylaw to further](#) to ensure appropriate siting of large ground mounted solar.

The Town's solar bylaw committee worked for months on revising the current bylaw to address [concerns raised by nineteen projects](#) that have clear-cut 330 acres of forest and impacted wetlands. Another 1,400 acres of solar is proposed, including "dual use" on cranberry bogs. The [new bylaw includes](#) a 5 megawatt size limit, prohibition against development in environmentally sensitive areas, including Pine Barrens habitat, and a ban on use of arsenic treated poles for mounting solar panels in cranberry bogs.

[At least three large solar sites in Wareham have been strip mined](#) for lucrative sand and gravel by AD Makepeace, which owns about half the town's land. Makepeace is proposing [three more large projects over about 200 acres of forested land on Tihonet Pond and the Wankinko River](#).

In Wareham, a zoning moratorium on ground mounted solar lost by four votes. Proponents of the article argued it would serve as a backup plan for the revised bylaw.

Wareham resident Barry Cosgrove said, "The state's [supposed "SMART" solar program](#) is incentivizing the creation of solar slum lords. Namely solar hosts who will knock down every tree in sight and then strip mine the sand underneath—which filters and protects our sole source drinking water aquifer – to grab a piece of the "SMART" handouts. And all this under the claim that the solar panels – which cover up this unnecessary destruction – will save the world."

Under state law, the Attorney General's Office has to approve all town zoning bylaw changes including the moratoriums.

#### **Judge allows Northfield case against Blue Wave solar to move ahead**

In [Northfield, Blue Wave's Motion to Dismiss](#) sought to dismiss only portions of the case on the basis that abutter Chris Kalinowski, who lives across the street from one of the three proposed solar arrays, did not have standing with respect to the other two. And that the other plaintiff, RESTORE: The North Woods, a Massachusetts based non-profit, was not a proper party to the suit at all for a lack of standing.

The Judge denied the Motion to Dismiss, ruling that at this stage in the case Kalinowski had adequately described his possible injuries with respect to the two arrays in question, including a change in character of the neighborhood; and that RESTORE could participate because its members, including Kalinowski own property in the area.

The Judge's decision allows the plaintiffs to continue their challenges to each of three of the arrays.

#### **State's two largest private landowners exploiting agriculture, forest and solar subsidies for large projects**

[W.D. Cows of Amherst](#), claiming to be the state's largest private landowner, and [A.D. Makepeace of Wareham](#) claiming to be the largest private landowner in Eastern Massachusetts also both claim they are "green" and "sustainable". They are being exposed for exploiting state subsidy programs for land protection while at the same time clear-cutting forests for large industrial solar projects. The two companies were established in the 1700 and 1800s, have vast land holdings, and wield considerable political clout. In Western Massachusetts in [Amherst](#) and Shutesbury, Cows is proposing 500 acres of ground mounted solar. Some will be on a [2,000 acre parcel the state paid Cows \\$3.3 million dollars to conserve in 2021](#). A.D. Makepeace, which owns about 7,000 acres in Southeastern Massachusetts claims it is "inspired by nature" but has clear-cut hundreds of acres for solar.

In both parts of the state, local residents are fighting back, citing the conflict and double-dipping by these companies. Smart Solar Shutesbury is having a [march and rally on May 22](#). Makepeace's Wareham projects are stalled due to legal challenges and regulatory flaws. [Groups claim Makepeace is greenwashing](#) and oppose the solar projects and mining.

Also in Wareham, a ground mounted dual use solar project by [LSE Hydra of Connecticut](#), is being challenged under the Wetlands Protection Act because the landowner clear cut Riverfront Area without permits to prepare the site for solar.

In Norton, residents challenge a 63-acre [dual use project by NextSun](#) that is going to trial in Land Court in May, 2022. The project is in a wetland and Canoe River Area of Critical Environmental Concern, designated by the state as deserving heightened environmental protection.

#### **Legislation and the climate bill and Supreme Judicial Court appeal**

A coalition including the [Appalachian Mountain Club is urging passage](#) of House Bill 4331 to restore a municipality's right to reasonably regulate ground mounted solar under local zoning.

More ground mounted solar that clear-cuts forests is incentivized by the Massachusetts' Senate's climate bill, Senate 2819 (An Act driving climate policy forward) (Sections 26, 27 and 51) is moving through the Legislature, raising concerns about loss of forests and inappropriate solar siting.

For Earth Day, in April events highlighted efforts to protect Massachusetts forests from solar and sand mining. Mass Call2Action and the [ORMA \(Our Revolution Massachusetts\)](#) group hosted "Trees for the Public Good" featuring Boston's Mayors, a Wampanoag speaker, Save the Pine Barrens, and others. Save the Pine Barrens spoke at the Mass Peace Action rally, [People, Planet and Peace over Profit](#).

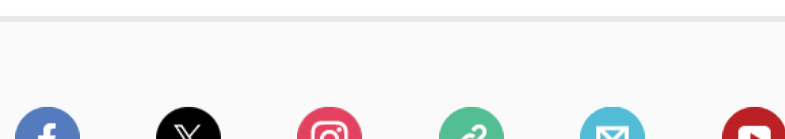
The opposition to large solar projects, including court cases, led to a [Massachusetts Supreme Judicial Court action](#), aimed at clarifying the law on how much control municipalities can exert over solar siting. This ruling is expected in June, 2022.

"We are [seeing solar gone wrong](#) in Massachusetts. For climate mitigation and resiliency, we need forests, soils, and wetlands. We must honor the Indigenous cultures in our state to ensure climate justice. False solutions like industrial solar that clear-cuts forests and destroys Wampanoag cultural sites is killing the planet in order to save it. The fight for a livable planet for future generations is being fought at the local level right now. We hope our state leaders listen and act." said Meg Sheehan, volunteer with STPB.

There is a state wide [moratorium petition](#) on large solar subsidies.

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